

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/01107/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping.
<b>NAME OF APPLICANT:</b>	Route 66 C/o Agent JMS Planning & Development Ltd
<b>ADDRESS:</b>	Wheatley Service Station Durham Road Wheatley Hill Durham DH6 3LJ
<b>ELECTORAL DIVISION:</b>	Trimdon and Thornley
<b>CASE OFFICER:</b>	Lisa Morina Senior Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is an existing petrol filling station with ancillary sales area located on Durham Road (A181) which runs between Durham and Castle Eden with the site being located just east of the entrance to Wheatley Hill.
2. The site currently comprises a single-storey building with petrol pumps located directly in front of the building. Car wash facilities and associated parking is located to the east of the building with HGV pumps located to the west.

#### Proposal:

3. Consent is sought for the demolition of the existing building and removal of all existing structures on site to allow the redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping.

4. The new building would have an overall floor space of 565.5sqm of which 218sqm is sales area. The existing building has an overall floor area of 142sqm with approximately 79sqm of sales area. The building would be located to the east of the site with the pumps being provided towards the central part of the site. Jet bays are proposed to the south of the building with delivery bay proposed to the east of the building.
5. The existing entrance would be closed off and replaced with separate entrance and exit points. An existing exit point to the rear of the site is also proposed to be closed off.
6. The application is presented to committee at the request of Cllr Jake Miller in respect of highway safety concerns.

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## **PLANNING HISTORY**

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7. There is no relevant planning history on this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

13. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
16. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

##### County Durham Plan

20. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up

area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

21. Policy 9 (Retail Hierarchy and Town Centre Development) seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
22. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

23. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
24. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
25. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially

polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

26. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
27. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
28. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
30. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
31. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

#### Neighbourhood Plan

32. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

33. Highways – No objection subject to various conditions relating to closing off the highway and creation of new openings
34. Coal Authority – The proposal is not within a high risk area.
35. Durham Constabulary – Advice on security standards provided.
36. LLFA - No objection raised
37. Environment Agency – No objection subject to conditions regarding contamination, full details of the tanks to be installed and a Construction Surface Water Management Plan
38. Wheatley Hill Parish Council object to the proposal as they consider that the closure of the rear access point will create a road safety hazard that will lead to further accidents on this stretch of road due to their being 3 access/egress junction all within close proximity to each other on the A181.

### **INTERNAL CONSULTEE RESPONSES:**

39. Environmental Health (Contamination) – No objection, subject to contaminated land condition regarding the submission of further details.
40. Environmental Health (Noise) – No objection subject to condition regarding opening hours of jet wash and re compliance with lighting plan
41. Ecology – No objection subject to the submission of a Biodiversity Monitoring Management Plan which can be controlled via condition.
42. Landscape – Some localised harm raised however landscaping scheme submitted is satisfactory
43. Policy – Advice given in respect of which policies to consider
44. Petrol Officer – No response received

### **PUBLIC RESPONSES:**

45. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, three letters has been received with the following concerns:
  - Supportive of the proposal and highway changes
  - The closure of the rear exit/entrance would create a much better environment for the street. This would not only prevent a lot of traffic currently using the street but I would also hope that there would be a lot less rubbish being dumped by others coming from the shop/station. It would also allow the road to return to being a quiet cul-de-sac where children can play safely.
  - The new pedestrian entrance should be of the type that would prevent the likes of Quad bikes/scramblers being able to use this way in and out.

## APPLICANT'S STATEMENT:

46. The application seeks full planning permission for demolition and removal of all existing structures on site and the redevelopment of the site to provide an enhanced domestic forecourt providing nine pump islands; two HGV refuelling positions; provision of an EVC hub providing recharging facilities for 7 vehicles including a disabled EV charging bay; the provision of a sales building of 465 sqm including food to go offer; the provision of customer/staff car parking bays totalling 19 spaces including two disabled bays; two jet wash bays and car care facilities including a vacuum and an air/water bay; amendments to the egress arrangements; the provision of landscaping areas and associated works at Wheatley Hill Service Station, Durham Road, Durham, DH6 3LJ.
47. Pre-application advice was sought from Durham County Council prior to the submission of the application in August 2022 which was received from the LPA dated 20 September 2022 (Ref: PRE42/22/02370). The Council's response provided an overview of planning policy, and confirmed there was no planning history of relevance for the site. The advice confirmed the principle of the proposal was acceptable subject to consideration of a number of detailed issues. The comments were reviewed, scheme changes made and additional supporting documents commissioned. It is considered the points raised have been addressed including the provision of retail justification for the proposal including the sequential approach to site selection and impact. Consideration has been given to the landscaping and screening of the site and the necessary ecology work undertaken. Detailed comments from highways were provided a part of the pre-app and these have been responded upon in the Transport Statement accompanying this application.
48. The principle of redevelopment of the site should be accepted given that the site is an existing long-established petrol filling station on the A181 and has a long planning history for the provision of roadside services. The site is unallocated, on the edge of a settlement and due consideration has been given to amenity and landscaping. The proposal will enable the site to better meet the needs of motorists, as well as local residents, through the upgrade of fuelling facilities and improved sales building facilities. The proposal will bring a wide range of social, economic and environmental benefits and accord with the role and the focus as contained within the NPPF and the Local Plan.
49. The National Planning Policy Framework identifies the need for planning positively for community facilities and roadside services that support the safety and welfare of road users. Petrol fillings stations are a vital necessity and provide an important role in ensuring that motorists travel safely especially as the number of vehicles on the roads continues to increase and the number of petrol stations decreases, thereby increasing demand on existing petrol stations.
50. The proposal also introduces electric vehicle charging facilities to the site meeting customers' needs in line with the Government's objectives to decrease reliance on fossil fuels and decrease CO2 emissions. The proposal will contribute to the establishment of countrywide electric vehicle recharging infrastructure which will assist in increasing the uptake of electric vehicles. This should be particularly welcomed in the context of national guidance, the Government White Paper and Local Plan Policy 21 (Delivering Sustainable Transport) which seeks to deliver sustainable transport modes.
51. Overall, the redevelopment of the site is in keeping with Local Plan Policies 6, 9, 10, 21, 29, 31, 33 and 39.

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
53. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
54. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
55. In this context, it is considered that the main planning issues in this instance are as detailed below:

### Principle of the Development

56. The site is considered to be within the open countryside and as such, policy 10 of the County Durham Plan is considered relevant which states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of a list of exceptions. One of these specific policies is policy 6 which relates to developments on unallocated sites.
57. Policy 6 allows for the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
  - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;



- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

- 58. In this instance, the site is considered to be well related to the settlement being the site of the existing service station, which is located immediately south east of the built up area being within a sustainable location (criteria f) and would therefore not be considered to provide ribbon development or a coalescence to neighbouring settlements (criteria b). The site is also considered to be within a sustainable location.
- 59. Given the site is a re-development of an existing site, the proposal is considered to be a suitable use (criteria a). In addition, it would provide a replacement facility for the village (criteria g) and is considered to make use of previously developed land (criteria i). In respect of criteria c the proposal is not considered to result in the loss of open land which has recreational, ecological or heritage value and is therefore acceptable in this respect. Criteria j is not considered relevant in this instance.
- 60. The development is also considered to be acceptable with regards to criteria d) scale and design and e) highway safety however more detailed consideration is contained elsewhere in this report.
- 61. In respect of criteria h, the site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area, therefore there is no conflict with this part of the policy, but further consideration is provided in the drainage section below.
- 62. Given this, the proposal is considered to be acceptable in principle subject to appropriate consideration of the other issues which are considered in more detail below in respect of policy 6 of the County Durham Plan.
- 63. The site, however, is also located outside of the Wheatley Hill defined town centre as set out on the CDP Policies Map. Policy 9 of the CDP sets out a retail hierarchy, Wheatley Hill centre is identified as a Local Centre. The policy seeks to protect the vitality and viability of all centres within the hierarchy.
- 64. Policy 9 of the CDP identifies those proposals for main town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential test. This reflects advice within the NPPF, paragraphs 86 and 87.
- 65. The proposed retail element of the forecourt redevelopment would constitute a main town centre use. Given the sites location, beyond 300m from the local centre, it would constitute an out of centre site. The policy also states that proposals for retail in excess of 400 sqm (gross) convenience or comparison floorspace, proposed outside of a defined centre, and that could impact on Small Town or Local Centres, will be required to provide an impact assessment in accordance with the guidance within the NPPF and the PPG.
- 66. Therefore, sequential justification was required to be provided as to why the proposed retail element could not be located within the local centre, taking into account the fact that the existing sales area equates to 79sqm and is proposed to be

increased to approximately 218 sqm which would more than double the size of the existing sales area.

67. The applicant included a sequential assessment within the Planning, Design and Access Statement which states that as the proposal is for the expansion of an existing business on the current site, it would be impractical to locate the retail element of the proposal elsewhere, particularly as it is intrinsically linked to the services associated with the petrol filling station.
68. Spatial Policy assessed the details and considered that the approach within the sequential assessment was acceptable, although noting the increase in size in the sales floor area, there was a query as to whether the re-developed site could result in it becoming a destination in its own right.
69. In considering the details of the scheme, the proposal intends to provide an improvement to an established existing facility, that is suitably located adjacent to a major road connecting the A19 with numerous settlements including Durham City. Given this established use and proposal to enhance car related facilities, including EV charging points hub, the proposed increase in sales area is not considered excessive and would be deemed commensurate with the scale of the petrol filling station site, number of pumps provided and other car related services available. On this basis, it is anticipated the redevelopment of the site would continue to function in a similar fashion to the existing operation, providing services to passing motorists as before, with some continued provision to nearest residents as a neighbourhood style shop facility. Due to this, it is not considered that it would become a destination in its own right.
70. The proposed re-development of the site is therefore, considered acceptable in respect of policies 6, 9 and 10 of the County Durham Plan.

#### Impact on Residential Amenity

71. CDP Policy 6 and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
72. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
73. The nearest residential neighbours are located to the north west corner of the site across the road, Wingate Lane, to the rear of the site, where a car access point currently exists but is proposed to be closed as part of this application. The front curtilage of these properties is located approximately 15m from the boundary with the site with the main dwellings being set back approximately a further 7m. The nearest part of the proposal is a substation and then the HGV petrol pumps however

these are considered a sufficient distance away from these neighbouring properties that the proposal is not considered to cause any significant loss of light, overlooking or overshadowing. The main building is located to the middle of the site with the jet wash and other associated works located beyond the building to the south (front of the site) adjacent the main A181 road or to the east towards the open countryside and away from the nearby residential properties.

74. In respect of noise, a noise impact assessment has been submitted which considers noise from Forecourt/Customer Activity, Delivery/Servicing Noise and Jet Wash Bays. A background noise survey has been undertaken and establishes road traffic from the A181 as the dominant noise source. Due to a variation in background noise levels, which were influenced largely by road traffic noise an average level was used.
75. Specific noise levels were calculated using sound exposure levels (SEL); this is not in accordance with BS4142 methodology. An SEL is the measure of sound events for a given process/activity over a given duration and provides a single decibel level as the level of exposure or impact. In this instance however the use of SEL is accepted. All specific noise levels were calculated based on noise data obtained from a similar garage site and worse case scenarios. A +3db character correction level has been added to all activities.
76. The assessment establishes a low impact from Forecourt/Customer Activity, Delivery/Servicing. In terms of the jet wash the assessment is based on it operating between 0700 - 2300 seven days a week and the barriers offering a degree of noise attenuation, establishing a low impact also.
77. Based on the information received, it is considered that it demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development will not lead to an adverse impact. However, it is considered that a statutory nuisance may occur in respect of the jet wash but, it is felt that this can be overcome with the addition of a condition to restrict the use of the jet wash between 0700 to 2300 hours. Jet wash facilities already exist on site with the proposed upgrade to the service station representing an improvement to the operations of this facility. In particular the jet wash facilities would continue to be located a reasonable distance away from nearest neighbours to the front of the site, with the sales building providing a buffer. With the inclusion of a barrier around the jet wash, officers are satisfied that the noise generating elements have been carefully positioned and can be controlled to reduce any potential noise from occurring and impacting on nearest residents.
78. In respect of lighting a light impact assessment and illuminance plan has been submitted which has been assessed and it is not considered that an adverse impact would occur providing the site is developed, within the parameters as stated on the submitted light and noise/light impact assessment and illuminance plan which will form an approved document of any potential approval.
79. The proposal, therefore, is considered acceptable in respect of policy 29 and 31 in respect of residential amenity of existing residents subject to pre-commencement conditions being added.

#### Highway and Pedestrian Safety

80. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document. Part e of policy 6 of

the CDP states that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

81. Both letters of support and objection have been received regarding the closure of the existing access to the rear of the site with nearest residents welcoming the closure. However concerns have been raised from the Parish Council that this will create a road safety hazard that will lead to further accidents on this stretch of road due to there being 3 access/egress junctions all within close proximity to each other on the A181. Further concern has been raised that the proposed pedestrian access may encourage motor/quad bikes to exit in this area.
82. The site is located on the A181 which is considered to provide an important link between the east coast and A19 with Durham, the A1(M) and the west of the County. The traffic flow on this road is approximately 17,000 vehicles per day (AADT) based upon pre-pandemic figures. The site is located on the north side of the A181 which is street lit as far as the filling station entrance, subject to a derestricted speed limit and subsequent high traffic speeds due to a relatively straight alignment. The C65 Cemetery Road South road junction is located circa 140 metres to the west of the existing site entrance. Ghost island turning lanes are provided on the A181 for the C65 junction and various accesses in this location.
83. This application includes the relocation of the existing access on the A181 further west circa 30 metres and the creation of a new vehicular exit from the site to the east. The proposed new site entrance will result in a separation distance of circa 110 metres between it and the existing C65 Cemetery Road South road junction. A minor access on the south side of the A181 leading to Old Wingate is circa 15 metres to the west of the proposed site entrance.
84. The separation distance of the A181/Cemetery Rd junction and the proposed filling station entrance is in excess of the requirements of national standards and therefore the location is considered to be acceptable.
85. With regard to visibility splays achieved from the proposed site access, the standard required is determined from the Design Manual for Roads and Bridges (DMRB) and is based upon the actual vehicle speeds on the main road. The visibility distances achieved on site meet the requirements of DMRB for 60mph and are therefore considered acceptable.
86. Vehicle speeds on the A181 correspond to the national (60mph) speed limit with the 85th percentile speeds circa 55mph indicating good compliance with the speed limit. The traffic survey on the A181 corroborates data obtained by previous DCC traffic monitoring surveys and shows the 85th percentile speeds to be circa 60mph and very good compliance with the speed limit. The A181 is a strategic road designed to DMRB standards and is subject to a national (60mph) speed limit.
87. It is noted that there are some concerns regarding the removal of the vehicular access to the rear of the station onto Wingate Lane. It is also known that over a long period of time there have been previous local requests for this access to be closed to traffic.
88. It is acknowledged that closing the rear access onto Wingate Lane will inevitably increase the movements at the exit onto the A181 however, the separation of entrance and exit ensures that the exit does not exceed capacity for the layout. Notwithstanding this, the number of vehicle movements remains significantly less than those at the junction of Cemetery Road South and the A181 by way of comparison.

89. The record of personal injury incidents has been analysed for the area and does not reveal an incident trend that would be significantly influenced in a negative way by the changed access arrangements. It indicates that there have been a small number of incidents in the area in the previous five years. One was at the service station exit, one at the Wingate Lane/Cemetery Road junction and three at the Cemetery Road/A181 junction. In all cases the causation factor is determined as driver error / failure to look properly. Of the three at the A181/Cemetery Road junction, one was a poor U-turn manoeuvre and two were right turns into the side road.
90. The closure of the rear access therefore does not constitute a severe road safety risk and does not satisfy a refusal reason under NPPF paragraph 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
91. The quantum of 14 parking bays inclusive of 2 disabled spaces with an additional 5 staff bays and cycle parking is considered to be acceptable and meets with both the current standards and also the new parking standards SPD which is now adopted.
92. It is noted that there is to be a new pedestrian access at the rear which exits onto the footway along Wingate Lane. The site boundary hedge can be overgrown and obstruct the footway and to encourage use of the path the hedge would need to be cut back to the boundary. In addition, some issue was also raised with regards motorbikes /quad bikes using this pedestrian access and creating issues with pedestrian safety. Whilst these issues are noted, it would be expected that the land owner or operator on site would undertake maintenance and management of use of the site and controlling these specific elements by condition would not be deemed necessary.
93. Work to the highway will be required which require separate highways consent and it is advised that informatives are added to ensure the applicant is aware of this, and this would include the revised turning arrangements being carried out to correct standards and water gullies being amended or installed.
94. The existing access onto the unclassified Wingate Lane to the rear of the site and the existing access onto the A181 will require reinstating with full height kerbs, footway construction and verge to DCC adoptable standards, a condition will be required to ensure this is carried out prior to the commencement of the development.
95. A suitable Construction Management Plan is also required and should include but not limited to, details of the routing of delivery vehicles, delivery times, the control of deliveries to avoid peak periods, the protection of the public during site works, avoidance of mud and detritus being deposited on the public highway, highway works traffic management etc. It is considered that this can be controlled via a pre-commencement condition.
96. The details of the revised protected right turning lane contained in the "Technical Note - Access and Visibility" being in accordance with DMRB CD123 are noted. The Principal Highways engineer requested a condition be applied to any approval seeking that the final design is approved by the Local Planning Authority prior to commencement of works to ensure the safety of the public.
97. On the basis of the above and subject to the above conditions, the principle of the proposal is agreeable from a highways perspective in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.

## Scale/Design

98. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
99. In respect of the design/scale of the proposal whilst the footprint of the building has been increased, it would remain as a single-storey rectangular shaped building but would be flat roofed, along with a flat roofed canopy over the pumps. It would be positioned in an appropriate location which allows for natural surveillance over the pumps, with the frontage containing large areas of glazing along this elevation. It is also considered that the size of the site is sufficient to accommodate the size of the building and the associated works which are required. Details of materials have been provided in respect of the building which show composite roof and wall cladding in a grey colour (RAL7012) with some silver detailing (RAL 9006). A yellow strip across the front of the building is also proposed. In respect of the Jet Wash this is also proposed in the same grey/silver colours as identified and will be 3.8m high. These materials are considered appropriate and more muted than the existing which has white render walls. The materials will form part of the approved plans. Further details however are considered to be required regarding full specifications details/colour etc of the canopy and other associated structures which can be controlled via a condition.
100. Policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist.
101. Policy 27 of the CDP requires new residential and commercial development should be served by a high speed broadband connection.
102. It is considered that further details of both these can be controlled via condition.
103. Subject to the above, the proposal is considered acceptable in respect of policies 29 of the County Durham Plan and part 12 of the NPPF.

## Landscape/Impact on Trees

104. Policy 6 of the CDP sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement.
105. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.

106. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
107. The site lies just outside an Area of Higher Landscape Value, which lies immediately to the north and east. It lies in open countryside, on the southeast edge of the village of Wheatley Hill, between the A181 Durham Road to the south and Wingate Lane to the north and forms the gateway to the village.
108. Whilst the site forms part of the existing service station, its character and appearance, particularly the eastern part of the site has a rural dimension and is more in keeping with the surrounding countryside than the urban built form of Wheatley Hill and includes some tree and hedge cover around its periphery which are important to the landscape character but also in providing screening to the existing development.
109. Visibility is largely restricted to the immediate environs of the site which include, Wingate Lane to the north, the A181 and footway to the south where, albeit with seasonal variation in the quality of screening, the mature vegetation around the site largely filters or screens the site with the exception of the roadside frontage, though its roof structure and the upper canopy of the filling station are visible from beyond the site.
110. The demolition and removal of all existing structures and the redevelopment of the site would result in the removal of hedgerow along the site frontage which will increase visibility into the site from the south along the A181 and footway, which with the intensification of the use, increase in built form and ancillary low level clutter including increased parked vehicles and increase in lighting, would serve to further urbanise the site in a manner which would be incongruous within the undeveloped rural nature of this part of the A181. These effects are however largely restricted to the A181 and with the proposed canopy of the forecourt approximately 2.7m lower in height than existing and consequently less visible. Whilst there will be glimpsed and filtered views of the development particularly during winter months from the other public vantage points, the changes will be less pronounced.
111. The effects from the A181 would be reduced over time by the proposed landscaping which would help integrate the proposals with the surrounding area however, at the time of development and for several years afterwards (the length of time depending on the quality and performance of the planting) the development would remain notable.
112. It was considered therefore, that whilst harm to the landscape would occur that this can be adequately mitigated against through the addition of a robust landscaping scheme particularly along the roadside frontage. Further information has been received and the landscaping scheme submitted is considered acceptable and will form an approved document.
113. Therefore, subject a condition to ensure the recommendations of the Arboricultural Report are adhered to and for the agreed landscaping scheme to be implemented, the proposal would be considered acceptable in respect of policy 39 and 40 of the CDP and part 15 of the NPPF.

Contamination

114. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
  - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
  - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
115. The application has been assessed by both the Council's Land Contamination Officer and the Environment Agency. They both raise no objection to the scheme based on the contamination reports submitted subject to the inclusion of conditions relating to unforeseen contamination and remediation strategies.
116. The remediation strategy is required as a result of recent site investigations which have been carried out on the site. Normally informatives are added with regards to unforeseen contamination however in this instance it is considered that a condition should be added given there is a risk of unidentified contamination within the immediate vicinity of the existing tanks, which may be identified only during their removal.
117. The proposal subject to conditions is therefore, considered acceptable in respect of contaminated land issues in respect of policy 32 of the CDP.

#### Drainage

118. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
119. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
120. Information has been submitted in the form of a drainage strategy and calculations has been checked by the Local Lead Flood Authority (LLFA) and they have confirmed that they would accept the information that has been provided with 5 l/s being the closest to QBAR that could be achieved by either re-arranging the site or utilising other areas for underground storage.
121. Whilst it is acknowledged that a drainage strategy has been provided for site operation, it is also considered that a construction environmental management plan



should be provided and it is considered that this can be controlled via a pre-commencement condition.

122. Further details of the underground storage tanks are also required to ensure there is no risk to groundwater. The Environment Agency are confident from information submitted to date that it will be possible for the developers to suitably manage the risks posed to groundwater resources by this development.
123. However, the information provided confirms proposed rather than confirmed tank and pipework details, therefore, clarification will need to be provided, before any development is undertaken, of the final fuel system specification(s) and it is considered that this can be carried out as a pre-commencement condition.
124. The proposal, therefore, is considered acceptable in respect of policy 35 and 36 of the County Durham Plan.

## Ecology

125. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
126. A Biodiversity Impact Assessment report has been received and confirms that the proposed development should achieve a biodiversity net gain of 185.72% for area habitats and a gain of 49.38% for hedgerow habitat.
127. The Council's Ecology Officer have confirmed that Trading Rules have not been met due to the loss of medium distinctiveness habitats (other neutral grassland and blackthorn scrub).
128. Trading rules are an important element of the metric. These rules dictate the type of habitats that can be used to replace existing habitats that are proposed for removal. These rules prevent the replacement of high value habitats with low value habitats. For example, it would not be possible to replace woodland with a well-managed lawn.
129. However, in this instance it is considered that these areas are small and the landscaping proposals detail the creation of more species rich habitats that should achieve a sizeable net gain of 185%. Given this, it is considered that the significant net gain outweighs the harm from non compliance with the Trading Rules in this instance. .
130. The report states that a Landscape and Ecological Management Plan will be produced to detail how the created habitats will be managed for the next 30 years. It is considered that this can be controlled through a pre-commencement condition.
131. Subject to the above, the proposal therefore, is considered acceptable from an ecology viewpoint in accordance with policy 41 of the County Durham Plan and part 15 of the NPPF.

## Public Sector Equality Duty

132. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
133. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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134. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements and is acceptable in principle subject to conditions, in that it would not have an unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water, landscape and contaminated land in accordance with policies 6, 9, 10, 21, 29, 31, 32, 35, 36, 39 and 41 of the County Durham Plan and Parts 9, 12, 14, 15 and 16 of the NPPF.
135. A number of public comments have been received and have been considered as part of the assessment above. In particular concern has been raised over highway issues on the site due to the closure of the rear access and the creation of new access/exits within close proximity to the entrance to Wheatley Hill. Whilst the highways officer has acknowledged that by closing the rear access onto Wingate Lane this will inevitably increase the movements at the exit onto the A181, the separation of entrance and exit ensures that the exit does not exceed capacity for the layout. As such the closure of the rear access does not constitute a severe road safety risk and a refusal of the scheme on highway safety grounds would not be warranted under NPPF paragraph 111.
136. The application is therefore, recommended for approval subject to the conditions set out below.

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## **RECOMMENDATION**

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That the application be **APPROVED**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Typical Underground Storage Tank Details	220230-PLNG17	18/10/23
Proposed Site Block Plan	220230-PLNG6A	01/09/23
Proposed Site Plan - Sheet 1	220230-PLNG7A	01/09/23
Proposed Site Plan - Sheet 2	220230-PLNG8A	01/09/23
Proposed Surfacing Site Plan	220230-PLNG9A	01/09/23
Tracking Site Plan	220230-PLNG10A	01/09/23
Proposed Site Elevations - Sheet 1	220230-PLNG11A	01/09/23
Proposed Site Elevations - Sheet 2	220230-PLNG12A	01/09/23
Landscape Layout	5071-01C	01/09/23
Proposed Drainage Strategy	22281-DCE-XX-XX-D-C-	25/07/23
Lighting Documentation	100	20/04/23
Drainage Strategy and Calculations		25/07/23
Illuminance Plan		20/04/23
Building Layout and Roof Plan		20/04/23
Proposed Impermeable Area	220230-PLNG13	20/04/23
Building Elevations Sheet 1	22281-DCE-XX-XX-D-C-	20/04/23
Jet Wash Plan Elevations	103	20/04/23
Surface Water Catchment Areas	220230-PLNG14	20/04/23
Building Elevations Sheet 2	220230-PLNG16	20/04/23
Fuel Strategy and Engineering Proposal	22281-DCE-XX-XX-D-C-	18/10/23
Biodiversity Impact Assessment	104	01/09/23
Drainage Strategy	220230-PLNG15	25/07/23
Drainage Strategy and Calculations		25/07/23
Technical Note Accident and Visibility		25/07/23
Travel Plan		20/04/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 10, 9, 21, 29, 31, 39, 40, 41 and 43 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

3. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

4. Prior to commencement of the development a Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMMP shall demonstrate how the specific on-site

Biodiversity Net Gain units that are to be created on site (as detailed within the Biodiversity Net Gain Assessment report) will be achieved, managed and maintained on site, and will include a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. The works shall be carried out strictly in accordance with this Plan and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the Net Gain can be satisfactorily achieved.

5. Prior to the commencement of the development hereby approved final design details of the revised protected right turning lane contained in the "Technical Note - Access and Visibility" being in accordance with DMRB CD123 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF. Required to pre-commencement to ensure that highway safety can be satisfactorily achieved.

6. No development shall commence until a Construction Surface Water Management Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The plan should include, but not limited to, the following:

- Treatment and removal of suspended solids from surface water run-off during construction works;
- Approach to ensure no sewage pollution or misconnections;
- Approach to ensure water mains are not damaged during construction works;
- Management of fuel and chemical spills during construction and operation, including the process in place to ensure the environment is not detrimentally impacted in the event of a spill;
- Due to the nature of the site and presence of contaminated land, construction runoff is likely to contain hazardous chemicals and elements. A scheme is required to manage the associated risks, and minimise mobilisation of hydrocarbons, heavy metals, and any other hazardous pollutants into the water environment during construction and site operation.

Reasons: In the interests of the management and prevention of flooding and water contamination in accordance with Part 14 of the NPPF. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

7. No development shall commence until a final scheme to install the underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system.

The scheme shall be fully implemented and subsequently retained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

Reason To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 of the NPPF. Required to be pre commencement to ensure that the development can be carried out safely.

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1.A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2.Details of methods and means of noise reduction/suppression.

3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5.Designation, layout and design of construction access and egress points.

6.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

9. Prior to their installation, specification/material details of the canopy, bin store, sub-station, cycle shelter, boundary treatments and internal directional signage shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: In the interests of the amenity of the area in accordance with policy 29 of the County Durham Plan and Part 12 of the NPPF. Required to be pre-commencement to ensure the development has an acceptable impact upon the visual amenity of the area.

10. Prior to occupation of the scheme hereby approved details of the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan

11. Prior to commencement of the construction of the new building hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details and retained thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c and d) of the CDP

12. Prior to occupation of the development hereby approved, details of the works to reinstate with full height kerbs, footway construction and verge to DCC adoptable standards at the existing access onto Wingate Lane to the rear of the site and the existing access onto the A181 to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details and be complete prior to occupation of the development.

Reason: In the interests of highway and pedestrian safety in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.

13. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use and does not result in unacceptable levels of water pollution in accordance with Policy 32 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

15. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained as shown within the Arboricultural Report prepared by DEP Landscape Architecture Job Number 5071 Dated March 2023 received 20 April 2023, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

16. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme drawing number 5071 01 Rev C shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

17. The jet wash hereby approved shall only be used between the hours of 0700 to 2300 hours on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

18. The proposal shall be carried out in strict accordance with the Arboricultural Report prepared by DEP Landscape Architecture Job Number 5071 Dated March 2023 received 20 April 2023.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

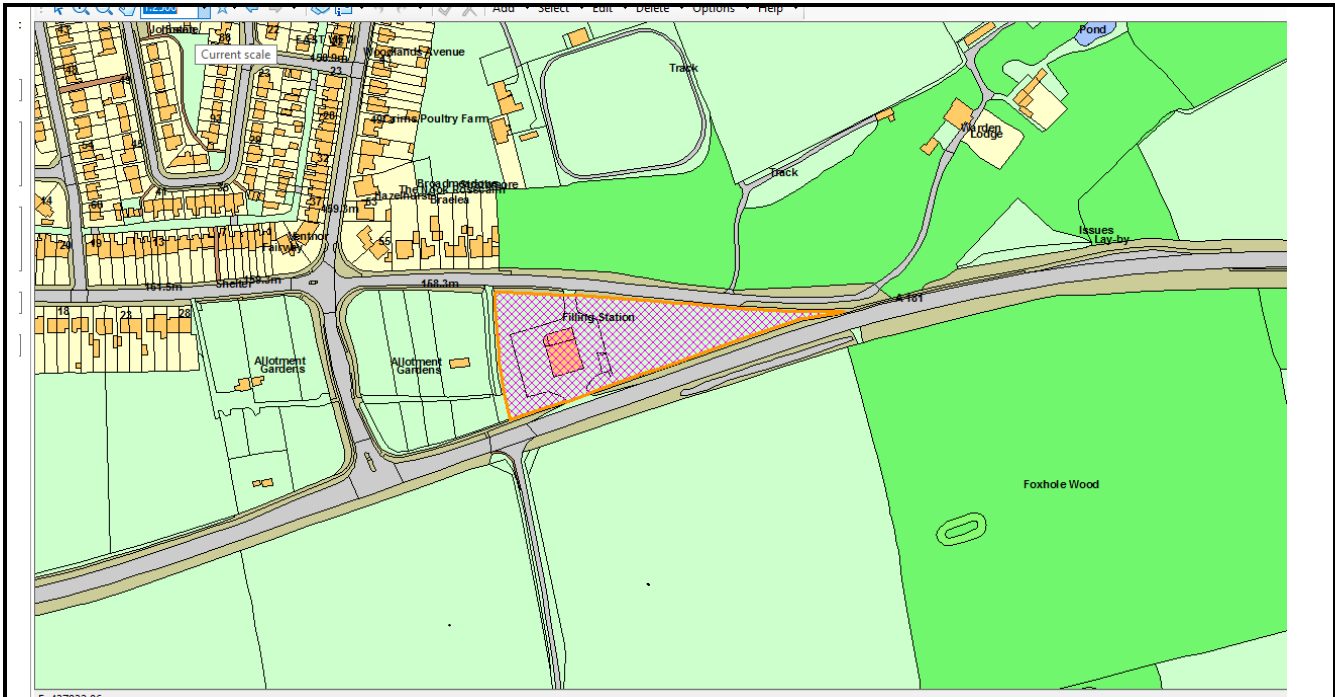
County Durham Plan

Residential Amenity Standards Supplementary Planning Document

Parking and Accessibility Supplementary Planning Document 2023

Statutory, internal and public consultation responses





**Planning Services**

Demolition and removal of all existing structures on site and redevelopment of the site to provide an enhanced domestic forecourt and HGV refuelling positions; provision of an EVC hub including a disabled EV charging bay; sales building including food to go offer, two jet wash bays, vacuum and air/water bay; new access, associated parking and landscaping at Wheatley Service Station, Durham Road, Wheatley Hill, Durham, DH6 3LJ

Application Reference: DM/23/01107/FPA

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**Date:** November 2023

**Scale** NTS