

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/24/02888/RM
<b>FULL APPLICATION DESCRIPTION:</b>	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.
<b>NAME OF APPLICANT:</b>	Durham University
<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 application site is forms part of a planned mixed-use re-development of the wider Aykley Heads site, approved in January 2021. As part of this approval, outline planning permission was granted for 3 office buildings and a smaller kiosk building on Plot D, to which this reserved matters application relates to.
2. Plot D a largely rectangular parcel of located, located centrally on the Aykely Heads site, 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 of the site 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.
3. Hybrid planning permission DM/20/01846/FPA granted consent for 1no. two-storey office building and 2no. three-story office buildings on Plot D, as detailed in the approved parameters plan for the plot. Permission is sought to amend this though a pending S.73 application which would establish a larger gross external area to facilitate the siting of a data centre, which is detailed in this application.

4. Plot D, is well screened from vantage points to the west and east by well-established trees and scrub, though with some viewpoints through breaks in the tree lines from pathways through the Aykley Heads site. Whilst these routes are not formal public rights of way, they form a wider network of footpaths and trails across which see regular use by the public.
5. 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.
6. There are no designated heritage assets within the site. The Durham Castle and Cathedral World Heritage Site (WHS) is approximately 1.4km to the southeast. The site is within the designated WHS Inner Setting. Durham Conservation Area is approximately 300m to the south of the site.
7. The Grade II\* listed building known as Aykley Heads is located approximately 180m to the west of the site. The former location of the Grade II listed County Police Communication Tower is approximately 170m to the northeast of the site. 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 the site. Keping Hospital is also located approximately 1.4km to the southeast.
8. 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 the site.
9. There are no landscape designations within the site, though there is an Area of Higher Landscape Value (AHLV), as identified on the County Durham Plan Policy Map, approximately 100m to the southeast of the site and approximately 280m to the north of the site. In respect of ecological designations, there are none within the site. Approximately 540m to the northeast is a Local Wildlife Site known as Hopper's Wood, which is also an Ancient and Semi-Natural Woodland.
10. Ponds are located to the west, east and south of County Hall, the nearest being approximately 200m to the south of the site. 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 the site. In respect of fluvial (river) flooding, the site falls within Flood Zone 1 as defined by the Environment Agency.
11. The site 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 the site, with the nearest located approximately 520m to the southeast, near the railway line.

## The Proposal

12. Reserved Matters approval for the details of appearance, landscaping, layout and scale of the development of the plot is sought for the development of a single building. The development would consist of the erection of a building to be used as a data centre and associated fixed plant, together with associated landscaping, access, parking and hardstanding.

13. The proposed building would comprise the main data hall, generators, delivery bay, office space and meeting rooms. The building would be constructed using a portal frame, and would feature elements of green walls and cladding. The transformers and generators used to power the building would be located within a compound to the southern side of the main data hall.
14. The proposed building would measure 6.5m in height, with a 3m gantry above, measuring 9.5m in total height. Louvres would then be erected above the roof up to 13m in total height. The rooftop plant, comprising external heat rejection equipment, would be located within the louvres, which would provide screening. The total height of the flues atop the plant would be 15m above ground level.
15. Access would be provided from Aykley Heads Way to the northeast, then down past Salvus House, to the northeastern corner of the site. The works include car parking, cycle parking and refuse storage provision, and part of the site would feature a 2.4m high metal fence along a security line. A small substation would also be located to the east of the main building.
16. 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 reserved matters 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
17. 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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18. DM/15/01548/FPA: - Erection of two storey office building with associated access, parking and landscaping. – Approved October 2015.
19. 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
20. 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

21. DM/23/03110/DRC: - Discharge of Condition 20 (external lighting) pursuant to DM/20/01846/FPA – Approved November 2023
22. 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.
23. 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.
24. 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). – Pending Consideration
25. DM/24/02829/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 – Pending Consideration

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## **PLANNING POLICIES**

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### **NATIONAL POLICY**

26. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
27. *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.
28. *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.
29. *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.
30. *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.

31. *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.
32. *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.
33. *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.
34. *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.
35. *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.
36. *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:**

37. 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)

38. *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.
39. *Policy 16 - Durham University Development.* Part 1 of the Policy states that Durham University will continue to evolve and compete as a vibrant, diverse and high quality education-led mixed-use establishment, including arts and cultural uses, managed workspace for start-up businesses and other complementary uses. Planning permission will be granted for new University facilities including academic, residential, sport and cultural floor space and for the refurbishment of existing buildings where:
- a. the proposal respects the character and setting of the area and has regard to the needs and requirements of the local community;
  - b. there is no unacceptable impact on the Durham Castle and Cathedral World Heritage Site or its setting as assessed against the Outstanding Universal Values and opportunities are taken to enhance and better reveal its significance;
  - c. it sustains and enhances the significance of designated heritage assets, including the conservation area, including their settings and where appropriate, better reveals their significance. Development that results in harm to the setting and/or significance of designated or non designated heritage assets will not be supported unless the harm is outweighed by the public benefit;
  - d. there is no unacceptable harm on ecology and biodiversity;
  - e. the movements of staff and students around the city have been considered for all users and, where necessary, measures are provided for this demand such as widening footways, improving junctions, or through the provision of new routes for pedestrians and cyclists;
  - f. Parking spaces and electric vehicle charging points are provided having regard to the County Durham Parking and Accessibility Supplementary Planning Document (SPD);
  - g. in the case of sport and recreation facilities a community access agreement will be required; and
  - h. the proposal will enhance or create well-designed spaces, and exploit sustainable energy opportunities, including the delivery of district heating, where possible.
40. *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.

41. *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.
42. *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.
43. *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.
44. *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).
45. *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.
46. *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.
47. *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.
48. *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.

49. *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.
50. *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.
51. *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.
52. *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.
53. *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.
54. *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)(164). 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.
55. *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.

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



### Supplementary Planning Documents

56. 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.
57. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
58. 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)

59. *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.
60. *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.
61. *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.

62. *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.
63. *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.
64. *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.
65. *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.
66. *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.

67. *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: [Plan contents | Durham City Neighbourhood Plan](#) (Adopted Durham City Neighbourhood Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **EXTERNAL CONSULTEE RESPONSES:**

68. *City of Durham Parish Council -*

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

69. 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.
70. 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.
71. 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.
72. 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.

73. 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.
74. 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.
75. 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.
76. 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.
77. 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

78. 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.
79. 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.

80. 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.
81. 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.
82. 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.
83. 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).
84. 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:
85. (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.
86. (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.

87. (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.
88. 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.
89. *Police Architectural Liaison Officer (PALO)* – Have not responded.

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

90. *Access and Rights of Way* – Advise that no recorded public rights of way are affected by this proposal.
91. *Archaeology* – Advise that provision for archaeological investigations at Plot D is already in place, and is not affected by the current proposal.
92. *DCC Active Travel* – Have not responded.
93. *Design and Conservation* – Has 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.
94. 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.
95. *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.
96. *Ecology* – Advise that the submitted Biodiversity Net Gain Assessment identifies locations which could be used to deliver the required biodiversity units to meet the requirements. These locations need to be surveyed to establish the baseline conditions and the appropriate off-site tabs in the metric completed. A Habitat Management and Monitoring Plan is required (spanning a minimum of 30 years) which states how the habitats will be managed (and monitored) to deliver the uplift in units. This HMMP will need to be priced and the financial resources provided to the land manager.
  97. An alternative that can be considered, is that a fee is paid to the Council for the biodiversity units required, this contribution would be used to deliver biodiversity enhancements within the County and be designed to align with the forthcoming Local Nature Recovery Strategy. The current market value of BU is around £20k per BU.
  98. *Energy and Sustainability* – Have not responded.
  99. *Environmental Health (Air Quality)* – Advise that further information is required following receipt of an Air Quality Assessment and a Construction Management Plan.
  100. *Environmental Health (Nuisance)* – Advise that further information is required following receipt of a Construction Management Plan.
  101. *Highways* – Advise that the details as submitted as part of this Reserved Matters application are considered acceptable by the Local Highway Authority.
  102. The access to the site is also subject to a separate application under a S73 application. Whilst the proposed access road to the Plot would not be adopted, a S184 agreement with the Local Highway Authority would be required to create the access where it joins the adopted highway of Aykley Heads Way. All works to the adopted highway would be at the applicant's expense.
  103. *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.
  104. 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.
  105. *Arboricultural Officer* – Have no objection provided that all tree protection measures remain in place until construction is completed. [secure compliance by condition]

#### **PUBLIC RESPONSES:**

106. The application has been advertised in the local press, by site notice and individual notification letters sent to neighbouring properties.
107. A total of four 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.

108. 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 this site, rather than another site more closely associated with the University and on its estate, should not 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.
109. Two further objections have been received from members of the public, raising the following concerns:
- Impact on biodiversity through habitat loss and disruption during the construction period;
  - Impact on amenity of neighbouring land uses as a result of noise and air emissions;
  - A Data Centre is not an employment land use;
  - A Data Centre should be considered a warehouse in planning use terms;
  - A Data Centre leads to a loss of direct jobs compared to the previously approved office buildings;
  - There are a number of vacant offices and other employment buildings in the City, therefore concerned with the principle of locating the proposal at Aykley Heads;
  - Insufficient car parking and subsequent impact on highway safety.

**ELECTED MEMBERS:**

110. No comments received from Elected Members.

**APPLICANT'S STATEMENT:**

111. 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.
112. Durham University has a history of hosting research computers for its own researchers, north-eastern universities, and national and international research communities. This is predominantly via the University's Advanced Research Computing team, who will be based at the new facilities, and provide expertise and facilities to support the innovative use of High Performance Computing and software to enhance research across the University. The University currently hosts two supercomputers on the main university campus: Bede, national facility for the eight most research-intensive universities in the North of England; and DiRAC, used by cosmologists, astronomers and particle physicists from across the world. The new data halls are designed to continue this approach, via the use of rear-door heat exchangers and two distinct spaces, and will enable a range of different R&D experiments to be run simultaneously. The University's existing data centre is too small to house the next generation of supercomputers and locating the new facilities on Aykley Heads provides the space to house new supercomputers for research collaboration and enables the construction of an engagement space as part of the facilities.
113. This engagement space is designed to be a space for local businesses, schools and the local community which explains supercomputing technology, provides visitors an



insight into a working datacentre and demonstrates the multitude of different uses for supercomputing, and its benefits to society.

114. The principle of development has already been established through hybrid planning permission DM/20/01846/FPA, granted in January 2021, which designated Aykley Heads as a Strategic Employment Site under the County Durham Plan. Through pre-application discussions with the LPA, the proposed use has been confirmed as compatible with surrounding developments and compliant with relevant local and national planning policies.
115. Additionally, it should be noted that the University explored a number of sites for housing this Data Centre in the City and Plot D at Aykley Heads was considered most suitable, as it helps support the next phase of the City's innovation district.
116. 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.
117. The proposed design of the Data Centre has been carefully refined through an iterative process in consultation with the LPA, the Design and Conservation Officer, and other key stakeholders, ensuring it integrates seamlessly with its surroundings and delivers maximum community value. This vital facility will enhance Durham University's research capabilities while positioning Durham as a leader in advanced computing technology.
118. We respectfully request approval for this application without delay, enabling the delivery of its significant and wide reaching benefits.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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119. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making.

### Background

120. In 2021 the granting of Hybrid planning permission DM/20/01846/FPA established the principle of the development of the site for the formation of a business park (Use Class B1) with supporting retail and leisure uses comprising uses. A Section 73 application is currently pending which seeks to vary the parameter plans approved in relation to

Plot D to facilitate the erection of a data centre as proposed in this application. This reserved matters application in respect of Plot D deals with the detailed matters of scale and appearance, layout, landscaping, and other relevant matters.

## Scale and Appearance

121. The proposed building would measure 6.5m in height, with a 3m gantry above, measuring 9.5m in total height. Louvres would then be erected above the roof up to 13m in total height. The rooftop plant, comprising external heat rejection equipment, would be located within the louvres, which would provide screening. The total height of the flues atop the plant would be 15m above ground level. Therefore, the proposal would be 15m in total height, when factoring in the height of plant and flues to be located upon the roof of the building.
122. The proposed building would comprise the main data hall, generators, delivery bay, office space and meeting rooms. The building would be constructed using a portal frame and would feature elements of green walls and cladding. The transformers and generators used to power the building would be located within a compound to the southern side of the main data hall.
123. The principle of the acceptability of a building of this scale has been considered under the Section 73 application DM/24/02829/VOC. This assessment concluded that subject to further consideration in the reserved matters application, given 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).
124. In respect of the detailed designs, The Council's Design and Conservation Section highlights at a local level, where the development would be seen from local vantage points. These would predominately be from pedestrian routes to the west and east of the site. However, due to the height and volume of the tree canopy to the south of this site, it is advised that the scale and appearance of the development would not have an adverse impact on the setting of the World Heritage Site or other designated heritage assets.
125. The Landscape officer also advised that, 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.
126. It is recognised that the scale and appearance of the development is driven by the functional need of a Data Centre, as is the requirement for plant of the proposed scale upon the roof of the building. This is an important consideration which has been tested at length with the applicant during the development of the proposals. The applicant has worked proactively on this matter and it is considered that the scale of the building and of the plant upon the roof represent the minimum that is technically required to allow the proper functioning of the building. While recognising that the appearance and scale of the data centre follows the requirements of the proposed end use, with form following function.
127. Timber effect cladding around the main chamber is proposed, along with green/brown chameleon cladding and vertical timber battens on the office building adjoining the northeastern edge of the main chamber. It is considered that this material palette is sympathetic with the site's wooded surroundings, and helps reduce the visual impact

as a result of the scale and massing of the building to a degree, along with the stepping of different levels to create a cascade effect.

128. It is recognised that the proposal is an unusual development, and due to the functional needs of the end user, it has presented challenges when seeking to find an acceptable design and assimilate the building into the site. However, when assessing against the key constraints, including designated heritage assets and the amenity of the wider landscape, the development has avoided adverse impacts. Whilst recognising that the building will be visible from some local public vantage points, it is considered that the scale and appearance of the development would not lead to an unacceptable visual impact at a local level, helped by the appropriate use of materials and the tree cover on the site.
129. The proposal includes two electric substations along the eastern boundary of the site. These will be visible from public vantage points to the east of the site, however the subsequent visual impacts are considered low and are not unacceptable. The functional need for these substations is recognised, whilst the existing substation at the eastern boundary of the site provides a degree of precedence for small buildings along this boundary.
130. Overall the development would comply 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 in this respect.

#### Layout

131. Turning next to the layout of the development within Plot D, again it is recognised that the footprint and layout of the building is driven by the functional need of a Data Centre. The building is surrounded by an internal road to the south and east, leading from a vehicular access to the north. A small car park is located to the east and a service area is located to the west. The current proposal is a reduction in the amount of hardstanding originally proposed, which is considered to have resulted in an optimal layout allowing the building to be sited as close to the northern boundary as possible.
132. The proposal also includes a perimeter security fence up to 2.4m in height. The fence would enclose the majority of the built form of the development, excluding the office space and adjacent car park and access which are to be left open to enable public access. The security fence is considered a functional requirement for a Data Centre, therefore the visual impact of the fence is considered justified.
133. The access is sought from Aykley Heads Way to the northeast, as previously agreed under the outline consent DM/20/01846/FPA. The access would use the existing route and would be widened to 5.5m to enable two vehicles pass alongside each other. The existing segregated pedestrian footpath to the west of the access would be retained. The access includes a turning head at the southern end to enable vehicles to turn without reversing back onto Aykley Heads Way. The access would then cross a proposed raised table when entering Plot D, which would facilitate an improved active travel route along the eastern edge of Plot D. The Highways officer has been consulted and has no concerns with this access arrangement. The Council's Active Travel officer has been consulted and has not responded. This access arrangement has been informed by lengthy and positive pre-application discussions between those officers and the applicant.
134. The layout including the access and internal roadway within the security perimeter line is informed by a vehicle swept path to ensure acceptable access for refuse and delivery vehicles. The Highways officer has no concerns in this regard.

135. The proposed includes 17 car parking bays, 2 of which are disabled parking bays, and 7 of which are within the security perimeter fence line. All 17 bays would benefit from EV charging points, 2 of which would feature 'active' EV charging points, with the remaining 15 featuring passive EV infrastructure. The Highways Authority advise that the proposed number, layout and design/dimensions of the car parking bays would conform to relevant parking standards.
136. The proposal includes a cycle storage shed to the north of the building, which would provide 12 cycle parking bays which are enclosed and locked. The shed would be timber clad. The Highways Authority advise that this provision is acceptable .
137. The proposal seeks to amend an existing SuDS basin at the southern end of Plot D, due to the extent of the proposed built development and resulting location of the security perimeter fence. The Drainage officer has been consulted and advise that the location and scale/extent of the basin is acceptable. Combined with the proposed permeable paving it is considered that the proposal would not lead to a greater surface water flood risk than existing, both within the site and elsewhere.
138. Concerns have been raised by the Drainage officer in respect of the gradient of this amended SuDS basin, as it could lead to safety concerns in the event someone were to enter the basin. They have requested a shallower gradient. The application has since been amended to include fencing around the perimeter of the basin, whilst a previously indicated proposed footpath adjacent to the basin has been removed. It is considered that the centre of the site would not be a busy route for pedestrians or for recreational purposes during the construction period and once the proposal is occupied and operational, therefore on balance the proposed amendments are considered acceptable.
139. The Drainage officer has requested further details of the fencing around the subject SuDS basin, along with further details showing the precise location of porous asphalt and where the infiltrated surface water would connect to the drain which then connects to the subject SuDS basin. These are considered minor details which can be secured by condition.
140. For the reasons explained above, the layout of the development is considered acceptable and the development complies with Policies 3, 21, 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 9, 12, 15 and 16 of the NPPF.

## Landscaping

141. The application is accompanied by a full AIA which concludes that there would be a loss arboriculturally which cannot be fully mitigated on-site. It is recognised 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.
142. The Council's Landscape officer has been consulted and notes:
  - Around 30 trees (20 B class 10 C Class) would be removed from the woodland to the north of Plot D and E to allow for the development of a suitable access, including a segregated footpath/cycleway;
  - The central bed of shrubs and trees would be removed, and these were shown as retained on the approved Indicative Masterplan when outline consent was granted under decision DM/20/01846/FPA. This consists mostly of mature ornamental shrubs together with young and early mature trees, some of which are self-sown. This has been seen in the development of past proposals as secondary to the main

woodland infrastructure and 'beneficial to retain' rather than 'essential to retain' but with passing time has become a more mature feature.

- Around 21 trees (7 B class, 13 C class and 1 U class) and a number of hawthorn (H1) along the eastern edge of the site fronting on to the access would be removed. This area consists mostly of mature and younger aspen in what is probably a clonal group, together with a mature ash (B) and oak (U) with condition issues which date from the older estate landscape. The group forms part of a green corridor along a multi-user route and has been considered in the past as part of the primary green infrastructure of the site. It is currently suffering from significant root damage and compaction from unauthorised parking, which is affecting some individual trees, but it retains a group value.
- Around 8 trees would be removed in the north-west corner of the site including a single mature multi-stemmed B class beech, a mixture of early mature and semi-mature B and C class sycamore, Norway maple and silver birch, and a single early mature A class Austrian pine. A further 13 trees - mostly semi-mature birch - would be removed along the northern edge of the site fronting onto Salvus House. A mature B class Scots Pine would be removed on the southern edge of the site together with a group of 9 trees consisting largely of B class mature and semi-mature wild cherry.

143. The Landscape officer also notes that, as shown on the AIA, the remainder of the primary woodland infrastructure would remain largely unaffected – including the woodland and large black pines in the site which are visually influential in screening the development in views from the wider landscape. The Landscape officer notes the Construction Management Plan (CMP) (and amended appendices) generally show that tree constraints have been considered and show 'areas that require high levels of tree protection' in the right places. However in order to secure finer details and refinements of the AIA and CMP, a conditional approach is recommended.
144. The Landscape officer advises the proposals provide for the planting of new trees, hedges and woodland under-storey in a well-considered Site Landscape Strategy.
145. The overall loss of canopy would be around 0.327 Ha according to the submitted Biodiversity Net Gain assessment, which notes that around 0.11 ha of new urban tree habitat would be created. The applicant is proposing to secure BNG credits to achieve an off-site BNG – the Landscape officer advises that these credits would need to include 0.2ha of urban trees to ensure the identified tree/ woodland canopy loss is compensated for in accordance with Policy 40 of the County Durham Plan.
146. Following the detailed assessment by the Landscape officer advises that the proposal would lead to a loss of trees within the site. However, as highlighted earlier in this assessment, officers are mindful that the scale and layout of the development, and subsequent tree loss, is driven by the functional need of a Data Centre. Therefore, on balance, it is considered that the proposed tree loss is justified, however in order to satisfy the tests of Policy 40 of the CDP, the benefits of the proposal are required to clearly outweigh the harm, this assessment is undertaken in the conclusion section of the report. It should also be noted that there have been lengthy negotiations between the applicant and officers to inform the scale and layout of the development to minimise tree loss, and the presented scheme represents the most viable layout.

## Other Matters

### *Biodiversity Net Gain*

147. In line with the original hybrid application (and as proposed to be amended) the County Durham Plan requirement to achieve Biodiversity Net Gain is required to be considered with each reserved matters application for specific plots.
148. In this respect, based on the supporting information, the proposal would lead to a loss of Biodiversity Net Gain (BNG) on-site. It is important to note that this reserved matters application is in relation to an outline consent that was granted in 2021, which pre-dates mandatory 10% BNG which was introduced in 2024. Therefore, this proposal is only required to provide 'a net gain' of BNG.
149. The proposal seeks to provide for BNG using off-site credits. The applicant submits that they seek to purchase their credits from 'Environment Bank', who have sites in the local area. These credits would include 0.2ha of urban trees to ensure the tree/woodland canopy loss is compensated for in accordance with Policy 40 of the County Durham Plan. This approach is considered acceptable in principle.
150. It is therefore considered that a standard condition is required to secure these details. The proposal would achieve a Biodiversity Net Gain in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

#### District Heating Network

151. Concerns have been raised by the City of Durham Parish Council and by The City of Durham Trust in relation to energy efficiency. They seek to ensure the proposal maximising energy capture opportunities given the likely heat emissions from a Data Centre of this scale. Due to this being a detailed design matter it is considered appropriate to assess this element of the proposal under this reserved matters application, as opposed to the pending application which seeks to vary the outline consent, reference DM/24/02829/VOC.
152. The Council's Energy and Sustainability team have been consulted; whilst they have not specifically responded to this application, they do advise that the Council is continuing to work on future sustainable solutions for Durham City, and it is likely that the forthcoming heat Network Zoning legislation will identify Durham City as being a heat network zone, where connection to any new buildings in zones which do not connect before completion will need to be "heat network ready", meaning they should be designed in such a way that they can connect to a heat network in the future.
153. The applicant has provided further details which show that the proposed equipment within the building is capable of connecting to a district heating system, should one be constructed at a future point in time. It is considered reasonable to only require the proposal to be capable of such a connection. A condition is recommended which secures implementation of these details, whilst further information is sought. The condition is considered necessary to ensure that that a connection from this development can be delivered if and when an off-site district heating scheme is being delivered.
154. Subject to the recommended condition it is considered that the proposal accords 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.

#### Sustainability

155. Condition 23 of the outline consent DM/20/01846/FPA requires this reserved matters submission to include a sustainability assessment demonstrating the proposal achieves a BREEAM score of 'very good'. A range of measures has been set out in

the submitted Design and Access Statement and Sustainability Statement, and note that the Sustainability Assessment states that A BREEAM “Very Good” rating will be targeted as a minimum. It is considered that the submitted details are acceptable 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. A condition is however recommended to secure adherence to this submission of the final BREEAM accreditation.

### Design and Counter Terrorism Principles

156. Condition 24 of the outline consent DM/20/01846/FPA requires this reserved matters submission to include a security assessment which details how the development of the Plot will incorporate Secured by Design and Counter-Terrorism principles. The submitted Design and Access Statement and Risk Assessment, and Risk Assessment submits that the overall risk rating to threats of normal crime at the site to be Low in comparison to the Northeast of England, England itself as well as the United Kingdom as whole. Notwithstanding this design and security measures which are typical for a Data Centre have been incorporated into the scheme, including the security perimeter fence. It is considered that the submitted details are acceptable 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.

### Public Sector Equality Duty

157. 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.
158. 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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## **CONCLUSION**

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159. 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.
160. The application site benefits outline planning permission for development of three office buildings at a range of heights along with an ancillary kiosk building under reference DM/20/01846/FPA. Permission is currently being sought to amend the original application to facilitate the siting of a data centre under a s.73 application, reference DM/24/02829/VOC. As part of officers’ assessment of that application, it was concluded that a development of this nature could be accommodated within Plot D, subject to detailed consideration under a reserved matters application. It was concluded by officers under that application that the proposal would be consistent with the original permission and wider masterplan.
161. As considered above, while recognised that the scale, layout and subsequent appearance of the development are driven by the functional need of a Data Centre, the development would not lead to an adverse visual impact when seen from wider vantage points in the local landscape and in particular from Heritage assets including

the World Heritage Site. Whilst there would be some residual visual impact in the local context such as from footpaths from around the site, in the round due to the material uses, screening afforded this is not considered significant. The development is considered to comply with Policies, 3, 16, 29, 44 and 45 of the County Durham Plan, Policies S1, S2, H1, H2, H3 and E1 of the City of Durham Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

162. The development would lead to a localised loss of tree cover on the site, at a level greater than that envisaged in the original hybrid planning application. However, none of the trees to be lost are considered of significant landscape or individual value, and the impact of the proposed loss of trees is considered to be outweighed by the benefits associated with the development. This includes the specific economic and social benefits linked to a Data Centre, with the potential for this proposal to act as catalyst for the wider redevelopment of the site. The Development therefore satisfies the tests of Policy 40 of the County Durham Plan. Replacement tree planting is also proposed on site, with further required replacement planting secured off-site via the required BNG credits.
163. The development would also provide parking and access arrangements to the satisfaction of the Highways Authority and would not impact on any ecological interests of the site or species especially protected by law, to the satisfaction of the Council's Ecology officer. The development would comply with Policies 3, 16, 21, 41 and 43 of the County Durham Plan and Policies S1, S2, G3, E1 and T1 of the City of Durham Neighbourhood Plan and Parts 9 and 15 of the NPPF.
164. Whilst the concerns of the City of Durham Parish Council, The City of Durham Trust and members of the public have been carefully considered, it is considered that the application complies with the Development Plan as a whole, and there are no material considerations which indicate a decision should be otherwise. The application is therefore recommended for approval.

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## **RECOMMENDATION**

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

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

24122.101 Revision F Site Landscape Strategy by MHP

24122.201 Revision A Soft Landscape Proposals by MHP

24122.301 Revision B Hard Landscape Proposals by MHP

24122.401 Proposed Site Levels by MHP

24122.411 Revision A Soil Strategy Plan by MHP

2024-10-11 DATA CENTRE LANDSCAPE MANAGEMENT PLAN 10 YEARS V1

2024-10-11 DATA CENTRE LANDSCAPE SPECIFICATION V1

9958 - FUT - V1 - ZZ - DR - Z – 1010 Revision P04 - Site Location and Block Plan

9958 - FUT - V1 - ZZ - DR - Z – 1030 Revision P08 - Proposed Masterplan

9958 - FUT - ZZ - ZZ - DR - A – 1730 Revision P02 – Proposed Sections

9958 - FUT - ZZ - ZZ - DR - A – 1770 Revision P03 – Proposed Elevations

9958 - FUT - ZZ - ZZ - DR - A – 1780 Revision P03 – Proposed Masterplan Sections

9958 - FUT - V1 - 00 - DR - A – 1110 Revision P02 - Proposed General Arrangement

Layouts,

Level Ground



9958 - FUT - V1 - R1 - DR - A – 1160 Revision P01 - Proposed General Arrangement Layouts,  
Level Roof

9958 - FUT - V1 - R2 - DR - A – 1165 Revision P02 - Proposed General Arrangement Layouts,  
Level Gantry

9958 - FUT - V1 - ZZ - SC - M – 2010 Revision P04 - Critical Cooling Sheet 1 of 4

24\_069-CSE-V1-XX-DR-C-0001 - Overall Existing Topographical Survey

24\_069-CSE-V1-XX-DR-C-0010 Revision P03 - Overall Site Layout Plan And Levels

Arboricultural Impact Assessment by Arbux ref: DDCDataCentre\_AIA\_01

Ecological Impact Assessment by OS Ecology ref: 24287 V5

Great Crested Newt Survey by E3 Ecology ref: 7714/L01

Bird Risk Assessment by E3 Ecology Revision R02

Construction Environmental Management Plan ref: 24287 V3

Construction Management Plan Revision 2.0 by Patrick Parsons, including appendices

9958-FUT-ZZ-ZZ-RP-A-1951 Issue 01 Addendum to Construction Management Plan by Future-tech

Foul and Surface Water Drainage Strategy by CSEA ref: RPT-24\_069-001 4th Issue

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

Transport Statement by SAJ ref: JN2947-Rep-0001.3

Plant Noise Impact Assessment by NSL ref: 92409/NIA/Rev1 Revision 4

Heritage Statement by DU Archaeological Services ref: 6155rev

Landscape Visual Impact Assessment by MHP ref: 24122 V5

Soil Resources Assessment by Land Research Associates ref: 2374/3

Air Quality Assessment by RPS ref: 794-ENV-AIR-21125 Rev 4

Exterior Lighting Assessment Issue 02 by Future-tech

Data Centre For Durham University Risk Assessment by Guidepost

*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.*

## **Biodiversity Net Gain**

2. Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning authority. The plans shall be in accordance with the 'Biodiversity Net Gain Assessment V2' dated October 2024 and prepared by OS Ecology; and in accordance with the letter titled 'Intention to purchase all required biodiversity net gain credits in relation to the development of Aykley Heads Plot D only pursuant to planning permission DM/20/01846/FPA at Land at Aykley Heads Durham DH1 5UQ' dated 18<sup>th</sup> December 2024 and prepared by Durham University.

*Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and that the development delivers a biodiversity net gain, in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the development secures a Biodiversity Net Gain.*

## **Highways**

3. The development shall not be brought into use until the cycle parking provision as detailed on the approved plans has been made available for use.

Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

*Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, Policy T1 of the City of Durham Neighbourhood Plan, and the National Planning Policy Framework*

4. The development shall not be brought into use until the Electric Vehicle Charging Points as detailed on the approved plans have been installed and made available for use. Thereafter, the charging points shall then be retained for use at all times for the lifetime of the development.

*Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, Policy T1 of the City of Durham Neighbourhood Plan, and the National Planning Policy Framework*

5. The development shall not be brought into use until the car parking area depicted on the approved plans have been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

*Reason: In the interest of highway safety, in accordance with Policy 21 of the County Durham Plan and the National Planning Policy Framework.*

## **Landscaping**

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

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

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

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

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area, in accordance with Policies 29 and 40 of the County Durham Plan, Policies S1, S2, G1, and G3 of the City of Durham Neighbourhood Plan, and with the National Planning Policy Framework.*

7. Notwithstanding the hereby approved plans, prior to any works commencing, an Arboricultural Method Statement and updated accompanying Construction Management Plan showing tree protection measures in respect of trees which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure trees of notable amenity value are protected during the works, in the interests of the visual amenity of the area, in accordance with Policies 29 and 40 of the County Durham Plan, Policies S1, S2, G1, and G3 of the City of Durham Neighbourhood Plan, and with the National Planning Policy Framework. Required as pre commencement condition to ensure the retained trees are protected during the construction period.*

## **Drainage**

8. Notwithstanding the hereby approved plans, prior to any works other than site clearance, ground investigation or remediation works commencing, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Details of the precise extent of porous asphalt within the site, including a subgrade drainage layout plan indicating where the infiltrated surface water would connect to the proposed main drain; and
  - (b) Details of the location, scale and appearance of the timber fence enclosing the proposed amended SuDS basin.

The development shall then be carried out in accordance with the approved details.

*Reason: In the interest of preventing surface water flooding within the site or elsewhere, and in the interest of public safety, in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

## **District Heating Network Connection**

9. The development shall not be brought into use until the following details have been installed:

9958 - FUT - V1 - ZZ - SC - M – 2010 Revision P04 - Critical Cooling Sheet 1 of 4 – dated November 2024

No development shall commence, other than site clearance, ground investigation or remediation works until an off-site district heat network strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy should consider and detail the installation of any onsite infrastructure during construction to allow a potential heat network to connect to the development from the site boundaries. The development shall thereafter be constructed in accordance with the approved strategy.

*Reason: To enable the development to connect to off-site district heat network infrastructure, in accordance with Policies 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.*

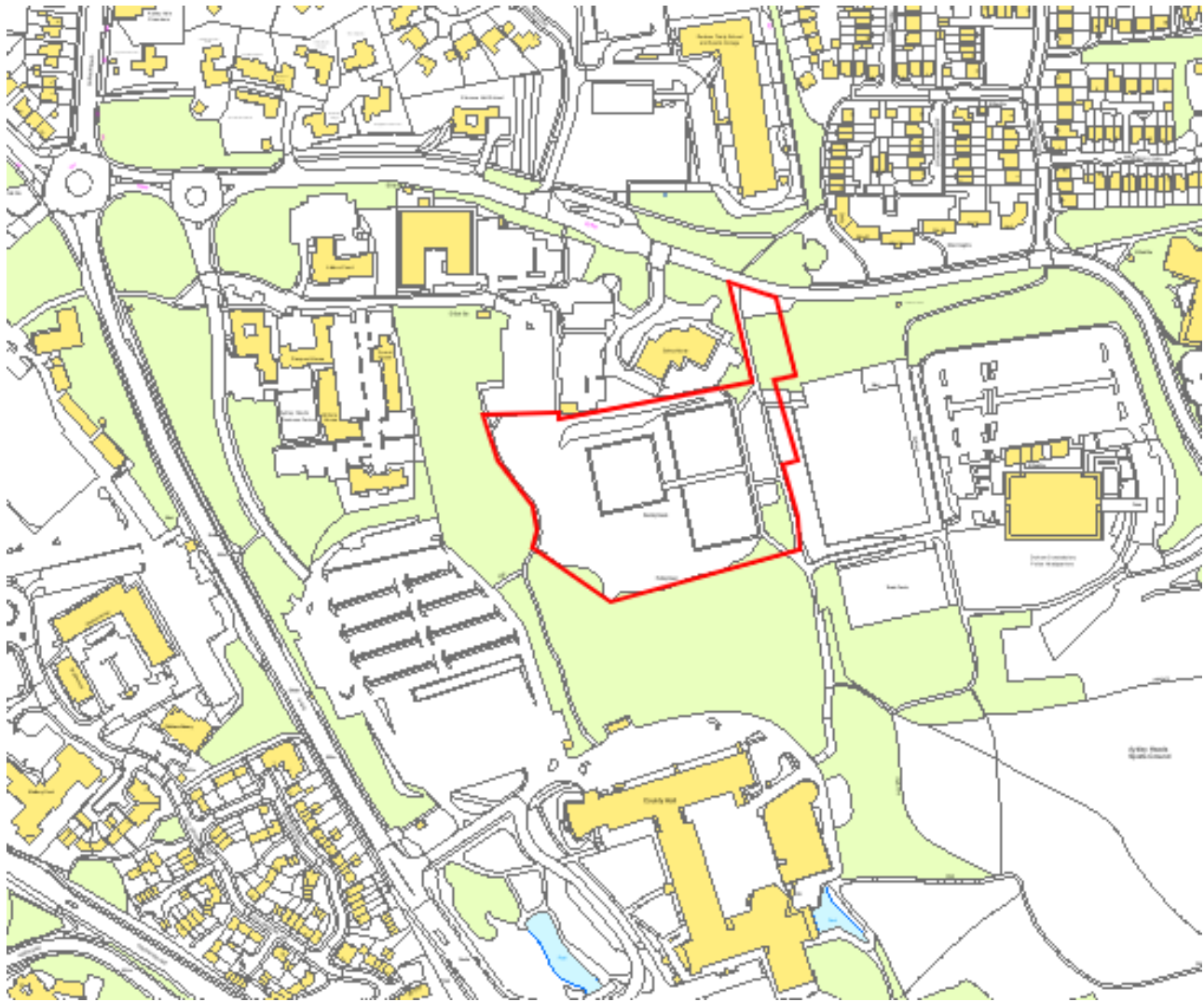
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## **BACKGROUND PAPERS**

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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/24/02888/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

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

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**Comments**

**Date** December 2024

**Scale** Not to Scale