



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/24/02829/VOC
<b>FULL APPLICATION DESCRIPTION:</b>	Variation of Conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>SITE ADDRESS:</b>	Plot D, Land At Aykley Heads, Framwellgate Peth, Durham DH1 5UQ
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Callum Harvey Senior Planning Officer Tel. 07393 469 380 <a href="mailto:Callum.Harvey@durham.gov.uk">Callum.Harvey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The site forms part of a larger area of the city known as Aykley Heads to the north-west of the city centre. The area can be informally defined as the western boundary forming the B6532 (Framwellgate Peth), its eastern edge being defined by the East Coast Mainline, and the northern boundary forming the southern edge of Newton Hall and the southern edge of Framwellgate Moor. This wider area contains a variety of land uses, but can be broadly characterised by parkland and landscaping on the eastern and southern extent (including the former DLI Museum and Car Park, and Aykley Wood Nature Reserve), with County Hall and associated car parks and infrastructure located in the central and western area, and with a mix of commercial developments to the north and east. In a broadly central location is Durham Constabulary Headquarters and an area known as Aykley Heads Recreation Ground.

At the farthest northern extent lie Durham Trinity School and the Aykley Woods residential development.

2. The application site itself comprises a smaller part of the wider area, amounting 15.15ha, which broadly comprises County Hall and its associated car parks and infrastructure, woodland and parkland that immediately surrounds County Hall, currently disused sports facilities located to the west of Durham Constabulary Headquarters, and an area of previously developed land to the west of the Salvus House which has most recently been used as informal car parking.
3. Access to the site is presently primarily gained from the west from Frawellgate Peth using the existing entrance to County Hall, and from the north via the Aykley Heads access road that presently serves the County Hall staff car park, Aykley Heads Business Centre, Liddon Court, Salvus House, Durham Constabulary HQ, Durham Trinity School and residential development. There are further pedestrian accesses around the perimeter of the site, many on existing paths through the wooded parkland. Although there are many such paths, none are identified as Public Rights of Way on the Definitive Map.
4. A relatively small element of the southernmost part of the site lies within Durham City Centre Conservation Area, with the northern edge of the Conservation Area abutting the site boundary in other locations. The site itself hosts no listed buildings, however the Grade II\* building that currently hosts the Council's Registry Office is located within 100m of the north western extent of the application site, as are the Grade II listed gate piers and walls to the north west of County Hall, and Dryburn House (Grade II). The currently dismantled Grade II listed Police Communications Tower was formerly located on a site now occupied by the Aykley Woods housing development, but is currently being stored to south of Durham Constabulary HQ. Other listed buildings within 1km of the site include Marquess of Granby Public House (Grade II), Western Lodge and Grey Lodge (Grade II), Low Dryburn Farmhouse (Grade II), Church of St Cuthbert (Grade II), the Obelisk (Grade II), The Grey Tower (Grade II), Fram Well Head (Grade II), Crook Hall (Grade I), and a boundary stone to the north of the Obelisk (Grade II). Groups of additional listed buildings are located throughout the City Centre, with concentrations on Claypath, Old Elvet, Saddler Street, South Street, South Bailey, Church Street and Hallgarth Street .
5. In particular, the peninsula also includes a number of Grade I listed buildings. The majority of the application site also lies within the inner setting of the UNESCO Durham Cathedral and Castle World Heritage Site.
6. The application site generally lies adjacent, but outside of an Area of High Landscape Value, although small areas do fall within the AHLV boundary. There are no statutory or locally designated ecological sites located within the application site, however a Local Wildlife Site at Aykley Vale lies within approximately 350m of the south west of the site, and Hopper's Wood, an area of Ancient Woodland and Local Wildlife Site lies approximately 580m to the east. Other Local Wildlife Sites lie further afield at Bearpark Bogs (approx. 1.1km), Framwellgate Moor Carrs (approx. 1.2km), Low Newton Junction (approx. 1.5km), The Scroggs (approx. 1.6km), and Frankland and Kepier Woods (approx. 1.6km).
7. In terms of other constraints, the site falls within County Durham Plan Mineral Safeguarding Areas in relation to a Coal, Surface Mined Coal, and Glacial Sand and Gravel, and is within a Coal Mining Low Risk Area in relation to historic mine workings.

Durham City Centre Air Quality Management Area is situated approximately 560m to the south east of the site. The site lies wholly within Environment Agency Flood Zone 1, which is the area at least risk of fluvial flooding. County Hall is located at the southwestern edge of the Aykley Heads site, on what is now known as Plot A, which is an example of mid-20th Century modernist civic design in concrete and sandstone, which is considered to be a non-designated heritage asset. Corten House is located at Plot C, a recently constructed and occupied three storey office building.

8. In January 2021, planning permission was granted for the following development at this site:

*“Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure.”*

9. The above consent has since been implemented through the construction and occupation of a three storey office building at Plot C, known as Corten House.
10. The current application seeks to make amendments to the hybrid application, focused on Plot D within the wider site. Plot D is located to the south of Salvus House on Aykley Heads Way. Plot E is a vacant parcel of land located to the east of Plot D. Plot C, also known as Corten House, is located to the northwest adjacent to Salvus House. Plots A and B are the existing County Hall site and the adjacent car parking area, both of which are to the southwest of Plot D.
11. Plot D is well screened from vantage points to the west and east along public footpaths by well-established trees and scrub, though with some viewpoints through breaks in the tree lines. Whilst these routes are not formal public rights of way, they form a wider network of footpaths and trails across the wider Aykley Heads site which see regular use by the public.
12. The nearest residential properties from Plot D are sited at Straughan Crescent, approximately 120m northeast of the main part of the site, and 60m northeast of the access onto Aykley Heads Way.
13. There are no designated heritage assets within Plot D. The Durham Castle and Cathedral World Heritage Site (WHS) is approximately 1.4km to the southeast of Plot D. Plot D is within the designated WHS Inner Setting. Durham Conservation Area is approximately 300m to the south of Plot D.
14. The Grade II\* listed building known as Aykley Heads is located approximately 180m to the west of Plot D. The former location of the Grade II listed County Police Communication Tower is approximately 170m to the northeast of Plot D. At the time of writing, the tower is in temporary outdoor storage in another location. The nearest Scheduled Monument is Maiden Bower’s Round Cairn located approximately 1km to the southwest of Plot D. Kepier Hospital is also located approximately 1.4km to the southeast of Plot D

15. The nearest entry on the Council's Local List of Historic Parks, Gardens and Designed Landscapes, as identified in the County Durham Plan, is Wharton Park located approximately 0.6km south of Plot D
16. There are no landscape designations with Plot D, though there is an Area of Higher Landscape Value (AHLV), as identified on the County Durham Plan Policy Map, approximately 100m to the southeast and approximately 280m to the north of Plot D.
17. In respect of ecological designations, there are none within Plot D. Approximately 540m to the northeast is a Local Wildlife Site known as Hopper's Wood, which is also an Ancient and Semi-Natural Woodland.
18. In respect of identified watercourses, the River Wear is located approximately 900m to the southeast of Plot D.
19. Ponds are located to the west, east and south of County Hall, the nearest being approximately 200m to the south of Plot D.
20. In respect of fluvial (surface water following rainfall) flooding, the nearest Surface Water Flood Area, as identified in the County's Strategic Flood Risk Assessment, is immediately north of Salvus House, approximately 30m to the north of Plot D. This is identified as a High Risk Area, therefore that area has a 3.3% chance of flooding happening in any given year.
21. In respect of fluvial (river) flooding, Plot D falls within Flood Zone 1 as defined by the Environment Agency.
22. Plot D falls within the Surface Mined Coal Resource Area as identified on the County Durham Local Plan Policy Map, and also falls within the Development Low Risk Area as identified by the Coal Authority. There are no mine entries within or adjacent to Plot D, with the nearest located approximately 520m to the southeast, near the railway line.

## The Proposal

23. Permission is sought through a Section 73 planning application to vary the previous hybrid planning permission, which includes the extant outline element for 2 and 3 storey office buildings on Plot D. The proposed amendments seeks approval to vary the approved parameters plan to allow the erection of a building to be used as a data centre and associated works. The approved parameters plan for Plot D indicated a total maximum permitted Gross External Area of 3,300 sq.m, while setting out building heights of 2 and 3 storeys, in different blocks. This application proposes to update the proposed parameter plan for Plot D, setting a maximum Gross External Area floorspace for the Data Centre is approximately 4,332 sq.m and a blanket building height of 3 storey. A separate Reserved Matters application has been submitted seeking permission for the detailed design of the proposal, reference: DM/24/02888/RM.
24. As highlighted above, the previous hybrid planning application granted outline planning permission on Plot D granted for 3 office buildings and an ancillary kiosk building, within what was Use Class B1. Under relevant legislation Use Class B1 was split into three categories:
  - Office other than a use within Class A2;

- Research and development of products or processes; and
  - For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area).
25. A Data Centre would fall under 'Research and development of products or processes' and would therefore have fallen under Use Class B1. However, following changes to Legislation in 2020, Use Class B1 was replaced with the new Use Class E. A Data Centre would now fall under Use Class E(g)(ii). The current application therefore seeks to update the Use Class of Plot D to reflect that change in legislation.
26. The original grant of planning permission for the Aykley Heads redevelopment (DM/20/01846/FPA) was considered Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations and was accompanied by an Environmental Statement (ES). A variation of condition or section 73 application (as submitted here) is defined as a "subsequent application" in those regulations and it is necessary to consider whether any further information and thereby update of the previous ES is needed as a result. In this instance the scope of the amendments are such that it is considered that the previous ES submissions provide adequate information to inform on the decision. Nevertheless, this report has taken into account the information contained in all previous ES submissions and matters arising from statutory consultations and other responses.
27. This application is being referred to the County Planning Committee following a call-in request by the City of Durham Parish Council, and confirmation on their intent to speak on the application.

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## **PLANNING HISTORY**

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28. DM/15/01548/FPA: - Erection of two storey office building with associated access, parking and landscaping. – Approved October 2015
29. DM/20/01846/FPA: - Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure. – Approved January 2021
30. DRC/21/00075: - Part discharge of Conditions 6 (site investigation/contamination), 7 (remediation), 8 (archaeological assessment) and 10 (ecological assessment) insofar as they relate to Plot C, and discharge of Conditions 13 (construction management plan) and 14 (tree protection) pursuant to planning permission DM/20/01846/FPA. – Approved September 2021
31. DM/23/03110/DRC: - Discharge of Condition 20 (external lighting) pursuant to DM/20/01846/FPA – Approved November 2023

32. SCR/24/00013: - Request for Screening Opinion in respect of a Reserved Matters submission for the development of a Data Centre at Plot D of the Aykley Heads Masterplan, pursuant to Hybrid Planning Permission DM/20/01846/FPA. – EIA Not Required
33. SCR/24/00014: - Request for a Screening Opinion in respect of a minor-material amendment (Section 73) application seeking to vary conditions 1, 2, 5 and 10 of Hybrid Planning Permission DM/20/01846/FPA. – EIA Not Required
34. DM/24/02830/DRC: - Discharge of Condition 8 (Archaeology) pursuant to consent DM/20/01846/FPA in relation to Plot D only (Amended Description 19/12/2024). – Approved December 2024
35. DM/24/02888/RM: - Reserved Matters submission for the matters of Appearance, Landscaping, Layout and Scale pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D. – Pending Consideration

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## **PLANNING POLICIES**

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### **NATIONAL POLICY**

36. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
37. *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.
38. *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.
39. *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.
40. *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.

41. *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.
42. *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.
43. *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.
44. *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.
45. *NPPF Part 15 – 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, site of biodiversity or 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.
46. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

47. 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. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning

application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### County Durham Plan (2020)

48. *Policy 1 – Quantity of New Development.* States that 300 hectares of strategic and general employment land for office, industrial and warehousing purposes are proposed in order to meet the needs and aspirations of present and future residents of the County, and to deliver a thriving economy.
49. *Policy 2 – Employment Land.* Establishes allocated land for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses.
50. *Policy 3 - Aykley Heads.* States that in order to provide a high-quality employment location to contribute to the delivery of the new and better jobs which Durham City and County Durham need, land at Aykley Heads, as shown on the policies map, is allocated as a Strategic Employment Site. The development of this site will have regard to the provision and timing of the infrastructure necessary to support it. The development of the site will reflect a number of principles of development relating to job creation, green infrastructure, sustainable design and transport.
51. *Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation.* Sets out broad support for new university facilities including academic, residential, cultural floor space and other complimentary uses. The Policy Sets out a broad range of environmental requirements that such developments are required to meet.
52. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
53. *Policy 22 - Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
54. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
55. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure



network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals, and advice in regard to public rights of way.

56. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
57. *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.
58. *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.
59. *Policy 33 - Renewable and Low Carbon Energy –* Supports renewable and low carbon energy development in appropriate locations. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings.
60. *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.
61. *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.

62. *Policy 39 – Landscape.* States that 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
63. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
64. *Policy 41 – Biodiversity and Geodiversity.* States that proposals 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.
65. *Policy 43 – Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
66. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
67. *Policy 45 - Durham Castle and Cathedral World Heritage Site.* Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exceptional circumstances.
68. *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 nonminerals development taking place without unacceptable adverse impact, the nonminerals 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.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:*

<http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

### Supplementary Planning Documents

69. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
70. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
71. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: [Development Plan supporting documents - Durham County Council](#)*

### City of Durham Neighbourhood Plan (2021)

72. *Policy S1 - Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions.* Sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
73. *Policy S2 - The Requirement for Masterplans or Other Design and Development Frameworks.* States that the preparation of a masterplan or other appropriate design and development framework for all major development sites is supported prior to consideration of a planning application for the site. States that masterplans should address the following issues in so far as they are relevant to the particular development site:
  - a) to respect the scarcity and quality of land by ensuring that individual development proposals contribute satisfactorily to the total jobs intended to be created on employment sites; and
  - b) to demonstrate that development proposals add distinction to the City's landscape and townscape within the site through adherence to the masterplan's physical design guidelines; and
  - c) to minimise any impact on views and setting of the World Heritage site and to avoid harm to the amenities of neighbouring areas, particularly in Conservation Areas; and

d) to reduce the impact of travel by residents, employees and visitors by improving the provision for walking, cycling and public transport and by limited provision of car parking carried out in accordance with an agreed travel plan; and  
e) to provide high levels of permeability within, to and from the site through safe and attractive pedestrian and cycle routes: and  
f) to contribute to well-being both within and adjacent to the site by the provision and maintenance of green infrastructure for the enjoyment of residents, employees and the public, ensuring access for all.

74. *Policy H1 - Protection and Enhancement of the World Heritage Site.* Requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
75. *Policy H2 - The Conservation Areas.* Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
76. *Policy H3 - Our Neighbourhood Outside the Conservation Areas.* States that development proposals within the Neighbourhood Plan area, though outside the Conservation Areas, should, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood Plan Area as a whole. States that development proposals outside the Conservation Areas should take into account, and meet where appropriate and relevant to the area to which the proposal relates, by sustaining and making a positive contribution to the character and distinctiveness of the area; and avoiding the loss of open space and public realm that contributes to the character and appearance of the surrounding area; and using high quality design which contributes to the quality and character of the area; and having scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area; and using materials and finishes appropriate to the context and setting of the area.
77. *Policy G1 - Protecting and Enhancing Green and Blue Infrastructure.* Seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The

policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.

78. *Policy G2 – Designation of Local Green Spaces* – Sets out that areas on the proposals map are designated as Local Green Space where inappropriate development should not be approved except in very special circumstances, including at the Durham Light Infantry (DLI) Grounds.
79. *Policy G3 - Creation of the Emerald Network*. States that an Emerald Network is identified, as shown on Proposals Map 3 of the Neighbourhood Plan, which comprises sites of wildlife interest within the Neighbourhood Plan Area linked by public rights of way or pavements. Proposals for the purpose of improving the biodiversity of sites in the Emerald Network will be supported. Proposals for the purpose of improving the amenity of sites in the Emerald Network, or for improving existing footpaths within or between these sites, or providing additional footpaths within or between these sites, particularly for improving accessibility for people with a disability, will be supported as long as they cause no significant harm to the biodiversity of these sites.
80. *Policy E1 - The Aykley Heads Business Park*. States that proposals for development of B1a and B1b uses will be supported at the Aykley Heads site shown in Proposals Map 5, where these are in accordance with a masterplan or other design and development framework prepared under Policy S2.
81. *Policy T1 Sustainable Transport Accessibility and Design*. Seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:*

<http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **EXTERNAL CONSULTEE RESPONSES:**

82. *City of Durham Parish Council -*

Initial comments dated 25<sup>th</sup> November 2024

83. The Parish Council note the proposed variations are significantly different from the carefully crafted parameters for Plot D set out in the approved Aykley Heads Masterplan and consented application DM/20/01846/FPA. Whilst masterplans cannot be rigidly applied and circumstances have changed considerably since 2020, the principles set out in the Aykley Heads Masterplan are too important to be set aside lightly, not only in relation to Plot D but indeed for the whole development of Aykley Heads. As a result of this important concern, they wish this application to be determined by the County Planning Committee at the earliest possible opportunity thereby offering a wider opportunity for representations from interested parties.

84. Specifically, Plot D is described in the consented scheme as being split into natural compartments by woodland belts that should be retained. Each compartment is prescribed to have one or two buildings each of no more than 1,000 square metres floorspace, with a total for Plot D of a maximum footprint of 3,000 square metres in buildings of no more than 3 storeys. The surrounding planned landscape is described as being of meadow character and woodlands. In the event, Plot D is shown in the consented masterplan Phase 2 as having a single building of 3,000 square metres gross floor area over three floors, so a footprint of just 1,000 square metres.
85. The proposed Variations of Conditions completely transgress those meticulous requirements: instead of a building with a footprint of 1,000 square metres there would be a building with a footprint of 4,332 square metres. It isn't slightly bigger than consented, it is over four times bigger in footprint terms and even more in volume terms.
86. The landscape and wider views implications of this very significant departure from the Masterplan and consented scheme are presented in the accompanying 'Landscape and visual impact assessment'. This states in paragraph 3.2.1 that "the consented development for the application site comprises an illustrative outline concept design for a 3,000 square metres commercial building." It fails to say that this is over three floors, and that the footprint of the consented building is just 1,000 square metres. All the conclusions that follow from the application's assessment document about the visual impact of a 15m high building of 4,332 square metres footprint are thereby very questionable indeed, given that it is so very different to what has been most carefully prescribed in the consented scheme.
87. The consented development scheme lays down clear criteria and limits for retaining the landscape qualities of the Aykley Heads strategic employment site and ensuring that buildings are of an appropriate size, disposition and design. Unless all those approved criteria are now to be treated as bad work and redundant there should be no wholesale abandonment of them. To do so invites the very cynicism that so afflicts the planning system in much of the public mind. Accordingly, the Parish Council considers that a true landscape and visual impact assessment is crucial to a judgement on the acceptability of the VOC application. On the basis of the assessment currently available, the Parish Council has sufficient concerns to believe that the County Council should not approve the application before it at present.
88. The proposed amendment to condition 2 reflects amendments to the Use Classes Order. The Parish Council does not object to the revisions proposed. However, it notes that most data centres are in Use Class B.8 - Warehouses, a term which resonates with the proposed huge building with blank high walls. This proposed use and design of the building is thus incompatible with the consented B1 (now E(ii)g) Use Class, being very different in nature and appearance to the high-quality office building permitted and illustrated in the consented scheme.
89. Condition 5 requires a travel plan to be submitted for each plot/phase of development. The application seeks an amendment to this condition, stating that Plot D does not require a travel plan, given the nature of the proposed data centre. Whilst the reasons for this are understood, the Parish Council has concerns that if this condition is varied and the development proposals change in the future, particularly if the data centre is not developed, then this could result in future development of Plot D not according with the requirements of the development plan, particularly County Durham Plan policy 21 and Durham City Neighbourhood Plan policy T1.

90. The application also seeks an amendment to condition 10 which requires development to be carried out in accordance with the mitigation outlined within the approved ecological appraisal. It is noted that the applicant has commissioned updated ecological appraisal documents. The Parish Council therefore concludes that if the technical reports are accepted as being robust by the County Council Ecology Team, it has no objection to this amendment.
91. In conclusion, the Parish Council hopes that these comments assist in the progress of this application, specifically that a true landscape and visual impact assessment is needed to compare the proposed very large single warehouse-type building with the Masterplan's and the consented scheme's much smaller unit. To help and, as noted in paragraph 3 of this letter, we wish to call this application to determination by the County Planning Committee to create wider public engagement in this important project.

#### Updated comments dated 16.12.2024

92. We are writing this follow-up letter in the light of our recent meeting with the University's representatives and the new document L009 that has been provided in response to our initial representations dated 25 November 2024.
93. The Parish Council fully acknowledges and supports the increasing significance of Durham University as a world-class centre of learning and research, which has an important role in both fostering and creating economic growth. It is considered that the principle of the development of a data centre in Durham City has the potential to bring considerable benefits, not only to the City and the wider County but also the region.
94. The Parish Council believes that it is very important that the reasoning for making exceptions for this development at Aykley Heads is expressed in the public domain. There is great value in ensuring transparency and understanding about this case, particularly so that other proposals for development on the Aykley Heads strategic employment site do not attempt to justify inappropriate developments there.
95. That principle arises for the Parish Council on two grounds. The first is that what is being proposed for the data centre is in design terms more like a large warehouse than the illustrations of high quality office developments illustrated in the consented scheme. The proposed footprint seemed to be over four times greater than in the approved masterplan for Plot D. The number of jobs in the proposed data centre is between 7 and 15 jobs instead of the anticipated 200 to 300 on Plot D. The Parish Council believes that this proposal must not be used as a precedent for what constitutes acceptable designs and job densities on the Aykley Heads Strategic Employment Site and indeed for Plot D itself if the data centre proposal does not proceed.
96. The second main ground for ensuring public openness and understanding is regarding the resulting heat generated from the data centre and how this will be used. The submitted Planning Statement, Sustainability Statement and Design and Access Statement refer to maximising the use of waste heat within the development and suggest that the development will be heated through waste heat from the cooling system. Recently, a detailed technical note was provided to the Parish Council by the University, and a subsequent meeting with University representatives very helpfully explained how heat generated by the data centre would be delivered into a district

heating system if such a system is installed at Aykley Heads in future. The Parish Council does not claim to have the technical expertise necessary to adequately assess this additional information but welcomes the stated intentions.

97. Accordingly, the Parish Council considers that the level of heat generated from the development and how this is going to be captured/reused, in particular whether consideration has been given to capturing the heat and use it for other parts of the site, are important matters that needs to be covered through an appropriately worded planning condition. It remains the case that, in the absence of a district heating system, there will be waste heat expelled into the atmosphere, and the Parish Council would therefore wish for this to be minimised (see also point (c) below).
98. The new document L009 sets out on behalf of both applicants - Durham University and Durham County Council - responses to consultee comments so far received. Most of the Parish Council's representations made on 25 November are addressed to some extent but there are three matters that remain unresolved:
99. (a) Reference is made to justifying the very low number of jobs on site but the justification is missing from L009 unfortunately. This is important for sustaining the very purpose of the Aykley Heads Strategic Employment Site, namely for the whole site ever achieving the hoped for 4,000 jobs.
100. (b) L009 explains that the building parameters for Plot D would have allowed three buildings each of 1,000 square metres footprint and argues that this amounts to a total of 3,000 square metres footprint and so would remain within the maximum parameter of 3,300 square metres. It declares that "As such, the proposed data centre building with a proposed total footprint of 3,845sqm (with an additional footprint of 487sqm for the associated external generator yard) merely seeks to increase the maximum GEA floorspace parameter by 1,032sqm which is minor when viewed within the context of the wider scheme as a whole." The Parish Council points out that the parameters for Plot D are for separate units at least 15 metres apart and with trees retained between each unit so as to maintain the parkland quality for which Aykley Heads is promoted.
101. (c) L1009 lacks complete details in relation to capturing and reusing waste heat. There is simply a schematic diagram of cooling systems, no location for the necessary pumps, and no information on whether external modifications will be needed.
102. It is hoped that these comments will inform the decisions on the Reserved Matter and Variation of Conditions planning applications. We are glad that both applications will be determined by the County Planning Committee so as to create wider public engagement in this important project.
103. *Active Travel England* – Have responded with no comment.
104. *Coal Authority* – Have responded with no comment.
105. *Environment Agency* – Have not responded.
106. *Historic England* – Have responded with no comment.
107. *National Highways* – Have responded with no objection. They recommend the previously imposed condition securing a Construction Management Plan be re-imposed to ensure there would be no impact on the Strategic Road Network.



108. *Natural England* – Have not responded.
109. *Northumbrian Water* – Have responded with no comment.

#### **INTERNAL CONSULTEE RESPONSES:**

110. *Access and Rights of Way* – Advise that no recorded public rights of way are affected by this proposal.
111. *DCC Active Travel* – Have not responded.
112. *DCC Sustainable Travel* – Advise that the submitted updated Framework Travel Plan for the wider Aykley Heads site is acceptable. Also advise that no further submission is required for Plot D.
113. *Design and Conservation* – Have provided comments on both the current Section 73 application and the current Reserved Matters application for the proposal at Plot D. They advise that the impact of the proposal on the setting of the Durham City Conservation Area and World Heritage Site is assessed as negligible when compared to the outline approved scheme; neither better nor worse. The difference between the current proposal and the previously approved scheme is considered minor, and only likely to be perceived at site level. They note the woodland immediately to the south of the site prevents intervisibility between the proposed development and the aforementioned assets.
114. They note that the design, appearance and scale of the data centre follows the requirements of the proposed end use. With form following function. They note the applicant has endeavoured to reduce impact and assimilate this development into the site as best as possible. They note the applicant has responded positively to design advice from officers in respect of reduction in associated infrastructure, appropriate materiality, and landscape mitigation. Whilst being a different architectural form, scale, and language to what had been previously consented, they advise the impact of the development on the wider development site will be relatively localised due to the tree enclosed nature of the site and proposed landscape mitigation. They advise that how this form of development sits within the context of the wider masterplan for Aykley Heads, and within the context of existing development, is a matter of judgement for the case officer.
115. *Drainage and Coastal Protection* – Advise that the following further information is required in relation to surface water management:
- Basin construction detail, side slopes should be no greater than 1 in 5;
  - Identify by annotation or key where the porous asphalt is, the document refers to ‘in places’;
  - Sub-grade drainage run layout is required, showing connection to surface water drain running under the asphalt area;
  - Detail of how the access road drains to the swale, is it filter strip, kerb dropouts, or gullies;
  - Full retention separator locations and manufacturers data for pollution mitigation in accordance with high level risk as identified in table 26.2 CIRIA Guidance.

116. *Ecology* – Advise that they have no concerns with this Section 73 application. They advise that no impacts on protected species are expected. Clarity will be required as to how the development achieves a Biodiversity Net Gain through on-site and off-site delivery, and meets the recommendations regarding species, notably birds.
117. *Energy and Sustainability* – Have not responded.
118. *Environmental Health (Air Quality)* – Advise that further information is required following receipt of an Air Quality Assessment and a Construction Management Plan.
119. *Environmental Health (Contamination)* – No objection subject to previous conditions being re-imposed.
120. *Environmental Health (Nuisance)* – Advise that further information is required following receipt of a Construction Management Plan.
121. *Highways* – Advise that having considered the submitted Transport Assessment, the proposed Section 73 application is acceptable from the perspective of the Local Highway Authority.
122. *Landscape* – Note that the application is accompanied by a full AIA which concludes that there would be a significant loss arboriculturally which cannot be fully mitigated on-site. Officers note that some of this tree loss would have been unavoidable when Plot D were developed. However some of the proposed tree loss is specific to these proposals.
123. Due to the height and volume of the tree canopy to the south of this site, it is considered that the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape.
124. *Spatial Policy* – Advise that Policies 2 (Employment Land) and 3 (Aykley Heads) of the County Durham Plan are key considerations. They advise that the currently proposed data centre use does not conflict with the previously approved development of Plot D, and is acceptable in principle. They also advise that the increased floorspace is considered acceptable in principle, however the impact on this increase should be assessed in terms of relevant policies relating to Highways (Policy 21 Delivering Sustainable Transport), Design (Policy 29 Sustainable Design), Landscape (Policy 39 (Landscape) and Heritage (Policy 44 Historic Environment and Policy 45 Durham Castle and Cathedral World Heritage Site), as well as against the criteria in Policy 3.
125. They also advise that Policy E1 of the Durham Neighbourhood Plan relates to the Aykley Heads site. The policy states that proposals for development of B1a and B1b uses will be supported at the Aykley Heads site. Following the change in Use Classes it is considered that the principle of the proposed data centre is in accordance with the policy. Other relevant Neighbourhood Plan Policies include Policies S1, S2, H1, H2, H3 and T1.
126. *Arboricultural Officer* – Have no objection provided that all tree protection measures remain in place until construction is completed.

**PUBLIC RESPONSES:**

127. The application has been advertised in the local press, by site notice and individual notification letters sent to neighbouring properties.
128. A total of 2 letters of objection have been received. Comments from the City of Durham Parish Council have been logged as an objection, and are set out earlier in this report in full.
129. Comments from The City of Durham Trust have also been logged as an objection. The Trust raise concerns in respect of the low quality design, loss of trees, and lack of detail on how the proposal would reduce energy use, along with the proposed loss of direct jobs, and the deviation from the outline approval for Plot D and the wider masterplan for Aykley Heads. Whilst the Trust is generally supportive of the University's ambitions for a combined data centre and supercomputer, it sees no specific justification for why this site, rather than another site more closely associated with the University and on its estate, should be used. The Trust consider the proposal conflicts with Policies 3, 29 and 33 of the County Durham Plan, and with Policies S1 and E3 of the City of Durham Neighbourhood Plan.

**ELECTED MEMBERS:**

130. No comments received from Elected Members.

**APPLICANT'S STATEMENT:**

131. This application proposes variations to conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D of the Aykley Heads Masterplan.
132. The proposed development is for the construction of a Data Centre (Use Class E(g)(ii)) on Plot D of the Aykley Heads Masterplan. The development will replace underutilised brownfield land with a facility comprising research-focused data halls, ancillary office space, and additional infrastructure, integral to the growth of Durham University's advanced research computing potential.
133. Overall, developing a Data Centre on Plot D is acceptable in principle as it falls under the use class permitted via the outline planning permission (E(g)), however, this S73 application seeks to amend the currently approved building maximum GEA floorspace parameter for Plot D in order to accommodate the required Data Centre by increasing the consented GEA to 3,845 sqm. The application seeks to amend Condition 1 to update the list of approved plans and reports. Additionally, this application seeks to amend Condition 2 to reflect the updated use classes. It also seeks to amend Condition 5 to exclude Plot D, as the proposed use will not require a Travel Plan. Lastly, the application seeks to amend Condition 10 to reference the updated ecology surveys for Plot D.
134. In accordance with S73 of the TCPA, the proposed amendments to planning permission DM/20/01846/FPA are accepted as minor material amendments when viewed within the context of the wider scheme.
135. The proposed Data Centre will deliver significant social, economic, and environmental benefits. Socially, it will enhance Durham University's and the City's position as a

global leader in research, support education and skills development in technology, and inspire young people through regional engagement activities. Economically, the development will generate new jobs, attract businesses to the region, and equip the local workforce with advanced skills, contributing greatly to growth in the local and wider North-East economy plus act as a catalyst for market exposure on Aykley Heads. Environmentally, the development targets a BREEAM 'Very Good' rating and incorporates sustainable design features such as highly efficient lighting, water, heating and cooling systems, and the use of materials with a low lifecycle environmental impact and embodied energy. The proposal also facilitates connection to any future potential district heating system, and offers off-site biodiversity net gains through woodland enhancement. These benefits align with the NPPF and County Durham Plan, delivering a forward-looking, sustainable project with wide reaching benefits.

136. We respectfully request approval for this application without delay, enabling the delivery of the Data Centre and its significant and wide-reaching benefits, which is subject to the current reserved matters application under reference DM/24/02888/RM.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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137. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those the previous permission was subject to or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
138. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
139. Since the grant of the original planning permission DM/20/01846/FPA, the Council has adopted a number of Supplementary Planning Documents (SPD's), the Durham City Neighbourhood Plan has been formally adopted, updated versions of the NPPF have also been published. The implications of these policy changes are addressed where relevant below.

### Principle of the Development

140. Hybrid planning permission DM/20/01846/FPA established the principle of the development of the site for the formation of a business park (Class B1) with supporting retail and leisure uses comprising uses. This proposal though a S.73 application seeks to vary the parameters plan for Plot D to allow the erection of a data centre, for which a separate reserved matters approval is also being sought.

141. At the time of granting consent for the wider Aykley Heads site in January 2021, the use for office buildings within Plot D would have fallen under Use Class B1a. Following changes to Legislation which updated the Planning Use Classes, office buildings would now fall under Use Class E(g)(i). The currently proposed Data Centre would fall under Use Class E(g)(ii).
142. Changes of use within a Use Class are not 'development', and therefore do not require planning permission. Therefore, under the current Use Classes, planning permission is not required to change the Use Class of a building or development from an Office building [Use Class E(g)(i)] to a Data Centre building [Use Class E(g)(ii)]. This is an important material consideration when assessing the current proposal.
143. The proposed Data Centre use, within Use Class E, is also considered an employment land use. The Council's Corporate Property and Land team (CPAL), who manage the marketing and development of the Aykley Heads site, advise that they are currently in the final stages of securing a partner to develop out Aykley Heads, which would see the circa 400,000sq.m. of master planned floorspace be developed over the next 10 years. They consider that Plot D, which is part of the Aykley Heads consent, if developed for a data centre would bring significant positive benefits, and the proposal has their full support as it will be an attractor to further development at Aykley Heads. They also advise that the current proposal for a data centre is compatible with the Aykley Heads masterplan, and that the Aykley Heads Innovation District would benefit enormously from the data centre as it could support longer term job creation.
144. The recently updated NPPF lends support to the principle of data centres, with Paragraph 86 requiring Local Plan Policies to pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. Paragraph 87 of the NPPF then states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections).
145. The proposed Data Centre use would lead to the creation of 15 direct jobs. This would be a notable reduction compared to the direct jobs that could have been expected from the extant outline consent for office space on this site, as highlighted by objections. However, as above both uses fall under the same use class and are therefore consistent with the masterplan, the loss of potential jobs would not be a reasonable reason to resist granting permission for the current proposal. The lack of a need for planning permission to change the use of an office building to a data centre is also an important consideration.
146. The applicant, Durham University, submits that their existing data centre is too small to accommodate the currently proposed supercomputer, leading to the need to construct a new facility. It is submitted that the University has explored a number of sites for housing this Data Centre, and Plot D at Aykley Heads was considered most suitable because there were no suitable sites within the University's Estate, or elsewhere within the City. It is also advised that the proposed Data Centre represents an investment of circa £250million, and has the potential to be hugely beneficial, not just to the University, but to the City and wider region, putting Durham at the forefront

of technological innovation, research and advancement. The applicant also suggests that the development would lead to indirect jobs in the wider County.

147. It is recognised that a Data Centre would provide a facility to assist with research and development and could form a catalyst for future development elsewhere on the Aykley Heads site, elsewhere in the City, and elsewhere in the County, as future developments could be drawn to the area as a result of the current proposal. Moderate weight should be afforded to this in the planning balance.
148. As set out in the above assessment, planning permission is not required for a change of use from an Office building to a Data Centre building. This is an important material consideration when assessing the current proposal. It is considered that the proposed data centre use would be compatible with, and would not conflict with, the redevelopment of the wider Aykley Heads site. The proposal therefore does not conflict with the Policies 2 or 3 of the County Durham Plan (the CDP), or with Policies S1, S2 or E1 of the City of Durham Neighbourhood Plan (the NP) in this respect.
149. The applicant submits that Plot D at Aykley Heads was considered the most suitable location to provide for their need for a Data Centre because there were no suitable sites within the University's Estate, or elsewhere within the City. The formation of a data centre would draw broad support from Policy 16 of the CDP which seeks to support University developments including complementary uses to the main academic operations.

#### Visual Impact

150. 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 are expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. CDP Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. 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. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided, this is further referenced in the Trees and Hedges SPD. Policies 44 and 45 seek to preserve heritage assets, including conservation areas and the setting of the World Heritage site.
151. The Durham City Neighbourhood Plan also seeks to safeguard important views partially in relation to heritage assets, promote high quality design and safeguard green space/infrastructure with specific regard to Aykley Heads Business Park.
152. In the determination of the original hybrid application, specific consideration was given to the impact of the development of Plot D in wider landscape, heritage and townscape views. It was noted that Plot D was an area of former bowling greens and associated soft landscaping. It was concluded that the development shown on the submitted plans would work within the framework of existing features and would not require removal of substantial areas of vegetation, although the extent to which this was realised would depend on detailed design at reserved matters stage. It was also concluded that while the development (based on the submitted parameter plans) would introduce built form

and would bring a notable change in character, it would nevertheless be likely to sit comfortably in this setting. Furthermore, the development of new buildings, with landscaped car parking and landscaped open space would be likely to have some beneficial effects in refreshing, and bringing supervision to, neglected and under-used areas. Taken in the round it was concluded that the effects of redevelopment would be likely to be neutral or beneficial depending on detailed design and development in Plot D would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation.

153. In respect of this application, objectors, including the Parish Council have raised concerns regarding the potential visual impact of the development, highlighting that the footprint of the current proposal is far greater than the footprint than that indicated on the approved parameters plan. It is suggested that revised landscape/visual impact assessments should be undertaken to establish the impact of the proposed changes.
154. It is noted that the original planning approval included an approved parameters plan for Plot D, this indicated a total maximum permitted Gross External Area floorspace of 3,300 sq.m, while setting out building heights of 2 and 3 storeys, in different blocks. This application proposes to update the proposed parameter plan for Plot D, setting a Gross External Area floorspace for the Data Centre is approximately 4,332 sq.m and a blanket building height of 3 storey. Whilst recognising that this a large increase in the potential maximum footprint of the built development within the plot, it is considered that a suitably designed and scaled building within these parameters (as indicated in the associated reserved matters application) could be sited within the plot without causing wider landscape, heritage or townscape harm.
155. This view is shared by the Council's Landscape Officer and the Council's Design and Conservation Officer. They both advise that due to the height and volume of the existing tree canopy to the south of this site, the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape and any impact on heritage assets (including the Durham City Conservation Area and World Heritage Site) over and above the original permission.
156. Given these views, which have been informed by work undertaken on the original planning application, it is considered that a revised assessment of the visual impacts of the changes of this element of the development is not required.
157. On balance, the indicative heights of the proposed building are considered acceptable in principle. The subsequent design, heritage and landscape amenity implications will be considered in detail during the assessment of the reserved matters under application DM/24/02888/RM. The development would accord with Policies 26, 29, 39, 44 and 45 of the County Durham Plan, Policies S1, S2, H1, H2, H3, G1, and E1 of the Durham City Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

#### Amenity of neighbouring land uses

158. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. CDNP Policies S1 and H3 require development to demonstrate a high level of design that harmonises with its context. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured,

whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

159. Salvus House, an existing office building, is located approximately 15m north of the site. Plot E of the wider Aykley Heads development, which benefits from an extant consent for office buildings, is located approximately 15m to the east of the current site at Plot D. To the south of Plot D is a dense tree line, to the west are drainage basins.
160. The nearest residential properties are at Straughan Crescent, approximately 120m northeast of the main part of the site, and 60m northeast of the access onto Aykley Heads Way.
161. The proposed changes to the parameter plan are not considered to alter the level of amenity that would be experienced by surrounding land users over and above the extant permission. The development would accord with Policies 3, 29 and 31 of the CDP, with Policies S1 and E1 of the NP, and Parts 12 and 15 of the NPPF.

#### Highway safety

162. The access arrangement from Aykley Heads Way to the north of the site has already been considered and approved under consent DM/20/02046/FPA.
163. The Highway Authority offer no objection to this current application. The car parking, cycle parking and electric vehicle charging provision would be considered during the assessment of the reserved matters under applications, taking into account the parking standards now imposed in the Parking and Accessibility SPD.
164. National Highways have been consulted and have no concerns provided that the previously imposed Construction Management Plan condition be re-imposed, in the interest of highway safety on the Strategic Road Network.
165. This application does seek to amend Condition 5 (Travel Plan) of the original consent DM/20/02046/FPA, to remove the requirement for a Travel Plan to be submitted to and approved by the Local Planning Authority prior to the first use of the proposed building at Plot D. This is to reflect the proposed Data Centre use, which would generate significantly fewer vehicle movements than the previously approved office buildings at Plot D.
166. The Council's Travel Plan officer has been consulted and have raised no concerns to this proposed amendment. However, to address concerns raised by the Parish Council and objectors, it is recommended that in the event that any resultant building is not used as a data centre the requirement to submit a travel plan would remain.
167. Overall subject to conditions, it is considered that the amendments to the parameter plan would not lead to an adverse impact on highway safety or reduce the sustainability credentials of the site in accordance with Policies 3 and 21 of the CDP, with Policies S1, E1 and T1 of the NP, and with Part 9 of the NPPF.

#### Ecology

168. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. CDNP Policy S1 seeks to protect biodiversity, whilst CDNP



Policy G1 states that proposals that enhance nature conservation will be supported. CDNP Policy G3 states that development proposals that would cause significant harm to the biodiversity of sites within the Emerald Network should be refused planning permission, unless the harm can be avoided, mitigated or compensated. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

169. The original application was informed by a suite of ecological surveys which informed an assessment on the likely impact of the development on ecological interest. It was concluded at the time that subject to mitigation measures, to include working practices, timings of works and the use of low level lighting the development would not have an adverse impact on protected species. It was however recognised that the demolition of County Hall at Plot A would require a licence from Natural England in respect of bats. No specific mitigation measures or constraints were identified in relation to Plot D, however an updated ecological survey has been submitted in support of this application.
170. The Council's Ecology officer has been consulted this current application and advised that the submitted reports and their subsequent conclusions are sound, and no objections are raised in relation to this Section 73 application. It is however advised that the updated Ecological Impact Assessment and Construction Environmental Management Plan should be updated as approved plans and compliance with the mitigation measures would be secured by an updated Condition 10.
171. The Council's Ecology officer has sought clarity as to how the development would achieve a Biodiversity Net Gain through on-site and off-site delivery. However, in line with the original approval, this detailed matter will be considered during the assessment of the reserved matters applications.
172. Overall it is considered that the proposed changes to the parameter plan to facilitate the formation of a data centre would not impact on the ecological interests of the site, and mitigation would be secured through an amendment to Condition 10. The development would therefore accord with Policies 3, 41 and 43 of the CDP, Policies S1 and G1 of the NP, or with the Part 15 of the NPPF.

#### Loss of Sports Facilities

173. The original Application recognised the loss of existing but currently unused sports facilities at Aykley Heads. These are identified as being the former bowling green, hockey pitch and tennis courts located in the vicinity of Plots D and E. In accordance with Policy 3(g) of the CDP a financial contribution to facilitate playing field re-provision in the catchment area was required, the bowling greens had previously been provided. However, as the council were both the applicant and the local planning authority, a S106 legal agreement could not be used as the mechanism through which to secure the financial contribution required by Policy 3.
174. Therefore, on approval the original application the financial contribution of £160,000 towards the re-provision of the existing hockey facilities and £140,000 towards the re-provision of the existing tennis facilities was paid and ringfenced to be utilised for the re-provision of sports pitches.
175. On this basis it was concluded that the development accorded with CDP Policies 3 and 26 of the CDP, as well as Part 8 of NPPF in that the lost facilities would be

ultimately replaced by equivalent or better provision. Given that the contribution has been paid the proposed amendments do not alter the conclusions reached in the original application.

### Updating Conditions

176. As the granting of this application would in effect provide a new permission, consideration needs to be given to the need and status of the conditions on the hybrid consent DM/20/01846/FPA which granted outline permission for the development of Plot D:

#### Conditions relating to the Aykley Heads site as a whole:

177. Condition 1 (Approved Plans) – To be amended as currently proposed.
178. Condition 2 (Floorspace and Use Classes) – To be amended to reflect updated Use Classes Following change in legislation.
179. Condition 3 (Change of Use Class Restriction) – No change.
180. Condition 4 (Working Hours) – No change.
181. Condition 5 (Travel Plan) – To be amended to reflect approval of the submitted updated Travel Plan, which covers the entire Aykley Heads development.
182. Condition 6 (Land Contamination) – To be amended to reflect approved details and part discharge in respect of Plot C under decision DRC/21/00075.
183. Condition 7 (Land Contamination Verification) – To be amended to reflect approved details and part discharge of condition in respect of Plot C under decision DRC/21/00075.
184. Condition 8 (Archaeology) – Update to reflect approved details in respect of Plot D only under decision DM/24/02830/DRC. Updated condition will still require details to be submitted in respect of Plots A, B and E.
185. Condition 9 (Archaeology Post Investigation Assessment) – Updated to still require details to be submitted in respect of Plots A, B, D and E.
186. Condition 10 (Ecology reports) – To be amended to reflect approved details and part discharge in respect of Plot C under decision DRC/21/00075, and to reflect currently submitted documents in relation to Plot D.
187. Condition 11 (Landscape Strategy, all Plots aside from Plot C) – No change

#### Conditions relating to Plot C only:

188. Condition 12 (Time Limit) – Remove as Plot C is now constructed and occupied.
189. Condition 13 (Construction Management Plan) – Remove as Plot C is now constructed and occupied.

190. Condition 14 (Tree Protection Measures) – Remove as Plot C is now constructed and occupied.
191. Condition 15 (Landscaping scheme) – To be discharged, Landscape Strategy Plot C Rev D drawing received under this application is acceptable.
192. Condition 16 (Travel Plan) – To be amended to reflect approval of the submitted Travel Plan, which covers the entire Aykley Heads development.
193. Condition 17 (Car Parking Management and Enforcement Plan) – Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.
194. Condition 18 (Cycle Parking) - Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.
195. Condition 19 (EV charging points) - Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.
196. Condition 20 (External Lighting) – Amend to reflect approved details and discharge of condition under decision DRC/21/00075.
197. Condition 21 (Biodiversity Net Gain) – Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.

#### Conditions relating to the remainder of the site excluding Plot C

198. Condition 22 (Time Limit for submission of Reserved Matters) – No change.
199. Condition 23 (Car Parking Management and Enforcement Plan) – No change.
200. Condition 24 (Approval of the Reserved Matters) – No change.
201. Condition 25 (Plot A Green Belt restriction) – No change.
202. Condition 26 (Sustainability Assessment) – No change.
203. Condition 27 (Secured by Design and Counter-Terrorism principles) – No change.
204. Condition 28 (Construction Management Plan) – Amended to exclude Plot D from being required to submit further details.
205. Condition 29 (Biodiversity Net Gain) – No change.
206. Condition 30 – (Surface Water and Foul Drainage) – Amended to exclude Plot D from being required to submit further details.

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## **CONCLUSION**

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207. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless

material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c).

208. This application seeks minor material amendments to a development which already has planning permission that establishes the principle of a mixed-use development of the nature proposed at the site. When determining a S73 variation of condition application the LPA should be considering only the question of the conditions subject to which planning permission should be granted, however, in approving the application a new planning permission for the development as a whole is granted.
209. The redevelopment of the Aykley heads site has been established with elements of the development constructed, a large portion of the site undeveloped with extant outline permission for predominantly office uses, with a range of supporting retail and leisure uses. The focus of the consideration of the application is on the impacts of the amendments to the planning permissions proposed and the compliance with relevant planning policy.
210. Given that a data centre falls within the same use class as an office, the development would be in accordance with the principles established in the original application. It should be noted that planning permission is not required for a change of use from an office building to a data centre building, as both uses fall within the same Use Class. Notwithstanding this, it is concluded that a data centre would remain compatible with the existing and proposed uses on the site, whilst also having the potential to operate as a catalyst for development on the wider site.
211. The acceptability of the application principally revolves around the changes to the proposed parameters plan to facilitate the development. It is concluded that due to the height and volume of the existing tree canopy to the south of this site, the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape and any impact on heritage assets (including the Durham City Conservation Area and World Heritage Site) over and above the original permission.
212. It is also concluded that the changes would not impact on highway safety and accessibility issues over and above the original application. A suite of updated ecological reports have been provided, and officers conclude that the development would not impact on any ecological interest on the site including species protected by law. Further consideration of specific detailed impacts of the development such as site layout, design, parking and BNG provision would be considered though reserved matters applications as initially envisaged.
213. Amendments are proposed (as detailed above) to relevant conditions of the original planning approval, which will be issued as a new permission. These address previous approvals, additional information received and to ensure that the proposals align with the wider permission.
214. Whilst recognising the objections received, the proposals are considered to accord with relevant policies of the County Durham Plan, the Durham City Neighbourhood Plan and NPPF. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

## Public Sector Equality Duty

215. 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.
216. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

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## **RECOMMENDATION AND CONDITIONS**

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

### Conditions relating to the application site as a whole:

- 1) The development hereby approved shall be carried out in strict accordance with the following approved plans:

AKH-RYDER-00-ZZ-DR-A-0002-S2-P2 - Site Location Plan  
AKH-RYDER-00-ZZ-DR-A-003-S2-P2 - Existing Site Plan  
AKH-RYD-00-ZZ-DR-A-9800-S1-P1 – Indicative Masterplan Phase 00  
AKH-RYD-00-ZZ-DR-A-9801-S1-P1 – Indicative Masterplan Phase 01  
AKH-RYD-00-ZZ-DR-A-9802-S1-P2 – Indicative Masterplan Phase 02  
AKH-RYD-00-ZZ-DR-A-9803-S1-P2 – Indicative Masterplan Phase 03  
AKH-RYD-00-ZZ-DR-A-9804-S1-P2 – Indicative Masterplan Phase 04  
AKH-RYD-00-ZZ-DR-A-9805-S1-P2 – Indicative Masterplan Phase 05  
AKH-RYD-00-ZZ-DR-A-9806-S1-P2 – Indicative Masterplan Phase 06  
AKH-RYD-00-ZZ-DR-A-9807-S1-P2 – Indicative Masterplan Phase 07  
AKH-RYD-00-ZZ-DR-A-9808-S1-P2 – Indicative Masterplan Phase 08  
AKH-RYD-00-ZZ-DR-A-9809-S1-P2 – Indicative Masterplan Phase 09  
AKH-RYD-00-ZZ-DR-A-9810-S1-P2 – Indicative Masterplan Phase 10  
AKH-RYD-00-ZZ-DR-A-9811-S1-P5 – Indicative Masterplan  
AKH-RYD-00-ZZ-DR-A-9812-S1-P5 – Height Parameters  
AKH-RYDER-00-ZZ-DR-A-9817-S2-P1 - Parameters Plot A North  
AKH-RYDER-00-ZZ-DR-A-9818-S2-P1 - Parameters Plot A South  
AKH-RYDER-00-ZZ-DR-A-9819-S2-P1 - Parameters Plot B  
AKH-RYDER-00-ZZ-DR-A-9820-S2-P1 - Parameters Plot C  
AKH-RYD-00-ZZ-DR-A-9807-S1-P6 – Parameters Plot D  
AKH-RYDER-00-ZZ-DR-A-9822-S2-P1 - Parameters Plot E

2047-DCC-ZZ-DR-A-0001 Plot C Aerial  
2047-DCC-ZZ-DR-A-0002 Plot C Existing Location Plan  
2047-DCC-ZZ-DR-A-0003 Plot C Existing Site Plan  
2047-DCC-ZZ-DR-A-0004 Plot C Existing Site Sections  
2047-DCC-ZZ-DR-A-1001 Plot C Proposed Site Plan  
2047-DCC-ZZ-DR-A-1002 Plot C Proposed Site Plan  
2047-DCC-ZZ-DR-A-1003 Plot C Proposed Site Sections

2047-DCC-ZZ-DR-A-2001 Plot C Proposed General Arrangement Plans  
2047-DCC-ZZ-DR-A-2003 Plot C Proposed 3D Iso  
2047-DCC-ZZ-DR-A-3001 Plot C Proposed South and West Elevations  
2047-DCC-ZZ-DR-A-3002 Plot C Proposed North and East Elevations  
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections A-A B-B  
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections C-C D-D  
2047-DCC-ZZ-DR-A-6001 Plot C Proposed Strip Sections  
2047-DCC-ZZ-DR-A-9002 Plot C Proposed CGI  
2047-DCC-ZZ-DR-A-9004 Plot C Proposed Materials Study  
2047-DCC-ZZ-DR-A-9001 Plot C Proposed Architectural Specification  
1114\_200 Rev D Plot C Landscaping Strategy  
2603C 514 Rev B Proposed Drainage Plan (Plot C)  
1114\_110 Rev A Indicative Proposed Contours

Planning Statement by DPP dated June 2020 ref: NC/LF/3161NE/R001  
Planning Statement Addendum letter dated 14 November 2020  
Sequential Assessment by DPP dated April 2020 ref: NC/LF/3161NE/R008  
Sequential Assessment Addendum letter dated 4 November 2020  
Design and Access Statement by Ryder Architecture ref: AKH-RYD-XX-XX-RP-A-0001-S2\_P6  
Noise Assessment by NJD dated March 2020 ref: NJD18-0040-001R  
Exterior Lighting Assessment by Desco dated 30 March 2020 ref: 1761-60-RPT-01  
Masterplan Drainage Strategy by Shadbolt dated October 2020 ref: 2603  
Plot C Stage 3 Report by Shadbolt dated October 2020 ref: 2603  
Flood Risk Assessment by Shadbolt dated April 2020 ref: 2603  
Biodiversity Net Gain Assessment Plot C by OS Ecology dated November 2020  
Bat Survey by OS Ecology dated August 2020  
Breeding Bird Survey by OS Ecology dated August 2020  
Great Crested Newt eDNA Survey by OS Ecology dated June 2020  
Preliminary Ecological Appraisal by OS Ecology dated August 2020  
Preliminary Site Investigation Report by Dunelm dated January 2016  
Geoenvironmental Interpretive (Plot C) Report by Fairhurst Issue 2 dated 03/07/2019  
Arboricultural Impact Assessment (Masterplan) by Dendra dated 08/07/2020 ref: DCC\_AHMasterplan\_AIA1.2  
Arboricultural Impact Assessment (Plot C) by Dendra dated 06/05/2020 ref: DCC\_AHPlotC\_AIA1.3  
Environmental Statement Volume 1 Text and Figures  
Environmental Statement Volume 2 Appendices  
Environmental Statement Volume 3 Non-Technical Summary  
Environment Statement Appendix 3.1 Schedule of Development  
Framework Travel Plan by SAJ ref: 0008.4 – dated May 2020 received October 2024

Arboricultural Impact Assessment by Arbux ref: DDCDataCentre\_AIA\_01 (PLOT D ONLY)  
Ecological Impact Assessment by OS Ecology ref: 24287 V5 (PLOT D ONLY)  
Great Crested Newt Survey by E3 Ecology ref: 7714/L01 (PLOT D ONLY)  
Bird Risk Assessment by E3 Ecology Revision R02 (PLOT D ONLY)  
Construction Environmental Management Plan ref: 24287 V3 (PLOT D ONLY)  
Construction Management Plan Revision 2.0 by Patrick Parsons (PLOT D ONLY) including appendices  
9958-FUT-ZZ-ZZ-RP-A-1951 Issue 01 Addendum to Construction Management Plan by Future-tech (PLOT D ONLY)

Foul and Surface Water Drainage Strategy by CSEA ref: RPT-24\_069-001 4th Issue (PLOT D ONLY)

Health and Safety Risk Assessment for SuDS Basin as part of development of Data Centre, Plot D, Land at Aykley Heads, Framwellgate Peth, Durham (PLOT D ONLY)

Transport Statement by SAJ ref: JN2947-Rep-0001.3 (PLOT D ONLY)

Plant Noise Impact Assessment by NSL ref: 92409/NIA/Rev1 Revision 4 (PLOT D ONLY)

Heritage Statement by DU Archaeological Services ref: 6155rev (PLOT D ONLY)

Landscape Visual Impact Assessment by MHP ref: 24122 V5 (PLOT D ONLY)

Soil Resources Assessment by Land Research Associates ref: 2374/3 (PLOT D ONLY)

24122.411 Revision A Soil Strategy Plan by MHP (Plot D ONLY)

Air Quality Assessment by RPS ref: 794-ENV-AIR-21125 Rev 4 (PLOT D ONLY)

Exterior Lighting Assessment Issue 02 by Future-tech (PLOT D ONLY)

Data Centre For Durham University Risk Assessment by Guidepost (TVRA) (PLOT D ONLY)

Outline Soft Landscape Specification by MHP (PLOT D ONLY)

10 Year Landscape Management Plan by MHP (PLOT D ONLY)

*Reason: To define the consent and ensure that a satisfactory form of development is obtained and in accordance with Policies 2, 3, 21, 22, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 45 of the County Durham Plan, and Policies S1, S2, H1, H2, H3, G1, G3, E1 and T1 of the City of Durham Neighbourhood Plan.*

- 2) The total floorspace of Use Classes E(a-c) and E(e-f) uses hereby approved shall not exceed 1,136 sq.m. Within this, the E(a) retail element of the development hereby approved shall not exceed 400sq.m. in total.

*Reason: In the interests of maintaining the vitality of Framwellgate Moor Local Centre, in accordance with Policy 9 of the County Durham Plan.*

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no change of use of any building hereby approved to any other use within the Use Classes Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

*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.*

- 4) 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 with Part 15 of the National Planning Policy Framework.*

- 5) Prior to the first use of any building at Plots A, B, D (other than in respect of Plot D if it is used as a Data Centre) and E, as identified on the hereby approved plans, where a Travel Plan is required for that building, it shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan for that building shall conform to the hereby approved Framework Travel Plan, Reference JN1628-Rep-0008; and shall also conform to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level, comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use relating to that building. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation.

The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan, with Policies S1 and T1 of the City of Durham Neighbourhood Plan, and with Part 9 of the National Planning Policy Framework.*

- 6) No development shall commence on Plots A, B, D or E until a land contamination scheme for that Plot 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.*

- 7) Remediation works for each Plot shall be carried out in accordance with the approved remediation strategy for that Plot. No development within a Plot shall not be brought into use until such time a Phase 4 Verification report related to that Plot 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.*

- 8) No development shall commence on Plots A, B, or E, until a written scheme of investigation setting out a programme of archaeological work within that Plot in



accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

- 9) No development within Plots A, B, D or E shall be occupied until the post investigation assessment relating to that Plot has been completed in accordance with the approved Written Scheme of Investigation for that Plot. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.*

- 10) The development shall be carried out in accordance with the mitigation outlined within the mitigation identified in the following reports:

Plots A, B and E:

ECOLOGICAL APPRAISAL - Aykley Heads Strategic Employment Site October 2017 (E3 Ecology)

BAT SURVEY - Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

BREEDING BIRD SURVEY - Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

GREAT CRESTED NEWT SURVEY - Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

Plot D:

Ecological Impact Assessment by OS Ecology ref: 24287 V5 (PLOT D ONLY)

Great Crested Newt Survey by E3 Ecology ref: 7714/L01 (PLOT D ONLY)

Bird Risk Assessment by E3 Ecology Revision R02 (PLOT D ONLY)

Construction Environmental Management Plan ref: 24287 V3 (PLOT D ONLY)

*Reason: To ensure retained habitat is protected and to conserve protected species, in accordance with Policies 41 and 43 of the County Durham Plan, with Policy S1 of the City of Durham Neighbourhood Plan, and with Part 15 of the National Planning Policy Framework.*

- 11) No part of the development, other than Plot C, shall be occupied or brought into use until a landscape strategy for the application site as a whole, including land adjacent to the site and in the applicant's control, has been submitted to and agreed in writing by the Local Planning Authority. As a minimum, the strategy will include the following:
- (i) A timetable for implementation of the landscape strategy;
  - (ii) A network of good quality, multifunctional green infrastructure including clearly defined landscape structure boundaries;

- (iii) In the case of Plot A South, the scheme shall provide details of a clear delineation of the Green Belt boundary through appropriate landscape features;
- (iv) Improvements to the east of the application to compensate for loss of Green Belt;
- (v) Enhanced green routes providing safe and attractive access to Durham Station;
- (vi) Enhancement of the entrance to the site from Durham Station;
- (vii) Creation of a high-quality entrance from the A691/B6532;
- (viii) The incorporation of a network of pedestrian and cycle routes throughout the site that include:
  - Details of how the strategy will contribute towards the creation of the Emerald Network;
  - Details of replacement trees for those that are required to be removed.

*Reason: To ensure that the development delivers a high-quality landscape setting in accordance with Policies 3, 29 and 39 of the County Durham Plan, with Policies S1, H3 and G3 of the City of Durham Neighbourhood Plan, and with Parts 12 and 15 of the National Planning Policy Framework.*

Conditions relating to Plot C, known as Corten House, only:

- 12) The occupation of Plot C shall be in accordance with the details and timeframes set out within the hereby approved landscaping scheme for Plot C:

1114\_200 Rev D Plot C Landscaping Strategy

*Reason: In the interests of the visual amenity of the area, and to comply with Policies 3, 26, 29 and 40 of the County Durham Plan, with Policies S1 and G1 of the City of Durham Neighbourhood Plan, and with Parts 12 and 15 of the National Planning Policy Framework.*

- 13) The occupation of Plot C shall be in accordance with the implementation, monitoring and review of the hereby approved Travel Plan, as set out within the document for Plot C:

Framework Travel Plan by SAJ ref: 0008.4 – dated May 2020 received October 2024

*Reason: To reduce reliance on the private motor car and to promote sustainable transport Methods, in accordance with Policies 3 and 21 of the County Durham Plan, Policies S1, S2, E5, C1 and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 14) Within one month of the date of this decision, a Car Parking Management and Enforcement Plan for Plot C shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be operated in accordance with the approved details.

*Reasons: In interests of minimising car travel and highway safety, in accordance with Policies 3 and 21 of the County Durham Plan, Policies S1, S2, E5, C1 and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 15) Within one month of the date of this decision, full details of the cycle parking facilities for Plot C shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall only be implemented in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Polices 3 and 21 of the County Durham Plan, Policies S1, S2, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 16) Within one month of the date of this decision, full details of the electric vehicle charging facilities for Plot C shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Polices 3 and 21 of the County Durham Plan, Policies S1, S2, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 17) The external lighting details for Plot C shall be maintained in accordance with the approved details under decision DRC/21/00075.

*Reason: To define the consent and ensure that a satisfactory form of development is Obtained, in the interest of amenity of neighbouring land uses and biodiversity, in accordance with Policies 31, 41 and 43 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

- 18) Within one month of the date of this decision, a Biodiversity Offset Masterplan for Plot C shall be submitted to and approved in writing by the Local Planning Authority. The document shall detail the delivery of Biodiversity Net Gain on land within the control of the applicant, and shall contain details of the timing of delivery of the required Biodiversity Net Gain. Thereafter, the Biodiversity Net Gain shall be delivered in accordance with the approved details.

*Reason: In order to ensure that Biodiversity Net Gain is delivered in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

Conditions relating to Plots A, B and E of the Aykley Heads site:

- 19) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of fifteen years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

- 20) Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each plot shall be obtained from the Local Planning Authority before the development is commenced, other than remediation works.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

- 21) No part of the development hereby approved shall be brought into use until a Car Parking Management and Enforcement Plan for that part of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be operated in accordance with the approved details.

*Reasons: In interests of minimising car travel and highway safety, in accordance with Policies 3 and 21 of the County Durham Plan, Policies S1, S2, E5, C1 and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 22) No built development shall take place within that part of Plot A (South) that lies within Durham City Green Belt, as defined within the County Durham Plan 2020.

*Reason: In the interests of preserving the openness of the Green Belt in accordance with Policy 20 of the County Durham Plan and Part 13 of the National Planning Policy Framework.*

- 23) Any reserved matters submission made pursuant to this outline planning permission shall include a sustainability assessment for the part of the development to which it relates, with any proposed building achieving a BREEAM score of 'very good'.

*Reason: In the interests of sustainable development in accordance with Policy 29 of the County Durham Plan, Policy 1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.*

- 24) Any reserved matters submission made pursuant to this outline planning permission shall include a security assessment for the part of the development to which it relates, which will include details of how the development of the plot will incorporate Secured by Design and Counter-Terrorism principles.

*Reason: In the interests of delivering a quality of development and public realm sustainable development in accordance with Policy 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.*

- 25) No development shall commence within either Plots A, B, or E until a Construction Management Plan relating to that Plot 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 Policies 21 and 31 of the County Durham Plan, Policies S1 and S2 of the City of Durham Neighbourhood 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.*

- 26) Any Reserved Matters submission submitted pursuant to the outline planning permission shall include a demonstration of how Biodiversity Net Gain will be delivered for that particular phase of the development and include timetables for delivering the required Biodiversity Net Gain.

*Reason: In the interests of the appearance of the area and in the interest of biodiversity, in accordance with Policies 3, 29 and 43 of the County Durham Plan, Policies S1 and S2 of the City of Durham Neighbourhood Plan, and Parts 12 and 15 of the National Planning Policy Framework.*

- 27) No development shall commence on Plots A, B or E until a scheme for the provision of foul and surface water drainage works for that plot have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface and foul water are adequately disposed of in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Trees, Woodlands and Hedges Supplementary Planning Document (SPD) 2024
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- Statutory, internal and public consultation responses



**Planning Services**

DM/24/02928/VOC

Variation of Conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D.

Plot D, Land At Aykley Heads, Framwellgate Peth, Durham DH1 5UQ.

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**Comments**

**Date** December 2024

**Scale** Not to Scale