

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/02905/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of industrial buildings including ancillary office space together with associated works.
<b>NAME OF APPLICANT:</b>	Merchant Anglo (Amazon Park) Property Holdings Ltd.
<b>ADDRESS:</b>	Plot 3B Merchant Park Millennium Way Aycliffe Business Park DL5 6UG
<b>ELECTORAL DIVISION:</b>	Aycliffe East
<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 a vacant parcel of land located on Merchant Park which is located within the Aycliffe Business Park. The Business Park is located approximately 1.5 miles south of Newton Aycliffe Town Centre and under 1 mile from junction 59 of the A1(M).
2. The site in question is located adjacent to the Hitachi Rail factory which sits to the west which includes rail tracks that lead out from here along the northern part of the site to the Stockton and Darlington Railway line which runs to the east of the site. Aycliffe Business Park sits to the north which has recently been constructed and open space to the south, with a railway line running to the east. To the north of Hitachi, consent has recently been allowed on appeal for the construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes.
3. Sporadic landscaping exists on the site with a significant belt of planting located between the site and the above-mentioned railway line. Land levels across the site are relatively flat.
4. The site is not located within a conservation area and no listed buildings are within close proximity to the site however the Stockton and Darlington Railway is considered as a non designated heritage asset. A public right of way exists to the south of the eastern part of the site extending southwards.

## Proposal:

5. Consent is sought for the erection of three industrial buildings including ancillary office space with associated works.
6. A main access road is proposed through the middle of the site with one larger unit proposed to the west of this access road and two smaller units to the east. Each unit will be served by its own car parking area with dedicated areas for loading and plant areas also provided however limited details regarding this have been provided.
7. Outline consent has previously been approved on the site as part of a wider development to create Merchant Park. Plot 2 has been built out (industrial estate to the north) as has Plot 3A (the Hitachi site to the west) and as stated consent has recently been granted for an energy from waste facility on what is known as Plot 1A. The application site is the last remaining site to be developed as part of the previously approved outline consent. As part of the outline consent the site in question formed part of plot 3 for a large industrial unit which has subsequently been subdivided.
8. The application is presented to committee due to it being a major development in excess of 20,000 sqm.

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## **PLANNING HISTORY**

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9. 7/2007/0268/DM – Outline Application for B1 (Business), B2 (General Industry) and B8 (Storage & Distribution) Uses (comprising a maximum of 131,540 Sqm of floor space). Approved 24.07.2007.
10. 7/2010/0248/DM – Extension of time limit for planning permission 7/2007/0268/DM For B1 (Business), B2 (General Industry) and B8 (Storage & Distribution) Uses (comprising a maximum of 131,540 Sqm of floor space). Approved 11.02.2011.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. 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.
12. *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.
13. *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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

21. 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

22. Policy 2 (Employment Land) supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
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 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

25. 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.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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
31. 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.
32. 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.
33. Policy 46 (Stockton and Darlington Railway) states development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black

Boy and Haggerleaves branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

34. Policy 56 (Safeguarding Mineral Resources) states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### Neighbourhood Plan

35. The application site is located within the Great Aycliffe Neighbourhood Plan Area. The following policies are considered of relevance:
36. Policy CH1 (Landscape Character and Townscape) states that developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015) and incorporate features which contribute to the conservation, enhancement or restoration of local features.
37. Policy E5 (Protection of existing trees within new development) states that proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboriculture impact assessment.
38. Policy R3 (Supporting Local Job Opportunities) states that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.
39. Policy T3 (Cycle Provision and Walking Routes) states that major development proposals must, where appropriate, provide or contribute toward, safe well lit, accessible and attractive cycle routes and public footpaths.

## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

40. Highways – No objection
41. Durham Constabulary has provided no response.
42. LLFA raises no objection.
43. Network Rail has provided no response.
44. Business Durham provides support for the proposal.
45. Northumbrian Water has provided no response.
46. Great Aycliffe Town Council have raised no objection to the proposal.

### **INTERNAL CONSULTEE RESPONSES:**

47. Archaeology – No objection
48. Environmental Health (Air Quality) - More info required and to be secured by condition.
49. Environmental Health (Contamination) – No objection, subject to contaminated land condition regarding the submission of further details.
50. Environmental Health (Noise) – No objection subject to condition regarding noise levels.
51. Ecology – No objection
52. Design - No objection
53. Landscape – Whilst generic planting details have been provided, full landscaping details are required.
54. Policy – No objection the proposal accords with policy 2 of the CDP and policy R3 of the neighbourhood plan.
55. Public Rights of Way – No objection
56. Trees – No objection

### **PUBLIC RESPONSES:**

57. The application has been advertised by means of site notice and by notifying neighbouring occupiers by letter. To date, one letter has been received from the Friends of the Stockton and Darlington Railway who have no objection to the proposal due to the following:

- The site lies between the S&DR Bishop Line and the Hitachi works; it is well enclosed by existing broadleaf woodland planting and the new development will be barely visible from the railway.
- The application documents make no reference to Local Plan 46 regarding the S&DR, but they conclude that the proposed development would have a neutral effect on its setting and that the significance of this non-designated heritage asset would be preserved.

#### **APPLICANT'S STATEMENT:**

58. The proposed development of Plot 3B comprises the next phase of development at Merchant Park following the delivery of the Hitachi Rail facility to the west and Station Place to the north. The proposal seeks to build upon the strong industrial nature of the surrounding area by delivering three warehouse units each with ancillary office space, generating significant economic and employment opportunities in both the construction and operational phases of development. Indeed, the development conforms to the ambitions of the County Durham Plan ('CDP') and Great Aycliffe Neighbourhood Plan ('GANP') with respect to improving the economic performance and resilience of the County and developing employment activities in suitable and appropriate locations respectively.

59. The application site itself is allocated under CDP Policy 2 (Employment Land) for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) development as part of the wider 10.12 ha parcel of employment land at Merchant Park. The proposal fully accords with this policy allocation, with the development delivering up to 24,895 sqm of flexible accommodation intended for general industrial and employment use. The proposed development also accords with the GANP, which fully supports the employment allocation at Merchant Park and the potential contribution to the County's economy.

60. Overall, the scheme accords with the NPPF's commitment to support economic growth and productivity. In particular, the development will have significant employment and economic benefits through helping drive forward economic growth within County Durham and the wider region. The development has also been assessed and found to be acceptable with respect to more technical matters including transport, flood risk, ecology, noise and sustainability. In this context, the Applicant welcomes the Officer's recommendation to grant planning permission for the development.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL&J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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61. 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.
62. 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.



63. 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. In this instance the Great Aycliffe Neighbourhood Plan is also considered relevant.
64. In this context, it is considered that the main planning issues in this instance are as detailed below:

#### Principle of the Development

65. This site relates to a vacant piece of land at Aycliffe Business Park. The site in question falls within Merchant Park which is an allocated employment site within the County Durham Plan and as such Policy 2 of the CDP is considered of relevance.
66. Policy 2 states that undeveloped land and plots at the following employment sites (as listed in Table 3) are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated.
67. However, since the Examination In Public of the County Durham Plan and shortly before the Inspector's Report was issued, changes to the use class order were proposed which have now taken effect. From 1st September 2020, whilst B2 and B8 uses remain unchanged, B1 uses now fall within the new E use class. Whilst Policy 2 refers to B1 uses being acceptable on this site, the broad range of uses under the new E use class (including retail and leisure uses) may not be acceptable. The intention is however that the proposal would be acceptable for some light industrial uses which formed the former B1 use class and therefore, it is considered that a suitably worded condition is required to ensure that acceptable uses only are carried out at the site.
68. As discussed in the proposal section above, the site in question forms part of a wider outline consent (7/2007/0268/DM). Other phases which have already been built out include Phase 2 and 3a with this section being Phase 3B. The development is intended for class B1 (Light Industrial) B2 (General Industry) B8 (Storage or Distribution) uses which is considered to be in keeping with the locality and consistent with the allocation as set out in policy 2. The plans show office space provided within each building which would be used ancillary to the industrial use proposed at the site.
69. Policy R3 of the GANP is also considered relevant which states that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.
70. It is considered that industrial units on an allocated employment site would accord with this policy and the proposed development draws broad support from the Neighbourhood Plan in terms of supporting local job opportunities.
71. Given the above, it is considered that the principle of the development is considered acceptable due to its accord with policy 2 of CDP and also given the fact that outline consent has already established development of this nature on the site. This is however subject to full consideration of all other issues and the suggested condition regarding the use of the buildings to limit this to uses formerly falling within the B1 use class.

## Scale/Design

72. 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.
73. In respect of the scale of the proposal, the development will deliver a maximum floorspace of 24,895m<sup>2</sup> (Gross Internal Area) divided across the three proposed units. This is considered appropriate for the size of the plot and does not appear as overdevelopment of the site and would appear appropriate when read in relation to the nearby Hitachi site and those industrial units recently constructed to the north.
74. In terms of design, the buildings have been designed to be in keeping with other industrial units within the area and are to be constructed to a Grade A shell and core Industrial Specification which includes a steel portal frame and with powder coated metal profile with curtain walling. Full specification details including colour will be agreed via condition. External areas have also been identified for the construction of associated plant relating to future operations at the site and these would be located to the side of the buildings. The application also proposes the erection of 2.4m high 358 weld mesh fencing around the perimeter of each unit which is considered acceptable and a typical addition within an industrial area.
75. In relation to the height of the buildings they range between 12 – 15m from eaves up to final roof ridge height. Whilst these are higher than those industrial units proposed to the north, they are of a similar height to the Hitachi Building to the west and the waste incinerator proposed to the north of Hitachi.
76. As such when read in relation to the surrounding buildings and the associated landscape which surrounds the wider area, it is considered that the proposals would result in an acceptable impact on streetscene and wider estate area in accordance with policy 29 of the CDP and part 12 of the NPPF.

## Impact on surrounding heritage assets

77. CDP policy 44 states that proposals should seek to ensure that developments contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
78. CDP Policy 46 states development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or

preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

79. The application has been supported by a detailed heritage impact assessment which correctly identifies the designated and non-designated assets associated with the Stockton and Darlington Railway.(SDR). Stretches of the SDR have been designated as a Scheduled Monument, but the stretch of track closest to the site remains in active railway use and is not designated.
80. The accompanying heritage assessment states the proposed development will appear within the immediate setting of the former route of the Stockton & Darlington Railway. It will be partly screened by intervening vegetation that lines the route of the railway line and it would have no effect on the visual relationship between the railway and the former station, signal box and boundary stone. The setting of this part of the railway is already experienced in the context of industrial developments at the Aycliffe Industrial Estate that were developed during the 20th century and more recent industrial developments that have been introduced at Merchant Park. In this context, the proposed development can be accommodated within the setting of the railway given its limited sensitivity and the extent of change that it has experienced. proposed development will have a neutral impact on the setting of the Stockton & Darlington Railway and no effect on its significance. The heritage assessment confirms there does not appear to be any surviving above ground remains of the original line in this location.
81. The site of the proposed development is located approximately 350 metres to the south-west of the former Heighington and Aycliffe Railway Station and the Heighington Signal Box. It is located approximately 20 metres to the west of the former route of the S&DR and approximately 150 metres to the north-west of the boundary stone which are all considered as designated heritage assets.
82. The Design and Conservation Officer has confirmed that the assessment is considered to correctly conclude that the proposal will cause no harm directly or indirectly to the assets due to the distance from the designated assets and the landscape buffer which sits between the proposal and the SDR.
83. The proposal therefore, is considered to accord with policies 44 and 46 of the County Durham Plan and part 15 of the NPPF.

#### Sustainability

84. 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.
85. It also goes on to state that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
86. A BREAM Pre-Assessment Report has been provided which shows that the buildings will achieve a VERY GOOD rating. In addition, the plans show that the buildings will be served by PV Panel and an indicative area has been provided for these. Subject to the assessment report forming an approved document and a condition for the specification details of the PV panels to be submitted, it is considered that the proposal would be acceptable in this instance.

87. 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.

#### Noise/Impact on surrounding residents

88. CDP Policy 31 states that development will only 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 can be integrated effectively with any existing business and community facilities.
89. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
90. Section 11 Paragraph 123 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 128 emphasises the importance of securing healthy places. Paragraph 180 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.
91. Paragraph 191 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 191 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.
92. The proposed layout of the properties are acceptable and suitable separation distances are provided between the proposed buildings and those in close proximity to the site. Given this, no overlooking or loss of light is considered to occur.
93. In respect of noise, the nearest residential noise sensitive receptor is approximately 460 metres Northwest of the site. The application has been supported with a Noise assessment by NJD Environmental Associates, reference NJD22-0049-001R, dated July 2022.
94. A noise assessment was prepared to consider the potential noise impacts associated with the proposed development, with background noise measurements taken between 10:00 9 July - 10:00 11 July 2022, that are considered representative of the closest existing sensitive receptors. Calculations were performed using noise modelling software and results interpreted in accordance with the relevant standards.
95. The consultant has considered the main noise sources associated with the proposed development to be deliveries, HGV movements and use of the associated car park during peak hours.
96. Results of the noise monitoring determined the day time rating level to be 25 and 26 dB(A) at the sensitive receptors, which is -10 and -9 dB(A) respectively in excess of rating over the background level. For night time, the rating level was determined as 29dB(A) at both sensitive receptors, with -2dB(A) and -3dB(A) respectively in excess of rating over the background levels. Given the results and context, the report

concludes on noise as negligible to low impact for both day and night time. This has been accepted by Environmental Colleagues and no objection is raised.

97. In paragraph 6.4.4 of the report NJD Associates recommend that indicative limits should apply for the rating noise level associated with any additional external plant that may be installed by the end user and also recognise that these indicative limits are dependent on the results of the assessment in context.
98. Due to this, the Environmental Health Officer has stated that given the results from this assessment and also in association with the TAN's, the maximum rating level of any new proposed external plant should be conditioned to be no more than 40dB LAeq (1 hour) (07:00 - 23:00) above background (which is equal to the existing background of 35dB + 5dB); and no more than 0dB LAeq (15 mins) (23:00 - 07:00) at noise sensitive receptors (which is equal to the existing background of 29dB + 0dB).
99. The latter figure differs from the noise consultant's recommendations in that they are more stringent however align with DCC's Noise TAN's and as such it is felt that this level should be conditioned.
100. Due to the size of the proposal, a construction management plan would be required and as such this can be controlled via a pre-commencement condition. Air Quality comments have also been received and given the closeness of a nearby college, it is suggested that a construction dust assessment in line with IAQM guidance is undertaken and the mitigation measures identified used to inform the Construction Environmental Management Plan. A condition regarding hours of construction is also considered necessary.
101. Given the above and subject to conditions, the proposal would be considered acceptable in respect of policy 31 of the CDP and part 15 of the NPPF.

#### Highway and Pedestrian Safety

102. 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.
103. Part 9 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In addition it 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.
104. The site is proposed to be accessed onto Millennium Way by a simple priority junction arrangement. The access road is to be 7.3 Metres and junction radii are 15 metres. Footpaths are provided on both sides of the junction and connect to the existing footways. This arrangement is considered to be acceptable.
105. The Transport Assessment in paragraph 4.2 "Vehicular Access" considers the access arrangement and indicates acceptable visibility splays which accord with design standards.
106. The Transport Assessment provides a robust assessment of the vehicular impacts of the development on the highway network. The findings of the assessment that there are no significant issues created by the development are considered to be acceptable.

107. The parking provision has been developed in accordance with the new DCC Parking and Accessibility standards. The parking provision includes allowances for accessible spaces, both active and passive electric vehicle charging and cycle parking.
108. Given the above and subject to the submission of a Construction Management Plan which can be controlled by a pre-commencement condition and informatives regarding the necessary separate highway consents being required, 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.

#### Landscape/Impact on Trees

109. 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.
110. 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.
111. Information has been provided which shows that there are two linear groups of young woodland trees growing to the eastern edge of the existing site. These trees are approximately ten years old and were planted as a result of the Hitachi Site. The proposal will impact the western most group with around half of these being proposed to be removed.
112. The application has been assessed by both DCC Landscape and Tree Officers. The tree officer has confirmed that given the young age of existing trees and the mitigation planting recommended as part of the application that the overall arboricultural impact will be considered low and as such, they have no objection to the scheme. A condition will be added for a tree protection plan to be submitted and agreed. No objection has also been raised from the landscape team who have stated that whilst generic planting plans have been provided, full landscaping details are required which can be controlled via condition. Advice has also been given in respect of the required landscaping details and this will be added as an informative on the application.
113. Given the above, including the young age of existing trees and the mitigation planting recommended as part of the application, the overall arboricultural impact will be considered low and as such, the proposal is considered acceptable in respect of CDP policies 39 and 40 and part 15 of the NPPF.

#### Contamination

114. Paragraph 189 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 no objection is raised to the scheme subject to the inclusion of a land contamination condition requiring the submission of further information.

116. Subject to conditions the proposal is therefore, considered acceptable in respect of contaminated land issues in respect of policy 32 of the CDP.

#### Drainage

117. 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.

118. 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.

119. The Council as Lead Local Flood Authority have confirmed that they have no objection to the information received. In respect of foul drainage, the new warehouse units will rely on individual pump stations to reach a collection manhole before discharging under gravity to the PS2 communal pump station which includes the other developments which have been carried out nearby. A SUDS pond has been designed for the wider site, including this development site.

120. The proposal, therefore, is considered acceptable in respect of policy 35 and 36 of the County Durham Plan.

#### Ecology

121. 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.

122. The Ecological Appraisal by OS Ecology confirms that the site is of low ecological value and no further species surveys are required. The site however is covered in the district level licencing scheme for the wider development therefore and great crested newt mitigation is covered under this. Works are therefore to be undertaken in accordance with the terms of this licence and associated working methods statement. Subject to a condition to ensure the proposal is carried out in accordance with Section 6 of the above report, the proposal is considered acceptable.
123. The Ecology officer has confirmed that the Biodiversity Net Gain report confirms that the proposed development is likely to result in the loss of 6.5 biodiversity units once the on-site habitat creation and enhancement is undertaken.
124. However, this site is a phase within a wider development at Merchant Park and a BNG metric has also been undertaken for this larger site. The results of the wider metric confirm a surplus of habitat units is available to more than off-set the loss for this proposal. This mitigation covered extensive landscaping in and around Demons Beck close to the site, together with formation of surface water attenuation ponds and works for the protection and enhancement of Demons Beck. These works were undertaken as part of the implementation of the Hitachi development but also to mitigate the impact of development on a site wide basis and in turn prepare the remaining individual plots for future development, and without the need to revisit landscape/ecology mitigation.
125. Some compensatory habitat is to be created and other habitats are to be enhanced within the development site and as such, a Biodiversity Management and Monitoring Plan is required. This can be controlled by means of entering into of Section 39 Agreement to ensure this can be met.
126. 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.

#### Other Issues

127. CDP Policy 27 requires new residential and commercial development should be served by a high speed broadband connection. A condition will be added in this respect.
128. CDP Policy 44 states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:
  - i. ensuring that archaeological features are generally preserved in situ; and
  - j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
112. Paragraph 194 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with



archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

113. An Archaeological report was submitted as part of the application however, the archaeology previously identified on the western part of this plot was excavated in 2013. Consequently, there is no need for any archaeological condition to be included as part of this approval.
114. Areas of the site are located within a mineral safeguarding area (Magnesium Limestone), as defined on the Policies Map. Given the site is protected for employment purposes in the CDP it is considered that the need for non-mineral development has been established, and development of the site would be in accordance with criteria d of the policy. A minerals assessment is therefore not required.

#### Public Sector Equality Duty

114. 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.
115. 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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116. The site is allocated for employment uses within Policy 2 of the CDP. The principle of the development is, therefore, considered acceptable in accordance with Policy 2 of the CDP.
117. The proposal is also considered to have an acceptable impact on the visual amenity of the wider area given the design of the structures are considered to be in keeping with others within the area being typical industrial type buildings and an appropriate landscaping scheme is being proposed although full details are required to be submitted.
118. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver well designed pedestrian routes and sufficient cycle and car parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
119. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local residents and the design of the proposal is considered acceptable in accordance with the aims of Policies 29 and 31 of the CDP.
120. The application is therefore, recommended for approval subject to the conditions set out below.

## RECOMMENDATION

That the application be **APPROVED**, subject to a Section 39 Agreement to secure the long-term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP) and 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
G10292-Plot3B-Planp5.mdx		11/01/24
Drainage Report		03/01/24
Drainage and Water Management Strategy		04/12/23
BREAM Pre Assessment Report		28/09/23
Proposed Drainage Scheme	DR-C-2000-P05	03/01/24
Site Sections	DR-A-2700-P2	28/09/23
Site Location Plan	DR-A-0001-P4	28/09/23
Existing Site Plan	DR-A-0101-P2	28/09/23
Proposed Site Plan	DR-A-2001-P14	28/09/23
GA Plan - Warehouse 01 - Level 00 and 01	DR-A-3010-P6	28/09/23
GA Plan - Warehouse 02 - Level 00 and 01	DR-A-3020-P6	28/09/23
GA Plan - Warehouse 03 - Level 00 and 01	DR-A-3030-P6	28/09/23
Warehouse 01 Typical GA Elevations and Sections	DR-A-3610-P5	28/09/23
Warehouse 02 Typical GA Elevations and Sections	DR-A-3620-P3	28/09/23
Warehouse 03 Typical GA Elevations and Sections	DR-A-3630-P5	28/09/23
Detailed Planting Proposals - Sheet 01	5917-93-001-01	28/09/23
Site Plan - External Lighting Layout	C8128-TLP-DR-E-903	28/09/23
Site Plan - Proposed Statutory Authority Combined Site Services Layout	C8128-TLP-DR-ME-901	28/09/23
Landscape Master Plan	02-Rev C	28/09/23
Proposed Levels Layout	DR-Z-2001-P01	28/09/23
Ecology Appraisal		28/09/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 2, 21, 29, 31, 39, 40, 41 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Prior to the commencement of any part of the development hereby approved, a phasing plan detailing the extent of development within each phase of the overall development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To establish the extent of development in each phase so that conditions specific to each phase of the development can be discharged accordingly.

4. Prior to commencement of each phase of development as approved under condition 3 and notwithstanding any details of materials submitted with the application details of the make, colour and texture of all walling and roofing materials have been

submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

5. Prior to commencement of each phase of development as approved under condition 3 a detailed landscaping scheme relating to that phase of development shall be submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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.

6. Prior to commencement of each phase of development as approved under condition 3 a land contamination scheme relating to that phase of development shall be 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 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, 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.

7. Prior to commencement of each phase of development as approved under condition 3 a Construction Management Plan relating to that phase of development shall be 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.

8. Prior to commencement of each phase of development as approved under condition 3 a scheme detailing the precise means of broadband connection relating to that phase of development shall be submitted to and agreed in writing by the local planning. Thereafter, the development for that specific phase 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.

9. Prior to commencement of each phase of development as approved under condition 3, a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority.

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.

10. Remediation works shall be carried out in accordance with the approved remediation strategy. The phased development shall not be brought into use until such time a Phase 4 Verification report related to that phase 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.

11. Prior to occupation of each individual plot, details of the precise design and location of the solar panels proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, be carried out in accordance with the approved scheme.

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. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme 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.

13. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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.

14. Notwithstanding the details contained within this application and prior to the installation of any external plant proposed at each individual plot, details of such shall be submitted to and approved in writing by the Local Planning Authority. The external plant shall not exceed more than 40dB LAeq (1 hour) (07:00 - 23:00) above background (which is equal to the existing background of 35dB + 5dB); and no more than 0dB LAeq (15 mins) (23:00 - 07:00) at noise sensitive receptors (which is equal to the existing background of 29dB + 0dB). The development shall thereafter, be carried out in accordance with the approved scheme.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. The proposal shall be carried out in accordance with the contents of section 6 (Recommendations) of the Ecological Appraisal report prepared by OS Ecology.

Reason: In the interests of protected species in accordance with policy 43 of the County Durham Plan and part 15 of the NPPF.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses falling within Use Class B2 (Heavy Industry) B8 (Storage and Distribution), Class E(g) (ii) (Research and development of products or processes) and Class E(g) (iii) Industrial processes of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

17. 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, are protected by the erection of fencing, placed as indicated on the plan approved under condition 9 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.

18. Each individual phase as approved under condition 3 shall not be occupied until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

19. Each individual phase as approved under condition 3 shall not be occupied until, details of the surface treatment and construction of all hardsurfaced areas and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

20. Each individual phase as approved under condition 3 shall be not be occupied until details of all cycle storage compliant with the Council's Parking and Accessibility Standards, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail and the approved provision shall be retained for the storage of cycles at all times for the duration of the use hereby approved.

Reason: To encourage sustainable transport modes of travel in accordance with policy 21 of the County Durham Plan and Part 9 of the NPPF.

21. Each individual phase as approved under condition 3 shall be not be occupied until details of bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 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.

# BACKGROUND PAPERS

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

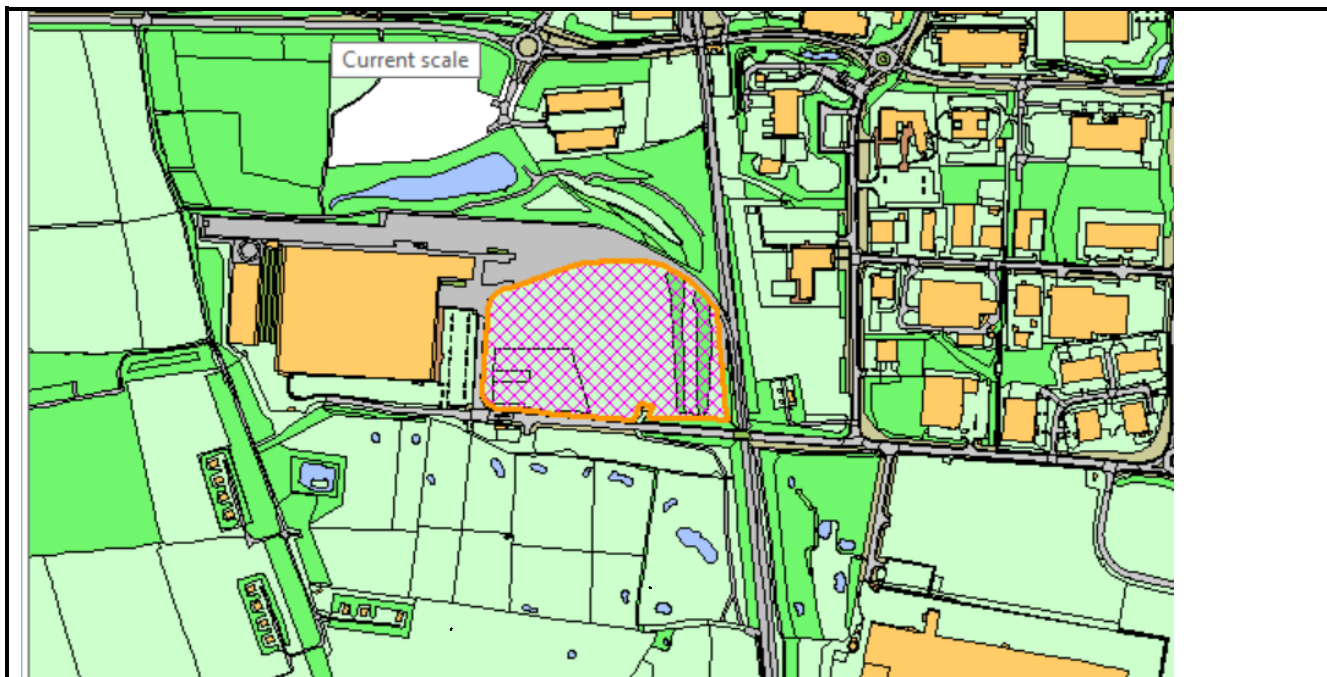
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Parking and Accessibility Supplementary Planning Document 2023

Statutory, internal and public consultation responses



## Planning Services

Erection of industrial buildings including ancillary office space together with associated works at Plot 3B Merchant Park  
Millennium Way, Aycliffe Business Park  
DL5 6UG  
Application Reference: DM/23/02905/FPA

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**Date:** February 2024

**Scale** NTS