



## Area Planning Committee (South and West)

**Date** Thursday 22 October 2015  
**Time** 2.00 pm  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. The Minutes of the Meeting held on 17 September 2015 (Pages 1 - 12)
4. Declarations of Interest (if any)
5. Applications to be determined
  - a) DM/15/00373/OUT - Shittlehopeburn Farm, Stanhope (Pages 13 - 28)  
Outline application for up to 32 no. dwellings and public amenity space with access considered (all other matters reserved)
  - b) DM/15/00730/FPA - Site of the former St Peter's School, Main Road, Gainford (Pages 29 - 46)  
Part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure
  - c) DM/15/01714/OUT - Land to the south of Broadway Avenue, Salters Lane, Trimdon Village (Pages 47 - 68)  
Erection of up to 30 dwellings (all matters reserved)
  - d) DM/15/02121/FPA - Explorer One and Two, Thomas Wright Way, NETPark, Sedgfield (Pages 69 - 92)  
Erection of two Research and Development units, including laboratory and office space

- e) DM/15/01542/FPA - Plot 10 NETPark, Sedgefield (Pages 93 - 118)

Construction of new predominantly 2 storey Research Facilities and Laboratory spaces with external car parking and hard and soft landscaping

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
14 October 2015

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chairman)  
Councillor H Nicholson (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,  
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,  
L Taylor, C Wilson and S Zair

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 17 September 2015 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chairman)**

**Members of the Committee:**

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, H Bennett, J Clare, K Davidson, E Huntington, C Kay, S Morrison, A Patterson, G Richardson and C Wilson

**Also Present:**

S Pilkington – Senior Planning Officer  
C Harding – Senior Planning Officer  
P Herbert – Senior Planning Officer  
T Burnham – Senior Planning Officer  
D Stewart – Highways Officer  
C Cuskin – Solicitor – Planning and Development

**1 Apologies for Absence**

Apologies for absence were received from Councillors D Boyes and L Taylor.

**2 Substitute Members**

Councillor H Bennett substituted for Councillor L Taylor.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meeting held on 23 July 2015 were agreed as a correct record and were signed by the Chairman.

## **5 Applications to be determined**

### **5a DM/14/01091/FPA - Former Weardale Motor Services and The Bungalow, 101 Front Street, Frosterley**

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of an existing bungalow and garage/office and the erection of 10no. dwellings (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Charlotte Tucker addressed the Committee on behalf of a local family in objection to the application. She explained that the family supported development of the site but had a number of concerns about the proposals.

The site was situated within the Conservation Area adjacent to a listed building. The development would be completely out of character and the developer had included as many houses as possible on the site. This would affect the character and appearance of the Conservation Area. 10 semi-detached dwellings would not be in-keeping with Frosterley and she referred in particular to the negative impact of plot 1. Local and National Planning Policy had to be carefully considered alongside a Conservation Area and any development should enhance heritage assets. A high quality scheme of lower density would be more appropriate.

Due to the high density there was no room to provide adequate gardens and the loss of the bungalow was a major concern. She noted that works to the bungalow were currently being carried out to the windows and doors. This appeared to be at odds with the proposals to demolish the dwelling.

Charlotte Tucker continued by referring to the potential for noise conflict and asked that noise mitigation measures be carried out prior to the commencement of any works on site.

In conclusion the scheme would have an impact on Frosterley and any development of the site should preserve and enhance the Conservation Area.

John Taylor, the applicant's architect addressed the Committee. He explained that the dwellings were modest and the proposals fully complied with policies in the Wear Valley Local Plan and the NPPF. No objections had been received from Design and Conservation, Environmental Health or from the Arboricultural Officer. The scheme had been designed in a traditional manner using traditional materials which reflected the character of the Dale.

The site had been redundant for a number of years and had become unsightly. The site was classed as previously developed land and proposed density was in line with planning policy. The proposed development would be an asset to the village, was a small scheme comprising of family homes and would contribute to the housing stock in the Dale. The site was highly sustainable with good links to community facilities and the rest of the Dale.

In accordance with the NPPF this development would enhance and maintain the vitality of a rural community and would help sustain the village. His client had advised that the properties would be for the rental market.

The Senior Planning Officer responded to the comments made. He advised that revisions had been made to the scheme to improve the layout which was now deemed to be appropriate. The design of the dwellings would enhance and protect the Conservation Area and was typical of other parts of the village and the Dales area.

The Senior Planning Officer then responded to questions from Councillor Clare about site density and the potential for noise conflict. Development in the rest of the village was of a similar density and this was an in-fill site. Environmental Health felt that there was a potential conflict with the haulage operation opposite the site, however condition 7 in the report would mitigate this. The haulage business had been operating successfully for some years within a predominantly residential environment and therefore conflict was not anticipated.

Councillor Richardson advised that having listened to the Officer's presentation and the submissions of the objector, he considered that site density was too high on a plot of this size with limited parking facilities. He was concerned that vehicles would park on the narrow roadside.

The Senior Planning Officer advised that the layout was informed by the access into the site. Each property had 2 spaces with a garage with the exception of Plot 1. Parking would be contained within the site.

Councillor Nicholson was of the view that this site was currently an eyesore in a beautiful part of the County. He had heard the submissions for and against the scheme and in conclusion supported the Officer's recommendation.

Concern was expressed by Councillor Kay with regard to site egress onto the A689 near a deceptively tight bend. He sought an assurance that egress from the eastern side travelling from Cragg Cottages met requirements in terms of visibility.

D Stewart, Highways Officer responded that this was formerly a commercial depot with buses entering and leaving the site onto the A689. He acknowledged the constraints in terms of visibility to the east but minimum requirements were met.

Councillor Armstrong was pleased that the applicant had reduced the number of dwellings to 10 and the properties were modest. The scheme would help young people stay in the village, and would also bring jobs to the area.

Councillor Nicholson moved and Councillor Armstrong seconded that the application be approved.

**Resolved:**

That the application be approved subject to the conditions in the report and to the completion of a Section 106 Legal Agreement to secure a financial contribution of £10,000 towards the provision/maintenance of open space and recreation facilities in the locality.

**5b DM/15/01428/FPA - Land east of Van Farm, Green Lane, Hutton Magna**

Consideration was given to the report of the Senior Planning Officer regarding an application for a wind turbine of 36.6m maximum tip height with associated meter house and access track (for copy see file of Minutes).

P Herbert, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Paul Townley addressed the Committee on behalf of Thorpe with Wycliffe Parish Meeting and local resident Mr Laidler.

He advised that on 25 June 2015 he had sent a letter on behalf of the Parish Meeting to all residents on the Planning Notification list to seek their views on the proposed wind turbine. Of the 40 responses received, 26 were in opposition and 14 were in favour, thereby demonstrating that 65% of the local community were opposed to the scheme. The Planning Officer had argued that as only 26 had offered their objections it followed that the rest of the community were in favour, but he disagreed as it could equally be argued that only 12% were in support.

In view of this he could not agree that the number of objectors and supporters was finely balanced, nor could it be said that community concern had been satisfied by this level of opposition. It had also been said that very few residents had been contacted but all those on the notification list had received the letter.

Mr Townley then proceeded to summarise a letter from a resident of Hutton Magna, Mr R Laidler.

In the letter Mr Laidler stressed that his personal feelings towards the applicant, which happened to be admiration and respect, were totally irrelevant to the planning application and his comments would be directed solely to the proposals.

The applicant sought to off-set the costs of running a pumping station, now his responsibility, following the Environment Agency relinquishing their ownership of it.

His objection to the proposal was not based on the principle of the solution, but the size of the turbine. He believed it to be an over-engineered solution, which would create unnecessary visual harm.

In their pre-application consultation letter, Earthmill had stated that the pumps used a large amount of electricity but did not provide any details.

The Environment Agency had provided details of annual electricity consumption by the pumps, during their last 5 years of ownership. In a dry year the site used as little as 5000 kWh, whereas in a wet year the consumption could be as high as 26,000 kWh. Over the last five years of service the average appeared to be around the 13,000 to 16,000 kWh mark.

In Mr Laidler's original letter of objection he had pointed out that a much smaller machine would meet the known demand, and had suggested an alternative model because its own performance data revealed a capability of between 5,000kwh and 30,000kwh per annum. The machine had a hub height of 9m and tip height of 11.8m.

He was surprised by the statement in paragraph 54 of the report that small machines such as this were inefficient. The paragraph also suggested that such a machine would produce insufficient power for the pumps, but this was contradicted by the machine's performance data which was published by the manufacturer and the applicant's agent themselves.

In summary he believed that the proposed machine was far larger than needed for the stated purpose, and that the acknowledged visual harm it would create could be almost completely eliminated with a smaller one, while still providing a solution for the applicant.

He asked Members to refuse the application on the grounds of excess and the unnecessary creation of avoidable harm, and that the applicant be advised that a proposal for a machine which was proportionate would be acceptable in principle.

Tori Heating of Earthmill addressed the Committee on behalf of the applicant. She advised that Van Farm was an independent third generation family-run business, with mainly arable land. Originally proposals were for 2 much larger turbines and Earthmill had worked with Planning Officers to produce a mutually acceptable scheme.

The pumps used large amounts of water, draining over 100 acres of her client's land and that of his neighbour. Without the pumps the land would be waterlogged. Surplus electricity from the turbine would feed back into the Grid Network for local use. The viability of the farm would be at risk without these pumps.

An objector had suggested that a smaller wind turbine would be more acceptable but research had shown that these were not as reliable. Wind turbine technology had improved in recent years, which was supported by the number of domestic wind turbines in use today.

This application was about balancing landscape impact against the transition to a low carbon future in a changing climate.

The number of objectors and supporters was finely balanced. Even if it had been shown that there were more residents in opposition to the scheme, the overall number of objections was still relatively small.

There was Government support for renewables and she urged the Committee to support the local family and local business.

C Cuskin, Solicitor – Planning and Development referred to the suggestion that a smaller wind turbine would be more appropriate but advised Members that this was not for consideration by the Committee. The application should be determined based on the merits of the submitted scheme on material planning grounds.

In response to a question from Councillor Dixon, the Senior Planning Officer confirmed that the proposed wind turbine was twice the size of the Angel of the North. In responding to the comments of objectors he advised that in accordance with planning policy and guidance, need did not have to be demonstrated. However if the proposals would result in fundamental visual harm, this would have to be balanced against the needs of the farmer. Planning Officers were of the view that there was no significant visual harm.

Turning to the consultation carried out by the Parish Meeting he advised that 26 objections did not constitute overwhelming opposition. It could be argued that people would be more likely to respond to a consultation if they were opposed to what was proposed. He noted the technical data provided by Mr Laidler but the detailed information submitted by the applicant had to be accepted.

Councillor Kay commented on the responses received to the consultation by the Parish Meeting and considered that the use of percentages could be misleading when dealing with such a small group of respondents. The Solicitor had advised that the Committee could only consider the size of the wind turbine submitted by the applicant, and therefore the comments about a smaller turbine were not relevant. He felt that the applicant should be supported; the turbine was a considerable distance from Hutton Magna and he could not envisage that it would be intrusive in the landscape.

In response to questions from the Member, the Senior Planning Officer advised that due to a change in funding arrangements, the Environment Agency was no longer able to maintain the pumps and the responsibility had been assumed by the farmer. The operation of the pumps avoided localised flooding in periods of wet weather.

Councillor Davidson noted the different arguments about the level of opposition and support to the proposals, and that 112 people had been consulted, however he felt that paragraphs 2 and 4 in the report demonstrated that the turbine would not impact upon many residents at all. The Member also noted the comments made with regard to the size of the turbine and the relevance of this to the Committee's determination of the application.

Councillor Richardson advised that the proposed wind turbine was within his electoral division. He found the statistics presented by Mr Townley on behalf of Mr Laidler to be confusing. This turbine was not as large as some which had greater impact on the landscape. He was familiar with the use of pumps on agricultural land and confirmed that maintenance and running costs now rested with farmers who had to decide whether to take on this responsibility or deal with the effects of



flooding. In reaching a decision this should be weighed against the visual impact of the turbine which would be easily visible from the A66.

Councillor Patterson noted that the turbine was not small, however she appreciated that a smaller turbine was not for consideration by Members. Shadow flicker was often an issue for residents but there were no properties within the relevant distance to be affected by this. The Member also appreciated that the turbine was necessary for the farmer's business.

It was moved by Councillor Kay and seconded by Councillor Davidson that the application be approved subject to the conditions outlined in the report.

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

**5c DM/15/01961/FPA - Former Co-op, New Road, Crook**

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing food store and petrol station, and the erection of a replacement food store (Class A1) and associated works (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Richard Huteson, the applicant's representative was in attendance to respond to questions from Members.

In response to a question from Councillor Nicholson, Mr Huteson confirmed that the petrol station would not be replaced. The Lidl model did not have concessionary units and the site of the former garage would therefore be utilised for additional parking.

Councillor Clare considered that the reasons for approving the application were clearly set out in paragraph 44 of the report, and the concerns expressed by occupiers of an adjacent building had been addressed in paragraph 63.

Councillor Patterson, in supporting the proposed development, made reference to access arrangements and had concerns that there was no zebra crossing proposed at the point where pedestrians would cross from the store to the car park on the site of the former petrol station.

The point was made by the Member and Councillor Richardson that the access would also be used by the Police Station and Bradbury House, a nursing home.

D Stewart, Highways Officer advised that there had been a crossing as part of the former Co-op site. The Highways Authority had commented on the detailed layout of the car park to achieve improved connectivity and the majority of the issues raised had been addressed in a revised site layout. Although a zebra crossing had been suggested it had not been included in the revised car park arrangements. Nevertheless the absence of a zebra crossing would not be sufficient grounds to sustain a refusal of the application in highway terms.

In response Mr Huteson explained that it would not be possible to provide a zebra crossing at the point suggested by Councillor Patterson because it would encroach upon third party land, over which they had no control. Following further concerns expressed by the Member he advised that a pedestrian crossing would be provided for the West Durham Youth Centre building.

Councillors Kay and Armstrong both made the comment that other major supermarkets provided zebra crossings for the safety of pedestrians. Councillor Kay asked if this could be included as a condition.

C Cuskin, Solicitor – Planning and Development informed Members that planning conditions had to be tested against certain criteria, one of which was that they must be necessary. Members needed to determine if the need for a zebra crossing was so great that the application could not be approved without it being included in the scheme.

Councillor Patterson stated that she was fully in support of the application as a supermarket in Crook was much needed and it would bring jobs to the town. She therefore welcomed this scheme although was disappointed with the length of time it had taken to reach this stage and that no petrol station was proposed. The Member also requested that the applicant take into account the safety issues raised in respect of the car park.

Councillor Dixon stated that Lidl had heard the concerns expressed by Members and hoped that the company would take on board the comments made.

Councillor Clare was of the view that the issue for Members was whether the need for a zebra crossing was so great that it would lead the Committee to refuse the application. The Highways Officer had advised that the absence of a zebra crossing was not sufficient grounds to sustain a refusal in highway terms and the Solicitor had advised that to impose this as a condition it must be necessary. Therefore whilst he hoped that Lidl would provide a zebra crossing there were no grounds to impose a condition requiring it, or grounds to refuse the application.

Councillor Clare moved and Councillor Davidson seconded that the application be approved.

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

## **5d DM/15/02058/FPA - 1 Stockley Lane, Oakenshaw**

Consideration was given to the report of the Senior Planning Officer regarding an application for a proposed dwelling and office/store (resubmission of refusal DM/14/02570/FPA) (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor O Gunn, local Member addressed the Committee on behalf of the applicant. She had referred the application to Committee on the grounds of business need. The applicant Mr Luke would address the Committee in this regard and she would therefore focus on the reasons for refusal.

The local Member strongly believed that paragraph 55 of the NPPF should not have been applied. This was not an isolated rural location. She acknowledged that it was rural but it was not isolated. This site was clearly within the development envelope of Oakenshaw village with a new development 50m to the west, allotment gardens adjacent to the site, a barn conversion 30m to the south, and several other properties to the north and south of the site. The site was also very close to New Row. There were over 200 properties in Oakenshaw. The location was sustainable with an extensive road network next to the property and a bus turning circle 30m from the site. Paragraph 42 of the report stated that the site was not visually isolated but that it was isolated in respect of the need to access local services and facilities by car. However there was a local bus service, although she acknowledged that it was infrequent.

She also strongly believed that paragraph 55 of the NPPF was introduced to prevent houses being built along country lanes in the middle of nowhere which was not the case here.

The same argument applied to ENV 1 of the Local Plan. Oakenshaw village was in the countryside so there were 2 policies on which the recommendation was based which were totally flawed. The report stated that the site was outside the settlement boundary, but there was no reference to settlement boundary in the NPPF. There were several instances where this had not applied, for example the recent application for houses opposite 1-14 West Road, Willington. If Members were minded to approve the application she suggested that matters relating to the Coal Authority site investigation, visibility splays and additional hedge planting could be included as conditions.

Mr Brian Iley, the applicant's agent addressed the Committee in support of the application. He advised that in March 2012 the Government had consolidated all planning policy statements, circulars and guidance into a single policy statement, the NPPF. The overriding message from the NPPF was that planning authorities should plan positively for new development and approve all individual proposals wherever possible. The role of planning in achieving sustainable development was defined under three headings; economical, social and environmental. There was a presumption in favour of sustainable development that required local planning authorities to approach development management decisions positively. This

statement was used in a planning consent for a domestic extension for recreation purposes with a footprint of almost twice that of the current application, which was to be attached to the adjacent barn conversion.

There was no sign of such a statement in the report for this application and he made the point that every report should provide a balanced argument.

The NPPF allowed planning authorities to set aside redundant or outdated policies, however they were being used to drive this report. The report also suggested that the proposals were the same as previously submitted, with the exclusion of the garage, but the design had been reduced by 20%. As an architect he aimed to enhance not harm and his greater concern was that it was going to be largely hidden by the adjacent development.

He therefore urged the Committee to approve the application to support and promote an existing long-established and valued business that provided an exemplary service that was in danger of being lost.

Mr Luke the applicant was invited to address the Committee. He sought permission to build a house for his son and daughter-in-law to expand and improve the 20 year business. He wanted to retire with his wife who suffered ill health. He did not want to move and assured Members that this was not a profit-making application. His son would take over the family business with the aim of expanding and employing more staff, bringing employment to the area. If the application was granted he expected a threefold increase in the business which had grown by 56% in the last 5 years with the help of his son.

Mr Luke continued that he had a good working relationship with local vets. If his son was a farmer he believed that this application would be allowed but unfortunately the policy did not apply to a cattery, even though a 24 hour presence was required. He was unable to retire because he needed to be on the premises at all times. He wanted to maintain the family business and not sell, move away or close down as had been suggested. He wanted the family business to stay and continue to provide a first class service to the community.

Councillor Dixon asked the Senior Planning Officer to explain the relevance of paragraph 55 of the NPPF in view of the comments made by the local Member.

The Senior Planning Officer advised that there was no clear guidance with regard to the meaning of 'isolation' and therefore opinions would differ in terms of its meaning. In response to other comments made he advised that the site was outside the settlement boundary, and applications for development that were outside a settlement boundary would normally only be acceptable where it had been demonstrated that the location was sustainable. This location was not sustainable as people would need to travel by car to access services.

The Officer continued that the size of the house had not been reduced and he was unaware of the comments made suggesting that the applicant should sell, move away or close down the business. He asked if Mr Luke intended to employ a Manager or if this role would be fulfilled by his son.

Mr Luke advised that his son would employ staff to run the business. Mr Luke would continue to be there initially and would phase out his involvement over time.

Councillor Davidson stated that paragraph 55 of the NPPF related to development spilling into the open countryside. If the application was approved the fields to the west would be ripe for development, although he appreciated that this was not a consideration for the Committee.

Councillor Clare accepted that Officers could not have recommended approval of the application because planning policy was clear, however the cattery required a 24 hour presence. Paragraphs 43-50 in the report were key considerations. The report advised that the application was based on a premise of what might happen in the future but acknowledged in paragraph 49 that the situation could change when the current owner/manager retired.

Currently the present owner lived in the house and was not allowed to build a second house on the site, but in accordance with paragraph 49 the owner was going to retire. If the cattery was sold the person who bought it would have the right to build a dwelling as the cattery had to be managed 24 hours a day. If the owner retired the dwelling would be needed for the continuation of the business which he considered would be a planning gain that would outweigh the building of a second dwelling on this site.

In agreeing with Councillor Clare, Councillor Patterson advised that the site was sustainable in that it was located next to a bus turning circle with bus services to Durham and Willington. With regard to the reference to settlement boundary, the site was not in the open countryside being located adjacent to a row of terraced houses. If the application was approved the Member asked if it would be possible to impose a restriction that the dwelling could only be occupied in connection with the business.

C Cuskin, Solicitor - Planning and Development confirmed that a condition could be included on the grounds of the need for the dwelling for the operation of the business. However Members had to be satisfied that there was a need. Following a question from Councillor Armstrong she advised that the condition would be imposed in perpetuity unless an application to vary was submitted.

Councillor Patterson stated that this was the only cattery in the area and was a viable business. The Member moved approval of the application subject to a condition restricting occupancy.

Councillor J Clare seconded this motion.

Councillor Kay moved refusal of the application. He considered that there was no demonstrable need for the house at present and whilst the applicant's future intentions appeared to be genuine he could not agree to the application in planning terms at this point in time, and moved refusal.

This was seconded by Councillor Davidson.

Following the discussion the Chairman requested a vote on Councillor Patterson's motion to approve the application as seconded by Councillor Clare, on the grounds that the dwelling was necessary for the continuation of the business.

Upon a vote being taken the motion was carried.

**Resolved:**

That

- (i) the application be approved subject to the inclusion of a condition limiting occupancy of the dwelling to a person solely or mainly employed in connection with the business;
- (ii) delegated authority be granted to Planning Officers to formulate detailed conditions.

At this point Councillor Kay left the meeting.

**5e DM/15/01710/FPA - Site of Former Police Station, Central Avenue, Newton Aycliffe**

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of a 56 bed residential care home, with associated car parking and infrastructure (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Dixon considered that the objections outlined in the report had been addressed and sought an assurance that the application would proceed to development as another site in the town with planning permission for a care home remained undeveloped.

The Senior Planning Officer advised that plans were well-advanced and an end provider had been identified by the applicant.

Councillor Nicholson shared the views of Councillor Dixon, noting that there had been no opposition to the proposed development from consultees.

Upon a vote being taken it was unanimously **Resolved:**

That the application be approved subject to the conditions outlined in the report.

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/15/00373/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for up to 32 no. dwellings and public amenity space with access considered (all other matters reserved)
<b>NAME OF APPLICANT:</b>	Mr A Ward
<b>ADDRESS:</b>	Shittlehopeburn Farm Stanhope Bishop Auckland DL13 2YL
<b>ELECTORAL DIVISION:</b>	Weardale
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises approximately 1.5 hectares of agricultural grazing land located adjacent to the A689 between a recently built affordable housing development named Centenary Close (to the north) and Shittlehope Burn Farm (to the south) at East End Stanhope. There is a large modern agricultural building in the south of the site. Adjacent to this is a vacant former Council depot which has outline approval for 3 dwellings. The buildings at Shittlehope Burn Farm also have an extant planning approval for conversion to 2 residential dwellings. There is a further 1.5 hectares of agricultural land associated with the development site to the west, beyond which lies The River Wear. The Bondisle Works lies approximately 60m across the fields to the north west of the site.
2. Despite comprising of agricultural land, the site still falls mostly within the development limits, apart from a small area to the south. The site is however currently allocated as industrial land in the Wear Valley District Local Plan.
3. The application seeks outline planning consent for up to 32 dwellings with consideration also being given to access at this stage. The vehicular access would be taken through the Centenary Close estate to the north. As part of the scheme it is proposed to offer up the associated land to the west for public recreation and amenity use and this would be secured by a S106 legal Agreement.
4. The application is reported to the Planning Committee in accordance with the Scheme of Delegation because the development is classed as a major application.

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## PLANNING HISTORY

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5. There is no previous planning history on the application site, but as mentioned above there are unimplemented but extant planning approvals for residential development at Shittlehope Burn Farm and the adjacent former Council Depot. The already completed development to the north at Centenary Close was approved in 2013 and is a wholly affordable housing scheme of 23 dwellings.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. *NPPF Part 1 – Building a Strong, Competitive Economy.* Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
8. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *NPPF Part 7 – Requiring Good Design.* 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.
11. *NPPF Part 8 – Promoting Healthy 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.
12. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.



13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
14. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)*

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

17. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant to the application, however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. :-
15. *Policy ENV1: Protection of the Countryside:* The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.
16. *Policy ENV3: Areas of Landscape Value:* Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value identified on the Proposals Map.
17. *Policy GD1: General Development Criteria* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. *Policy BE17: Areas of Archaeological Interest:* When development is proposed which affects areas of archaeological interest, as identified on the Proposals Map, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.
19. *Policy H3: Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.

20. *Policy H15: Affordable Housing:* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on development sites.
21. *Policy H22 Community Benefit* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
22. *Policy H24: Residential Design Criteria* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
23. *Policy I2: New Industrial Allocations & Policy I6 Local Industrial sites:* The Plan allocates approximately 80 hectares of new industrial land, as shown on the Proposals Map, to help facilitate economic growth and employment generation in the District throughout the plan area/period. The Policy identified this site for development as a local industrial estate
24. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. *Environment Agency:* No objections to development subject to conditions relating to surface water run-off and finished floor levels
27. *Natural England:* No objections.
28. *Northumbrian Water:* No objections, drainage condition requested.

29. *Highways Authority*: No objection subject to condition requiring details of highways construction at new access point to centenary close.

30. *NHS*: No objection

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

31. *Planning Policy*: No objections.

32. *Housing*: Suggested that commuted sum be provided in relation to the provision of affordable housing.

33. *Trees*: No objections, trees would require adequate protection during any development.

34. *Landscape: Section*: No objections.

35. *Environmental Health*: No objections but noise assessment previously undertaken in 2014 in relation to Centenary close will require to be updated in relation to this development.

36. *Sustainability Section*: Questions over sustainability of site but it may be possible to mitigate this should sustainability be built into the development. Objection has to be offered in the absence of this information, but would accept the placing of a condition of a sustainability statement.

37. *Archaeology*: No objections, condition suggested.

38. *Contaminated Land*: No objections, advise a conditional approach in relation to land contamination.

39. *Drainage and Coastal protection*: No objection.

40. *Education*: This proposed development will not impact on school places. There are sufficient Primary and Secondary School places to accommodate the additional pupils likely to be produced.

41. *Public Rights of Way*: No objection subject to upgrade of public right of way within site ownership.

42. *Ecology*: No objections.

43. *Design and Conservation*: No objection.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [http://plan-1:8080/IDOXSoftware/IG\\_search?app\\_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT](http://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT)*

#### **PUBLIC RESPONSES:**

44. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. There were no comments received.

## **APPLICANTS STATEMENT:**

45. The application now under consideration is the end product of a Pre-Application Enquiry which was submitted in September 2012 which has enabled extensive and productive dialogue to take place with planning and landscape officers in particular. In many ways, the application can be seen as a second phase of development, this time for market housing, to complement and support the affordable homes development for 23no. houses which has already been constructed and occupied on the applicant's land.
46. This outline planning application, identifying the potential for some 32 dwellings, provides an opportunity for complementary housing on land which is well-related to Stanhope, on which a variety of house types can be provided for the local market in Weardale. It has the potential to be a quality residential development within the existing settlement limits of Stanhope, and a sustainable scheme supporting and maintaining the existing range of services and facilities in the town.
47. Importantly, also, much effort has been directed towards ensuring the development is one which sits well within the landscape, and a considerable benefit arising from this is the inclusion within the proposals of a large area of land adjacent to the river which will become accessible for the general community as well as assisting in assimilating the development into its surroundings.
48. This is a proposal for new housing and a large area of community accessible amenity space which will become a significant asset to Stanhope and Weardale. It is deliverable as well as being sustainable and it is hoped that Members of the Committee will support this view in granting outline planning permission.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development, landscape impact, highway safety, flood risk, archaeology and ecology.

### Principle of Development

50. The site is greenfield land, but the majority of it lies within the defined settlements limits of Stanhope. There is however a small part of the site to the south which lies beyond the settlement limits. It is also currently allocated as industrial land in the Wear Valley Local Plan. The proposal is therefore a departure to the Wear Valley District Local Plan, partly in respect of Policy H3 and wholly in respect of Policy I6, and consideration must be given to whether there are any other material considerations and benefits to outweigh this conflict.
51. The NPPF is an important material consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing and states housing applications should be considered in the context of the presumption in favour of sustainable development. Para 22 states long term protection of sites allocated for employment should be avoided where there is no reasonable prospect of the site being used for that purpose and applications for alternative use should be treated on their merits.

52. The allocation of the site for industry in the Wear Valley Local Plan dates back to 1997 and no industrial use proposals have come forward in that considerable period of time. This indicates a lack of demand. The recent development of Centenary Close within the allocation and planning approvals for residential development immediately to the south of the site also represent a change in the context of the site that would be likely to inhibit the potential for industrial uses coming forward now on the rest of the site, because the two uses would be incompatible side by side. This was recognised in the Councils' recently conducted Employment Land Review and as a result the industrial allocation was not going to be carried forward into the County Durham Plan (CDP). Although the CDP is currently being given no weight, the Employment Land Review represents an up to date evidence base and site circumstances have clearly changed since the site was allocated for industry. Taking all this into account it is considered that the site's industrial allocation within the Wear Valley Local Plan is considerably out of date and there is little prospect of the site being used for that purpose. In accordance with NPPF paragraph 22 it is therefore appropriate to consider the site for housing purposes.
53. The housing policies of the Wear Valley Local Plan, including Policy H3 and the definition of settlement limits, date back to 1997 and are therefore considerably out of date and carry no weight. Following the recent High Court decision to quash the Inspector's Interim CDP Report the housing policies of the CDP can no longer be given any weight either. A revised CDP will be progressed in the coming months and will gather weight as it proceeds through the stages of plan preparation; however, in these circumstances the NPPF in para 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The main purpose of the NPPF is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment.
54. The concern of the Sustainability Section in respect of the site's access to major services is noted, however, the County Durham Settlement Study identifies Stanhope as a Tier 2 Secondary Settlement, which indicates it has a wide range of local services and facilities and therefore it plays an important role as a local service centre within the wider rural Weardale area. It is a town capable of accepting new development, but there are however, in practical terms, very few opportunities for housing within the town because of landscape and heritage constraints. This is a site that lies adjacent to existing development and within walking distance of the facilities within the town. In addition it lies outside the conservation area and is not covered by any landscape designation. It does not therefore represent isolated development and is considered to be an ideal opportunity to provide new housing that would help to support the vitality and viability of local services in Stanhope, which also support the wider rural area, in accordance with NPPF para 55. A development of 32 dwellings represents a relatively small scale of development that would not prematurely undermine the Councils housing delivery strategy moving forward and would be a scale of development commensurate with the role of Stanhope in the settlement hierarchy of the County. It is therefore considered that the site represents a sustainable location for the proposed development and accords with the aims of the NPPF. This is a view shared by the Council's Planning Policy Section.
55. Wear Valley Local Plan Policy 15 seeks the inclusion of an appropriate element of affordable housing on development sites and the scale of development would normally be expected to make such provision, as advised by the Councils Housing and Planning Policy Sections. However, it is noted that the applicant has already released an area of land for the development of Centenary Close, which comprises 23 affordable dwellings, all built out and occupied. The number of affordable

dwellings in the Centenary Close development far exceeds the 6 affordable dwellings that would have been required cumulatively across both development sites and therefore it would not be reasonable to require additional affordable housing from this application.

56. Wear Valley Local Plan Policy H22 requires developments of 10 or more dwellings to either provide or make a contribution to the provision and subsequent maintenance of social, community and/or recreational facilities in the locality. Part of this application proposal includes making a large area of open space to the west of the site (approximately 1.5ha) publicly accessible for recreation and amenity use, which would be more than sufficient to meet the requirements of Wear Valley Local Plan Policy H22 and accords with the aims of NPPF Part 8. This would be secured in perpetuity through a section 106 legal agreement and maintenance responsibility would remain with the applicant.
57. Taking all the above into account, it is considered that while the development of this site for housing would not conform to the development plan in respect of its industrial allocation and location partly outside the development limits of Stanhope, the development plan is out of date in these respects and when assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent an acceptable form of development. Therefore subject to a detailed assessment of the impacts of the development as appraised below, the scheme is considered acceptable in principle.

#### Landscape Impact

58. The site lies within an attractive rural landscape and adjacent to an Area of High Landscape Value designation. It does however fall within the settlement limits of Stanhope and is allocated for industrial purposes so it could potentially have been developed for industrial purposes, which normally comprises large industrial buildings of a much greater scale than housing and in lesser quality materials.
59. All detailed matters apart from access are reserved for future consideration so it is not possible to make a detailed landscape assessment of the proposal, however the site surroundings are becoming more residential in nature, with the Centenary Close development complete and extant planning approvals for residential use both at the former council depot and the existing agricultural barns, which sit to the south of the site. At present Centenary Close appears a little isolated, but it was the original intention that it formed part of this development proposal and therefore with this proposal now coming forward, it would help to better assimilate Centenary Close into a more coherent built form on the edge of the town. The area proposed as publicly accessible open space immediately to the west would ensure the development remained tightly contained between existing development and prevent encroachment into the Area of High Landscape Value designation. There would be opportunities for landscaping within this area.
60. The Landscape Section has noted that the proposals would have very localised impacts and would not have a significant effect on the wider Lower Weardale character area. These localised impacts would stem from the site altering substantially in character from the existing field. It is suggested however that these impacts would become less significant as structural planting associated with the landscaping scheme became established over time.
61. In the light of the absence of any landscape objections and being mindful that the site could have been developed for industrial purposes, it is considered likely that a residential scheme of the scale proposed could be successfully accommodated on

the site without detriment to the character and appearance of the area and adjacent landscape designations, subject to detailed consideration of scale, layout, appearance and landscaping. The application is therefore considered to accord with Policies GD1 and ENV3 in relation to general landscape impacts.

## Highway Safety

62. Access is the only detailed matter for which approval is sought at this stage. The proposed vehicular access to the development would be taken from the existing head of the cul-de-sac within Centenary Close. Centenary Close has an access directly onto the A689.
63. The Highway Authority advises that the existing junction with the A689 is adequate to serve the additional development. It is not possible to comment on parking provision or internal alignments at this stage. The topography is such that it is likely that some further works would need to be carried out at the point where the new access road would join into Centenary Close to ensure compatibility with levels and adoptable highway requirements. A condition to show how this will be achieved will be necessary in this respect.
64. Overall based on the advice of the Highways Authority the proposal is acceptable in highways terms and complies with Wear Valley Local Plan policies GD1 and T1.

## Flood Risk

65. Due to the close proximity of the site to the River Wear and Shittlehope Burn, a flood risk assessment (FRA) has been undertaken in support of the application. The FRA concluded that the development could be established with floor elevations above the 1:100 year flood level, including climate change allowance. Safe access/egress in terms of flood risk from the site can be achieved via existing access routes to/from the A689. This should therefore ensure that flooding does not occur to the properties proposed even if an exceptional flooding event were to occur.
66. Northumbrian Water and the Councils Drainage and Coastal protection team have offered no objections subject to the requirement for a detailed drainage design being submitted at the reserved matters stage. The Environment Agency has offered no objections.
67. The proposal complies with Wear valley Local Plan Policy GD1.

## Archaeology

68. An archaeological assessment has been undertaken which has included field work at the site. This was requested as historic maps suggested the development site once hosted a WW1 prisoner of war camp.
69. The archaeological assessment explored remnants of this previous use but also considered neolithic and bronze age remains. The assessment notes that the WW1 camp was once a substantial building complex and foundations associated with the buildings were discovered, but no finds of significant note were made.
70. No archaeological resource was identified which requires preservation in situ, but the report recommended that further archaeological works would be required in relation to this development.

71. The Archaeology Section suggests that as POW camps of this period are very rare it is felt that any remains that may survive are worthy of efforts to record them prior to loss through development and recommends that a strip, map and sample is carried out in the area where features related to the camp were shown to be present. A condition requiring further archaeological survey is therefore considered necessary in accordance with NPPF Part 12 and Wear Valley Local Plan Policy BE17.

## Ecology

72. The application has been accompanied by a Habitat and Protected Species survey.

73. The survey noted the existence of important habitat within 2km of the site, this most notably at SSSI sites on the moorland tops to the south west and north east. It is however stated that the development will not have a direct effect on these habitats. The habitat on the development site itself is improved grassland and bare earth, offering little wildlife potential. The existing large cow shed which is proposed for demolition has limited potential to host protected species.

74. The amenity space proposals, including landscaping, to the west would enhance biodiversity.

75. Both the Councils Ecology Section and Natural England have offered no objections to the application. The proposal complies with Wear Valley Local Plan Policy GD1 and the aims of NPPF para 118.

## Other issues

76. A public right of way runs through the area which is to be dedicated as public open space. The right of way would not be obstructed, but the Public Rights of Way Section has recommended that the surface of the footpath within the public open space be upgraded. This would be beneficial to the use of the land as public amenity space and it would be expected to see details of this and any other works within the final landscape scheme, which is required to be submitted at the reserved matters stage.

77. The NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The Pollution Control Section have visited the site and have stated that although odour could be detected from the nearby foundry to the north west of the site it was not at a level that would be classed as a statutory nuisance. Notwithstanding this, it is accepted that residential amenity thresholds can be lower than a statutory nuisance level. However, it is also noted that the foundry process has a permit issued by Durham County Council that controls odour emissions from the site and the Pollution Control Section have advised that odour from the foundry should not be offensive beyond its site boundary. The application site lies approximately 60m from the foundry, further than other existing properties. Taking all these factors into account, including the lack of concern from the Pollution Control Section it is considered likely that odour issues would not have an unacceptable impact on residential amenity for those living within the development.

78. An updated noise assessment will be required once there is a detailed scheme to determine whether any mitigation measures will need to be built into the development in relation to noise from nearby industrial uses. It is considered however that any such impact will be possible to mitigate to acceptable levels



through the provision of minor mitigation measures such as improved glazing and roof insulation. This can therefore be left to a condition.

79. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The scale of development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures to meet the aims of NPPF Part 10. A condition requiring this is therefore necessary.

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## CONCLUSION

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80. Development of this site for housing would not conform to the development plan in respect of its industrial allocation and location partly outside the development limits of Stanhope, however, the development plan is out of date in these respects and when the proposal is assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent a sustainable form of development, in accordance with the aims of the NPPF, and is therefore considered acceptable in principle.
81. The Highway Authority is satisfied that the proposed access is suitable to serve the proposed development.
82. The detailed design of the scheme will be assessed at the reserved matters stage, but the proposal is otherwise in general terms considered acceptable in respect of landscape impact, relationship with neighbouring uses, archaeology, flood risk and ecology.
83. The proposal is therefore considered acceptable in planning terms subject to the suggested conditions.

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## RECOMMENDATION

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That the application be **Approved** subject to the completion of a Section 106 Legal Agreement to secure the land within the blue line boundary as public open space to be fully accessible for the public in perpetuity and for the applicant or successor in title to carry out full maintenance and management works on this land in perpetuity; and subject to the following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

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

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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

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

Site Layout (excluding detailed housing arrangement) and location plan received 11<sup>th</sup> February 2015.

*Reason: To define the consent in respect of access and ensure that a satisfactory form of development is obtained in accordance with Policies GD1 and T1 of the Wear Valley Local Plan.*

4. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

*Reason: To prevent the increased risk of flooding from any source in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF. The details are required before commencement as they relate to fundamental matters relating to flood risk which are matters that need to be addressed at the start of the development process.*

5. All buildings shall be constructed with a finished floor level of at least 194.22m AOD.

*Reason: To prevent the increased risk of flooding from any source in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.*

6. No development shall commence until plans showing full engineering details of the proposed access road, including the layout, construction details and surfacing have been submitted to and approved in writing by the Local Planning Authority. The access road shall be completed in accordance with the approved details before any of the dwellings hereby approved is first occupied.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Wear Valley Local Plan. The details are required before commencement as they relate to fundamental issues relating to the main site access which are matters that need to be addressed at the start of the development process.*

7. No development shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. This should include in particular, options to heat the development by low/zero carbon technologies. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained so in perpetuity.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan and Part 10 of the NPPF. The details are required before commencement as they relate to fundamental issues relating to the reduction in energy use at the site which are matters that need to be addressed at the start of the development process as such measures may be fundamental to the design of the dwellings.*

8. No development shall commence until a Tree Constraints Plan and Arboricultural Implications assessment which is relevant to the detailed layout submitted under reserved matters has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of protecting existing trees and hedgerows at the site in accordance with Policy GD1 of the Wear Valley Local Plan. The details are required before commencement as they relate to fundamental issues relating to the protection and retention of trees on the site which are matters that need to be addressed at the start of the development process, particularly as the layout of the site has not been finalised.*

9. No development shall take place unless in accordance with the recommendations detailed within the Phase 1 habitat survey by All about Trees, 13<sup>th</sup> March 2015.

*Reason: To conserve protected species and their habitat in accordance with Policy GD1 of the Wear Valley Local Plan.*

10. No development shall take place before an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, has been submitted to and approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise and adjacent commercial developments and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first occupation of the dwellings hereby approved and permanently retained thereafter.

*Reason: In the interests of the residential amenity of future occupants in accordance with Policy GD1 of the Wear Valley Local Plan. The details are required before commencement as they relate to fundamental issues relating to noise which are matters that need to be addressed at the start of the development process as the findings of the survey may influence the design and layout of the dwellings.*

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

*Reason: To comply with para 141 of the NPPF because the site is of archaeological interest. The details are required before commencement as they relate to fundamental issues relating to archaeological matters that need to be addressed at the start of the development process as archaeological evidence may be lost were this to be arranged post commencement.*

12. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

*Reason: To comply with para. 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.*

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

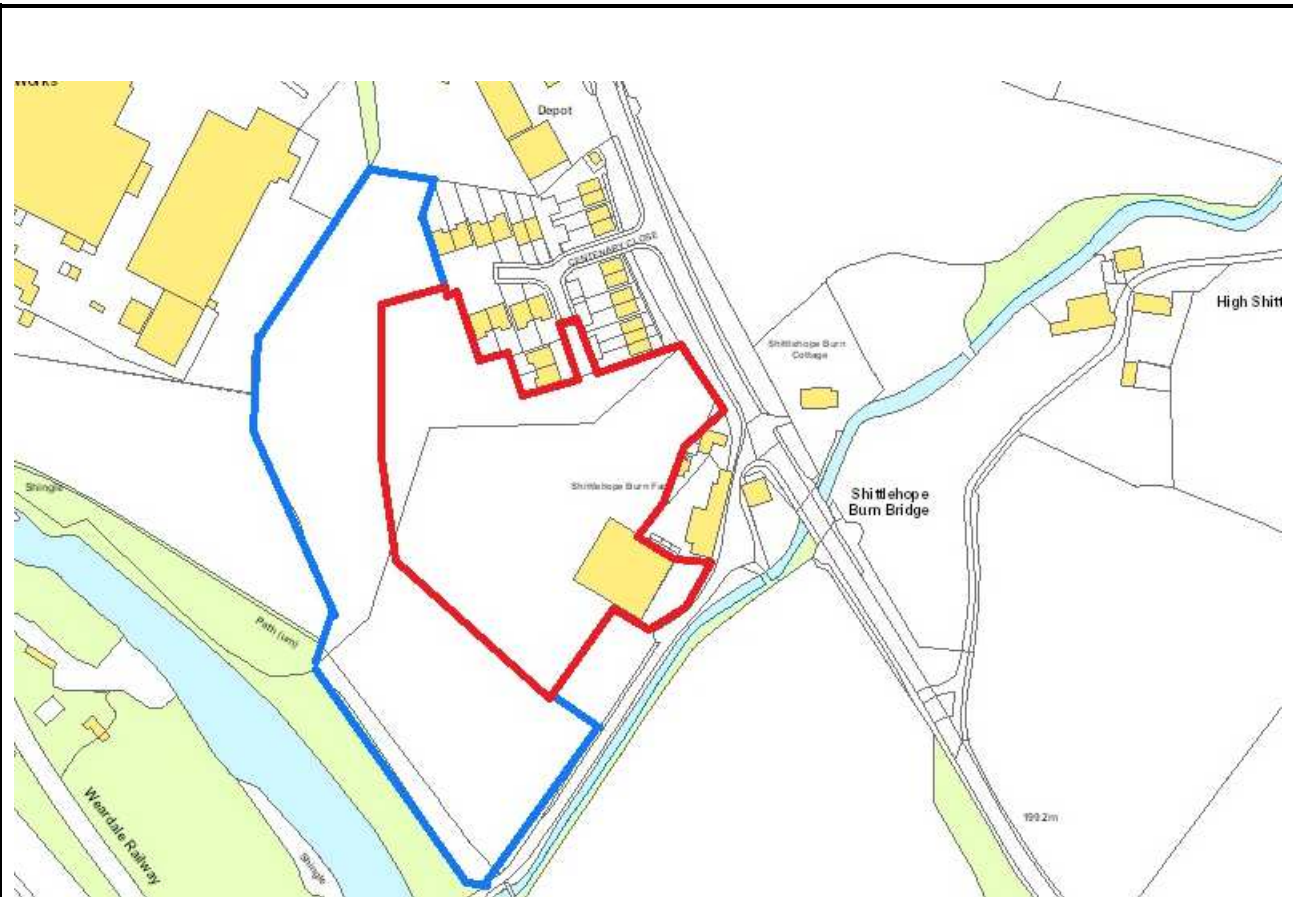
Wear Valley Local Plan

The County Durham Plan (Submission Draft)

County Durham Settlement Study 2012

Employment Land Review

All consultation responses received



**Planning Services**

Outline application with all matters reserved except access for up to 32 no. dwellings with public amenity space

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22<sup>nd</sup> October 2015

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/00730/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure
<b>NAME OF APPLICANT:</b>	Ruttle Plant Holdings Ltd
<b>ADDRESS:</b>	Site Of The Former St Peters School, Main Road, Gainford, Darlington
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site measures 0.45 ha in area and relates to the buildings of the former St Peters School and surrounding hardstandings, which are located approximately 200m outside (east) of the village of Gainford, but still within the Gainford Conservation Area. The school was built in 1899, initially as an orphanage and then became a residential school home to around 100 pupils, but closed in 1983. It subsequently became a nursing home in 1986, but closed in 1998 and has been vacant since.
2. The buildings are constructed in brick with slate roofs. There are two separate ranges of buildings, which together form an L shape fronting out on to the A67 to the north of the site and returning south along the east of the site. They have been vacant for a considerable period now and are in a state of cosmetic disrepair with windows boarded up. The site sits within the countryside, but there are 3 nearby detached residential properties to the west of the site as well as a newly constructed doctors surgery further west along the road at the edge of the village.
3. The application has been amended during the course of the application reducing the number of dwellings from 26 to 16 by removing development in a field to the east of the buildings. The application now seeks full planning permission for the conversion of the northern building to create 6no. 2-bed apartments; demolition of the east range of buildings; and erection of 10no. dwellings, comprising 5no. 4-bed, 3no. 3-bed and 2no. 2-bed dwellings. The proposed new-build dwellings would be two storey, brick built and a mix of detached, semi-detached and terraced properties arranged around a new cul de sac highway arrangement. The vehicular access from the A67 would still be provided though the existing access, which would be upgraded to adoptable standards.

4. A S106 heads of terms has been submitted in respect of securing 3 affordable housing units on the site and securing an area for the provision of public open space to the east of the site.
5. The application is reported to the Planning Committee in accordance with the Scheme of Delegation because the development is classed as a major application.

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## **PLANNING HISTORY**

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6. There have been 2 previous planning permissions for redevelopment of the site and buildings.
7. The first permission was 6/1984/0311/DM for partial demolition and conversion to flats, nursing home, rehabilitation centre, office and light industrial unit.
8. The most recent was 6/2008/0391/DM for a 70 bedroom assisted living development through conversion and new build residential blocks.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
10. *Part 1 – Building a Strong, Competitive Economy.* Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
11. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
12. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.



13. *Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *Part 8 – Promoting Healthy 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.
15. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *Part 11 – 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, minimising impacts on biodiversity and providing net gains where possible; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
17. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

18. The following saved policies of the Teesdale District Local Plan are relevant to the application, however in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:-
19. *Policy GD1 - General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy ENV1 - Protection of the Countryside*- Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will

need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

21. *Policy ENV8 - Protecting Animal and Plant Species Protected By Law* - Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.
22. *Policy ENV15 - Development Affecting Flood Risk* - Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
23. *Policy BENV 4 - Conservation Areas* - Development within conservation areas will only be permitted provided a number of criteria relating to design, traffic, landscaping and servicing are met.
24. *Policy BENV11 - Sites of Archaeological Interest* - Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.
25. *Policy H1A - Open Spaces Within Developments* - In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
26. *Policy H12 – Design* - The local planning authority will encourage high standards of design in new houses and housing sites.
27. *Policy H14 - Provision of Affordable Housing within Developments* - The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
28. *Policy T2 - Traffic Management and Parking* - Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.
29. *Policy ECON 1 – Availability of industrial and Commercial Land* - Sets out that land will be allocated for business, general Industry and distribution uses thought the District.

#### **EMERGING PLAN:**

30. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court

Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

31. *Highway Authority* – Following receipt of amended plans no highway objections are raised to the proposed access and highway layout subject to removing the tree adjacent to the access point. It is also advised that there would be sufficient parking provided across the development, with the exception of plot no.16 where an additional hardstanding space should be provided. It is also recommended to attach conditions requiring submission of full engineering details of the road layout.
32. *Northumbrian Water Limited* – Highlight that the sewage treatment works in Gainford are at capacity and would require upgrading to accommodate additional flows. Although no upgrade works are programmed, it is advised that should the development come forward the upgrade works would commence. A condition requiring details of foul and surface water disposal to be submitted is also requested.
33. *Environment Agency* – Advise that following more detailed survey work the site has been re-categorised as Flood Zone 1 and therefore the proposal now falls within the Environment Agency Standing advice, which includes adopting sustainable drainage methods.
34. *Gainford and Langton Parish Council* – Advise that affordable housing should be incorporated into the scheme, while 3 and 4 bedroom houses are not necessarily what the village wants; there is a desire for property for the elderly/retired. Concerns are raised regarding the green field part development of the site and potential loss of commercial and potential employment. Concerns are raised regarding the design of the properties

### **INTERNAL CONSULTEE RESPONSES:**

35. *Planning Policy* – It is advised that the development would not accord with relevant policies of the Teesdale Local plan, representing development outside of the settlement limits of Gainford on a site allocated for employment purposes. However when assessed against all elements of the NPPF it is recognised that the development would bring the vacant building back into a productive reuse, boosting housing site in a relatively sustainable location. It is also advised that the most recent employment land review recommends deallocating the site for employment purposes. Overall it is advised that following the submission of amended plans to exclude development on the parcel of land to the east of the site no objections are raised to the scheme.
36. *Design and Conservation Section* – Following amendments to the scheme, to address concerns of developing the greenfield portion of the site, advise that the benefits associated with the redevelopment and reuse of these site would outweigh the harm caused through the demolition of part of the building. It is also advised that the layout and design of the properties are appropriate to the setting of the site and therefore no objections are raised.

37. *Landscape Section* – Advise that following the receipt of amended plans the development would have an acceptable visual impact on the whole. Concerns are however raised in regards to the potential loss of an Ash Tree adjacent to the access of the site and encroachment into the undeveloped site to the east. A detailed landscaping plan should be developed to ensure consistent landscape treatment.
38. *Sustainability Section* – Raises concerns regarding the sustainability of the site, due to the environmental and economic constraints, including distance from facilities and services, ecological impacts, potential flooding risk and connection to the gas network. However this needs to be balanced against the projected benefits in contributing to local housing need, bringing historic assets back into use, whilst supporting a prosperous rural economy.
39. *Ecology Section* – Advise that the likely presence and impact on protected species the proposals is low, subject to the proposed mitigation and compensatory measures. It is however recommended that any external lighting is agreed before its installation due to the presence of a bat roost in close proximity.
40. *Arboricultural Section* – Offers no objections but recommends that a Tree Protection Plan is secured by condition.
41. *Environmental Health Section* – Offer no objections in principle to the development, but in order to protect future residents from road noise and adjacent uses, it is recommended that a noise impact assessment is undertaken and any mitigation measures secured by condition. It is also recommended to control the working hours on site and incorporate measures to suppress noise and dust during construction.
42. *Housing Section* – Support the provision of affordable housing on site, while outlining that options for affordable rent should be explored.
43. *Contaminated Land Section* – Advise a conditional approach in relation to land contamination.
44. *Drainage and Coastal Protection* – Offer no objections providing a detailed scheme of surface water disposal is submitted limiting discharge to greenfield run-off rates.
45. *Archaeology Section* – Advise that there are no anticipated underground archaeological issues with the proposed development, however it is recommended that a proportionate level of building recording of the site prior to any demolition is undertaken.
46. *Schools Admissions Section* – Advises that there are sufficient places to accommodate additional pupils from the development.

#### **PUBLIC RESPONSES:**

47. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 1 letter of objection has been received raising relating to the following issues:-
  - The development is within the Conservation Area and includes the building of additional properties to the east of the access road, this is a green field site and should be protected.
  - The building should be protected and other uses explored to see it being retained rather than demolished.

- Other developments within the village have led to overspill of parking at weekends and evenings. The proposed access is dangerous due to speed entering the village, traffic calming measures should be incorporated.
- The development should provide houses for the elderly, which could provide employment within the village which has lost substantial numbers of jobs in recent years and free up larger properties within the village.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NKXQAJGDJXJ00>*

## **APPLICANTS STATEMENT:**

48. The existing buildings are in a very poor, neglected state which serves to undermine the character and appearance of the Gainford Conservation Area. This state will continue in the absence of a beneficial use. The site itself acts as a gateway to Gainford when travelling from the west and in its current state blights the local landscape.
49. The proposals for the site's redevelopment will result in the re-use and retention of the existing Greenacres building, which will secure its future; both preserving and significantly enhancing the character and appearance of the Gainford Conservation Area. The proposals will result in a derelict site being brought back into a beneficial use and one that will serve to improve both the immediate and wider areas; including the village of Gainford.
50. The original scheme has been substantially revised in accordance with requests from the planning officer. Development has been omitted from the field to the east. Dwelling numbers have been reduced from the 26 originally proposed to 16. The design of the proposed house types has also been improved meaning they are more befitting of the Conservation Area. Within the revised layout we have also included 3 affordable dwellings.
51. We have worked very closely with the planning officer and reached agreement on an amended scheme which delivers economic, social and environmental benefits. These benefits aren't outweighed by any adverse impacts and the presumption in favour of sustainable development should therefore be applied and we respectfully request that the recommendation be followed.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, effect on the character of the Conservation Area, residential amenity, highway safety, ecology and flooding/drainage issues.

### The Principle of Development

53. The proposal comprises development on previously developed land and includes the reuse of disused buildings. The site does however lie outside the development limits of Gainford and is currently allocated as industrial land in the Teesdale Local Plan. The proposal is therefore a departure to Teesdale Local Plan Policies ENV1 and

ECON1, and consideration must be given to whether there are any other material considerations and benefits to outweigh this conflict.

54. The NPPF is an important material consideration. NPPF para 17 sets out a number of core planning principles, which among other things include encouraging the effective use of previously developed land and conversion of existing buildings. Section 6 of the NPPF seeks to significantly boost the supply of housing and states housing applications should be considered in the context of the presumption in favour of sustainable development. Para 51 states local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing, provided there are not strong economic reasons why such development would be inappropriate. Para 22 states long term protection of sites allocated for employment should be avoided where there is no reasonable prospect of the site being used for that purpose and applications for alternative use should be treated on their merits.
55. It is noted that the Councils' recently conducted Employment Land Review identifies that there is a limited demand or need for employment uses on the site and as a result the industrial allocation was not going to be carried forward into the County Durham Plan (CDP). Although the CDP is currently being given no weight, the Employment Land Review represents an up to date evidence base. The site has been vacant since 1998 and no industrial use proposals have come forward in that time. The costs associated with converting or demolishing the buildings to facilitate business uses would likely have implications for viability and would/have in likelihood been a significant factor inhibiting employment uses coming forward. It is also relevant that the Conservation Area Boundary was extended in 2013 to include this site. This adds a further constraint on acceptable forms of development on the site and would be a huge discouragement to typical industrial types of development on the site. Taking all this into account, and notwithstanding the Parish Council concerns about the loss of employment land, it is considered that the site's industrial allocation within the Teesdale Local Plan is out of date and there is little prospect of the site being used for that purpose. In accordance with NPPF paragraphs 22 and 51 it is therefore appropriate to consider the site for housing purposes.
56. The housing policies of the Teesdale Local Plan, including the definition of settlement limits, date back to 2002 and are therefore considerably out of date and carry no weight. Following the recent High Court decision to quash the Inspector's Interim CDP Report the housing policies of the CDP can no longer be given any weight either. A revised CDP will be progressed in the coming months and will gather weight as it proceeds through the stages of plan preparation; however, in these circumstances the NPPF in para 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The main purpose of the NPPF is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment.
57. The concern of the Council's Sustainability Section in respect of the site's access to major services is noted, however, The County Durham Settlement Study identifies Gainford as a Tier 3 Local Service Centre, recognising that it has a range of local services and facilities. A development of 16 dwellings represents a small scale of development that would not undermine the Councils housing delivery strategy moving forward. It would be a scale of development commensurate with the role of Gainford in the settlement hierarchy of the County and would help to support the

vitality and viability of local services in Gainford, which also support the wider rural area, in accordance with NPPF para 55.

58. In addition, the re-use of previously developed land and buildings is consistent with the core principles of the NPPF and the aims to promote sustainable development. The site is situated in close proximity to the edge of the Gainford with good accessibility and connections into the village. There are bus stops located outside the entrance of the site and the facilities within Gainford are within walking distance along adopted footpaths with street lighting. It is therefore considered that the site is not isolated and the redevelopment proposals represent a sustainable form of development in accordance with the aims of the NPPF. This is a view shared by the Council's Planning Policy Section. It is also relevant that the site has historically had types of residential uses (boarding school, nursing home) and planning permissions have also been granted for residential development on the site, with the last being in 2008.
59. The representations from the Parish Council and a local resident have reiterated a desire to see the site used to provide accommodation for elderly persons. However, despite permission being granted previously for such accommodation it has not come forward resulting in the continuing deterioration of the site. The site has also experienced anti-social behaviour problems due its ready access and lack of natural surveillance. The proposal represents an opportunity to improve the condition of the site, which is a prominent feature on the eastern gateway approach to the village and within the Conservation Area, and bring one of the buildings back into a viable use. The development would provide 2, 3 and 4 bed dwellings catering for a range of household types. 3 of the dwellings would be affordable to meet the requirements of Teesdale Local Plan Policy H14 and would be secured by a S106 Agreement. It is therefore considered that the mix of housing proposed is acceptable and the provision of affordable housing is an added public benefit.
60. The application also now proposes to use the field immediately to the east as public open space/communal garden to serve the residential development and this would be preferable to an offsite contribution because of the site's edge of village location. The area would measure approximately 3100sqm, which is considered more than adequate to serve the development and complies with Teesdale Local Plan Policy H1a requirements, as well as the aims of NPPF Section 8 in respect of promoting healthy communities. This too would be secured through a S106 Agreement and landscaping details can be agreed by condition.
61. Taking all the above into account, it is considered that while the development of this site for housing would not conform to the development plan in respect of its industrial allocation and location outside the development limits of Gainford, the development plan is out of date in these respects and when assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent an acceptable form of development. Therefore subject to a detailed assessment of the impacts of the development as appraised below, the scheme is considered acceptable in principle

#### Design, layout and the effect on the character of the Conservation Area

62. Local Plan Policy BEV 4 seeks to preserve the historic environment, particularly the character and appearance of Conservation Areas. This policy reflects the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving the character and appearance of conservation areas. In Section 12, the NPPF also

seeks to conserve or enhance heritage assets in a manner appropriate to their significance.

63. In considering the proposal against the above policy context, the site is located within the Gainford Conservation Area, a designated heritage asset. Gainford Conservation Area encompasses a historic village core with a village green providing a focus for the settlement. The buildings within the village centre are principally built in the 18<sup>th</sup> and 19<sup>th</sup> century consisting of modest cottages and grander properties. The application site is identified within the Gainford Conservation Area Appraisal, highlighted as having a prominent position, providing a valuable contribution to the area. The buildings on site are built in a grand late Victorian, early Edwardian style in the 1900's and represents a style and scale of architecture from the time.
64. The scheme proposes the conversion of the main building at the front of the site into 6no. apartments. This is the most important building on the site, historically and architecturally. Minor external alterations are proposed to achieve this, including the formation of new windows, replacement of windows and general repair works. The Council's Design and Conservation Section offers support for the conversion works, advising that they are sympathetic to the special character of the building.
65. The larger building to the east is to be demolished. This was the former teaching and accommodation block. The lack of architectural detailing, compared to the main frontage building, is reflective of its lesser importance. The application presents a convincing argument that the conversion of such a large narrow building is not viable. The new build dwellings to be constructed in its place would in effect serve as enabling development for the conversion and subsequent retention of the more important building on the site. The demolition would also allow an appropriate internal layout and access arrangement to be achieved. It is therefore considered that there is clear and convincing justification for the proposed demolition, in accordance with NPPF para 132. It would however be appropriate to ensure that a proportionate level of building recording was carried out prior to any demolition, as recommended by the Archaeology Section, and this can be conditioned.
66. The 10no. new-build dwellings would utilise 4 different house types to provide a mix of detached, semi-detached and terraced properties. The design of the dwellings picks up key reference points and fenestration detailing on the main building, including heavy robust eaves and chimney detailing and the materials would match the main building.
67. In appraising this element of the application the Council's Design and Conservation Section advise that the revised scheme is acceptable in terms of density and layout given site constraints and would not adversely affect the character and appearance of the conservation area or setting of the building to be retained. Neighbouring properties to the west are sufficiently far away to not be affected by window relationships. The final specification of materials will be very important and should be controlled by condition. In addition, as the scheme proposes an open plan layout, permitted development rights should be removed for enclosures forward of main elevations.
68. It is unfortunate that the Ash tree at the site entrance would have to be felled, but it is necessary in the overriding interests of highway safety and in the interests of seeing the site redeveloped. Additional tree planting can be secured in the open space area to the east to compensate for its loss.
69. Taking all of the above into account and having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the



proposal would be acceptable in design and heritage terms and accordingly would enhance the character and appearance of the Gainford Conservation Area.

70. The proposal therefore complies with Teesdale Local Plan Policies GD1, BENV4 and H12, as well as the relevant design and heritage provisions in Parts 7 and 12 of the NPPF.

#### Access and highway safety issues

71. Saved Local Plan policies GD1 and T2 require that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
72. The site is served by an existing means of access from the A67, which would be widened to adoptable standards, along with the introduction of a 1.8m wide pedestrian footway to the western side. The Highways Authority advise that this access is suitable to serve the development, subject to the maintenance of visibility splays, which would necessitate removal of the Ash tree adjacent the site entrance.
73. It is also advised that following the receipt of amendments to the scheme, the development would comply with the Council's established residential car parking standards. This is with the exception of plot no.16 where an additional hardstanding space should be provided or the garage omitted. This can be addressed by a condition. Conditions would also be necessary to ensure the retention of parking spaces and for the submission of full engineering details of the road layout.
74. Overall based on the advice of the Highways Authority the proposal is acceptable in highways terms and complies with Teesdale Local Plan policies GD1 and T2.

#### Ecology

75. An ecology survey has been submitted with the application. No signs of bats were detected within the buildings on the application site; however bats were observed roosting in a building to the south outside the site. Bats are a protected species. No other protected species were detected within the site and apart from the hedgerows adjacent to the site boundaries. No other BAP Priority Habitats were identified.
76. The County Ecologist has viewed the survey and has not raised any objections subject to the implementation of mitigation and compensatory measures detailed in the reports. This includes compensatory hedgerow planting, avoiding vegetation clearance during the bird breeding season and ensuring external lighting is appropriate. It will be necessary to ensure the recommendations are secured by a condition, which will also require details of any external lighting, particularly in respect of the bat roost to the south. Subject to these conditions the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal would comply with Teesdale Local Plan Policy ENV8 and NPPF para 118.

#### Flooding and Drainage

77. It was initially thought that the application site was located within the Environment Agency's flood zone 2. However, following further modelling and detailed surveys of the site and surrounding land, the Environment Agency has confirmed that the site is within Flood Zone 1, with the lowest risk of flooding. No objections are therefore raised from the Agency in this respect. The Council's Drainage Section have advised

that subject to restricting surface water runoff to greenfield rates and securing the final drainage layout by condition, no objections are raised.

78. Northumbrian water also raise no objections in relation to surface water, again requesting that the final drainage layout is detailed by condition. In relation to foul drainage, it is highlighted that the sewage treatment works in Gainford are at capacity and would require upgrading to accommodate additional flows. Although no upgrade works are programmed, it is advised that should the development come forward the upgrade works would commence. Based on the comments of Northumbrian Water it is considered likely that the capacity issue will be resolved, but the timing of the upgrade works is a matter for Northumbrian Water and the applicant to resolve outside of the planning system.

#### Other Issues

79. The Environmental Health Section has recommended conditions relating to working hours and construction activities. While recognising that the Environmental Health Section have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, there would be significant demolition and remedial site works and there are neighbouring residential properties to the west, so some form of control is necessary. The issues raised by the Environmental Health Section could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties. The Environmental Health Section has also recommended that upgraded glazing may be required for the new properties facing the A67 to mitigate traffic noise. These mitigation measures are minor and are likely to be easily addressed. Accordingly this can be dealt with by a condition requiring a noise impact assessment to determine the final details.
80. The Contaminated Land Section have noted that the development would result in “a more sensitive end user” but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case.
81. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. A condition requiring this is therefore necessary.

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## **CONCLUSION**

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82. Development of this site for housing would not conform to the development plan in respect of its industrial allocation and location outside the development limits of Gainford, however, the development plan is out of date in these respects and when the proposal is assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent a sustainable form of development, in accordance with the aims of the NPPF, and is therefore considered acceptable in principle.
83. The proposed re-development of the site, including the demolition, would facilitate the most significant building on the site being brought back into a viable use, and as a whole it is considered that the scheme would have a positive impact on the area and would enhance the character and appearance of the Gainford Conservation

Area, in accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national and local planning policy.

84. The development would also be acceptable in relation to issues of highway safety, ecology, drainage and amenity, subject to a number of conditions.
29. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions.

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## RECOMMENDATION

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That the application is **Approved** subject to the completion of a Section 106 Legal Agreement to secure the provision of 3 affordable housing units and the dedication of a Public Open Space area adjacent to the site.

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

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

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

Proposed Site Plan, Drg no. 13-080 sk02 Rev F, Dated August 2015  
Proposed Elevations, Drg no. 15 28 04 Rev B Dated 23.04.15  
Proposed House Type A, Drg no. 13-080 1210, Dated June 2015  
Proposed House Type B, Drg no. 13-080 1211, Dated June 2015  
Proposed House Type C, Drg no. 13-080 1212, Dated June 2015  
Proposed House Type D, Drg no. 13-080 1213, Dated September 2014

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation and remediation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BENV4 and H12 of the Teesdale District Local Plan.*

4. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BENV4 and H12 of the Teesdale District Local Plan.*

5. No development approved by this permission other than demolition, preliminary site excavation and remediation works shall commence until full details of the means of access, including the layout, construction details and surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

*Reason: In the interests of highway safety and setting and appearance of the Conservation Area in accordance with Policies GD1, BENV4, H12 of the Teesdale District Local Plan*

6. Notwithstanding the submitted information an additional hardstanding space for plot no. 16 shall be provided or the detached garage shall be omitted, in accordance with a revised site layout plan to be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plan.

*Reason: In order to provide sufficient in curtilage car parking in the interests of highway safety in accordance with Policies GD1 of the Teesdale District Local Plan*

7. Notwithstanding the submitted information, prior to the construction of the dwellings hereby approved the Ash tree adjacent to the site entrance shall be removed and the visibility splays depicted on the Proposed Site Plan, Drg no. 13-080 sk02 Rev F, Dated August 2015 shall be laid out and maintained thereafter.

*Reason: In order to achieve a satisfactory access in the interests of Highway Safety highway safety in accordance with Policies GD1 of the Teesdale District Local Plan*

8. No development other than demolition, preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

*Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policies GD1, ENV1, BENV4, and H12 of the Teesdale District Local Plan.*

9. No development approved by this permission other than demolition, preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Teesdale District Local Plan.*

10. No development approved by this permission other than preliminary site excavation and remedial works shall commence before an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, has been submitted to and approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first occupation of the dwellings hereby approved and permanently retained thereafter.

*Reason: In the interests of the residential amenity of future occupants in accordance with policies GD1 of the Teesdale District Local Plan.*

11. Notwithstanding the provisions of Schedule 2, Part 2, Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no fence or means of enclosure other than hereby approved shall be erected forward of any wall of the dwellings hereby approved fronting onto a highway.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of in the interests of the character and appearance of the Conservation Area, in accordance with policies GD1, BNV4 and H12 of the Teesdale District Local Plan.*

12. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Teesdale District Local Plan and part 10 of the National Planning Policy Framework.*

13. No development, including demolition and preliminary site works, shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:
- i. the timing of construction works
  - ii. parking of vehicles of site operatives and visitors
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development
  - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - vi. measures to control the emission of dust and dirt during construction

*Reason: In the interests of residential amenity, visual amenity and highway safety in accordance with policy GD1 and BENV4 of the Teesdale District Local Plan*

14. No development shall be carried out unless in accordance with the mitigation and detailed within the Ecological Survey and Assessment compiled by ERAP Consultants , Dated April 2014 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

*Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policies GD1 and ENV8 of the Teesdale District Local Plan and part 11 of the National Planning Policy Framework.*

15. No external lighting shall be installed unless the details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the approved details.

*Reason: in the interests of the visual amenity of the surrounding area and to ensure the preservation and enhancement of species protected by law in accordance with Policy ENV8 and GD1 of the Teesdale District Local Plan and part 11 of the National Planning Policy Framework.*

16. No development shall commence until a programme of building recording work has been undertaken in accordance with a Written Scheme of Investigation (WSI) which shall be first submitted to and approved in writing by the Local Planning Authority. The WSI should include details of the following:

- i; Methodologies for a Level 3 EH-style building record.
- ii; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the recording work is undertaken and completed in accordance with the approved strategy.
- iii; Monitoring arrangements, including the notification in writing to the Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- iv; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The recording work shall thereafter be carried out in accordance with the approved details and timings. Within 6 months of the site work commencing a final copy of any reporting, publication or archiving required as part of the Written Scheme of Investigation shall be submitted to the Local Planning Authority.

*Reason: To comply with saved policies BENV11 of the Teesdale District Local Plan and paragraphs 135 and 141 of the NPPF.*

17. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

#### **Pre-Commencement**

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

### **Completion**

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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65. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
Teesdale District Local Plan  
National Planning Policy Framework  
Consultation responses  
County Durham Local Plan Submission Version  
County Durham Settlement Study 2012  
Employment Land Review  
Application 6/2008/0391/DM



**Planning Services**

Part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure

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**Comments**

**Date** 9<sup>th</sup> October 2015

**Scale** 1:2500



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01714/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of up to 30 dwellings (all matters reserved)
<b>NAME OF APPLICANT:</b>	Mr Alan Etherington
<b>ADDRESS:</b>	Land to the south of Broadway Avenue, Salters Lane, Trimdon Village, Durham TS29 6PU
<b>ELECTORAL DIVISION:</b>	Trimdon and Thornley
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site measures 1.82 ha in area and is located to the west of Trimdon in the south east of the County. The site currently comprises an agricultural field with areas of scrub vegetation and crops. The site is bordered to the north by Broadway Avenue, a residential cul-de-sac consisting of a mix of single storey and two storey dwellings. The highway Salters Lane is located to the east, across which lies an existing residential development. Open fields extend to the south and west and a Public Right of Way runs across the site in a south westerly direction. There is a noticeable level change across the site, with the land to the south being lower than that to the north. The Trimdon Village Conservation area lies 170m to the north east of the site.
2. This application is a resubmission of a previously refused scheme seeking outline planning permission for the erection of up to 30 dwellings, with all matters reserved. The application is supported by a revised Planning Statement, Mitigation and Enhancements Strategy and Viability Assessment in order to try and address the previous reasons for refusal. There also have been amendments to the layout and mix of dwellings on the indicative layout, while access would remain off Salters Lane. Three of the dwellings would be offered on an affordable basis. The Landscape Visual Impact Assessment shows that a comprehensive landscaping buffer would be provided at a minimum width of 25m to the south, west and east of the development site. This area would be planted up to screen the development and would also contain SUD's drainage points and access tracks linking to the B1278 Salters Lane to the east and up to the C24 West Road to the North.

3. This application is being reported to Planning Committee as it falls within the definition of a major development.

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## **PLANNING HISTORY**

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4. An outline planning application was submitted in 2006 for the erection of up to 114 dwellings incorporating the application and a larger site, this was subsequently withdrawn.
5. Outline planning permission was refused in 2014 for the erection of up to 30 dwellings for the following reasons:-
  1. *The development is not considered to represent Sustainable Development when considering all of the elements of the National Planning Policy Framework.*
  2. *The development would result in an encroachment in the open countryside adversely impacting upon its openness and visual amenity, contrary to saved policies E1, D1 and H8 of the Sedgefield Borough Plan and paragraph 17 of the National Planning Policy Framework.*
  3. *In the absence of a planning obligation to secure affordable housing and provide the necessary infrastructure to mitigate the adverse impacts of the development, the proposal is contrary to policies H19 and D8 of the Sedgefield Local Plan.*

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
8. *Part 1 – 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.
9. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of

technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

10. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
11. *Part 7 – Requiring Good Design.* 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.
12. *Part 8 – Promoting Healthy 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.
13. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
14. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
15. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
17. *Saved Policy E1 – Landscape Protection and Enhancement* – Seeks to encourage the maintenance of distinctive landscapes by requiring developments fit into the landscape.
18. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
19. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
20. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- this Policy uses the National Playing Fields Association standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
21. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
22. *Saved Policy H8* – Sets out that within the residential framework of Trimdon Village housing development will normally be approved.
23. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and size including the provision of affordable housing where need is demonstrated.
24. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
25. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
26. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

27. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
28. *Saved Policy D8 – Planning for Community Benefit* - Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements

#### **EMERGING PLAN:**

29. In Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

31. *Highway Authority* – Advise that the indicated access arrangements to the B1278 would be acceptable subject to further detailing in any reserved matters application. It is however highlighted that the indicated road layout would not comply with adoptable standards in instances and would need revising, while the layout would need to conform to 2013 residential parking standards. An offsite 1.8m wide footway improvement alongside the B1278 to Broadway Avenue to the north and bus stop to the south.
32. *Environment Agency* – Advise that the scheme now falls outside the scope of statutory consultation but provided standing advice in relation to groundwater protection.
33. *Northumbrian Water Limited* – Offer no objections subject to a condition requiring the submission of a detailed scheme for the disposal of surface and foul water utilising soakaways where appropriate.
34. *Ramblers Association* – No response received

35. *Trimdon Parish Council* – Offer support to the application as it is would help meet housing need maintaining the sustainability of the village and meet housing need.

**INTERNAL CONSULTEE RESPONSES:**

36. *Planning Policy Section* – Advise that the principle of developing the site as a residential extension to the existing settlement of Trimdon Village would not be supported by the existing development plan. The proposal therefore conflicts with Local Plan policy H8. However recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. It is advised that policies for the supply of housing based on housing figures, which did not represent an objectively assessed need, are "out of date" irrespective of the Councils position on 5 year supply. In relation to this application policies for the supply of housing in the Local Plan which contain settlement boundaries including Policy H8, were based upon housing supply figures derived from the former County Structure Plan which considered housing need up to 2006. Therefore, policy H8 does not reflect an up to date objective assessment of need and is therefore considered "out of date", for the purposes of Paragraph 14 of the NPPF and no weight can be afforded to this element of the policy.
37. It is therefore advised that there will need to be careful consideration as to whether the site comprises part of the built-up area, and whether the impacts with regard to landscape, ecology and settlement form will be acceptable to prevent development which would constitute a significant protrusion into the open countryside and which would have an unacceptable landscape impact. To be considered acceptable the proposal needs to demonstrate material considerations to outweigh the adopted policy constraints. As such, the proposal is finely balanced.
38. *Landscape Section* – Advise that the site is prominent within the local landscape due the topography of the surrounding land and the lack of natural screening and development. It is advised that the benefits of screening the proposed development will need to be balanced against the impact of enclosing an open and distinctive landscape. Screening of this prominent site will take time to establish, and until this has become effective, residential development will remain very prominent having some adverse landscape and visual effects.
39. *Design and Historic Environment Section* – Consider that the development of the site would have an adverse visual impact while likely affecting the setting of the Trimdon Conservation Area.
40. *Sustainability Officer* – No response received to this application but previously advised that the proposal is not considered sustainable development as it performs poorly in terms of economic outputs and average against social and environmental outputs. The significant issue which impact upon the site's sustainability is its adverse visual impact. No information has been submitted on how the development would embed sustainability into the development in terms of energy efficiency, carbon generational and renewable technologies.

41. *Arboricultural Officer* – Advise that any reserved matters application should be supported by an Arboricultural Impact Assessment, while concerns are raised regarding the likely loss of hedgerow.
42. *Archaeology Section* – Following the submission of desk based Archaeology Assessment it is recommended that a geophysical survey is carried out to identify any archaeology resource which may inform the layout of the site.
43. *Housing Development and Delivery Section* – Outline that an affordable requirement of 10% would be expected on this site at a mix of 75% affordable rent and 25% affordable home ownership.
44. *Schools Organisation Manager* – Advises that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development.
45. *Ecology Section* – Raise no objections to the proposals, advising that the risk of protected or priority species being present is low subject to the proposed mitigation and enhancement measures.
46. *Public Rights of Way Officer* – Identifies that a Public Right of Way crosses the site which should be accommodated within the development.
47. *Environmental Health (Pollution Control)*- Offer no objections to the scheme subject to conditions controlling the working hours on site, burning of materials and generation of dust.
48. *Contaminated Land Section* – Given the undeveloped nature of the site states that a condition in relation to contaminated land should be attached to any approval.
49. *Drainage Section* – Highlight that detailed information regarding surface water utilising soakaways in accordance with a surface water management plan should be provided at the detailed stage limiting runoff rate to that of a greenfield site.

**PUBLIC RESPONSES:**

50. The application has been publicised by way of press and site notices, and individual letters to neighbouring residents.
51. 21 Letters of objection have been received from neighbouring residents. The points raised are summarised below:-
  - This resubmitted scheme does not address the reasons for refusal on the previous application, other proposals for housing in the village have also been refused, this application does not represent an improvement over alternative sites.
  - Development would create an oversupply of housing in the immediate area where there is a lack of demand, The County Durham Plan does not propose any housing in this area, investment should be focuses at bringing jobs into the area.

- Adverse impact on residential amenity of Broadway Avenue in terms of overlooking, privacy, light, outlook and noise and disturbance caused by the development.
- Adverse visual impact of development on distinctiveness of local landscape and development of the countryside. The development would represent urban sprawl. The area is designated Green Belt.
- Adverse impact on the character and setting of the conservation area.
- Loss of highway and pedestrian safety given the location of the proposed access and the location of a Public Right of Way and traffic on the local road network.
- Adverse impact on public right of way, in terms of its usage and setting.
- Impact of the development on the capacity of existing schools which cannot accommodate additional pupils.
- Concerns regarding the potential for the numbers of dwellings on the site to increase.
- Loss of view and devaluation of properties.
- Concerns regarding the capacity of the existing water network and low pressure experienced in the area. Concerns are also raised regarding the location of underground streams and potential land movement.
- Impact on potential ecological value of the site

52. 4 letters offering support for the application in relation to the following issues have been submitted :-

- The potential benefits of the scheme are highlighted including £20,000 for the Parish Council and a contribution towards sporting facilities.
- The housing will meet housing demand and an increase in population will benefit local shops, existing businesses and the local economy in general.
- Full ecology surveys have been completed and the development will not impact on any ecological interest
- There would be a slight increase in road traffic but there are measures which can be put in place to maintain a safe road.
- It is appreciated that residents of Broadway would lose their view, however the site is a natural extension to the village.
- If housing does not go ahead the applicant would be forced to sell the plots as small holdings

53. Cllr Brookes a local member for the area offers support for the application, stating that housing development is needed in Trimdon and that the application has been altered to take into account previous objections and concerns. The potential contribution of £20,000 to the Parish Council for a facilities and services would also be benefits of the scheme.

#### **APPLICANTS STATEMENT:**

54. It is clear that the local plan process for Durham County has been set back somewhat. However, the development control process cannot stand still



whilst the local plan process tries again to come up with a possible solution – which will take 2 years minimum.

55. Housing demand is still evident. The housing land completion rates for the County, which all fall below the absolute minimum for every one of the last five years demonstrate that Durham County's supply is well below average and at the whims of the large house-builders.
56. So, despite any 5-year housing land supply figures - new sites still need to be found. Modest small/medium scale ones right on the edge of a settlement are eminently suitable to help raise the below-average build rates which are constraining supply.
57. The applicant and development team have gone to huge expense to elaborate on the intentions for this site in this re-submission application, far beyond what is statutorily required for an outline application - and all matters will be reserved so that the Council will retain control of all aspects of this scheme. These detailed layouts and survey documentation demonstrates the commitment this local developer has to the site, and to the settlement and the County. These revised proposals add a lot more colour and detail in order to demonstrate that this medium-sized site is sustainable, is in a good location and its development will bring a net benefit to the settlement and the County, despite what the relatively limited amount of objection response might claim or its green-field status.
58. It is noted this scheme is supported by the local Parish Council and also by many residents, who understand that more dwellings will help maintain the economic function of this settlement and the County.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NPBABLGD0A000>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, visual impact, infrastructure requirements, highway safety, flooding and drainage, amenity of adjacent land uses, ecological interests and other issues.

### The Principle of Development

60. The application site is located outside of the residential framework of Trimdon, where saved policy H8 of the Sedgefield Borough Plan seeks to direct new housing. Sites located outside of residential frameworks are considered against countryside policies and objectives, to which there is a presumption against development for housing unless for exceptional circumstances. The development of this site for housing would therefore conflict with saved policies of the Sedgefield Borough Local Plan in this respect.

61. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of policies E1, H8 and D1 in terms of directing development to settlements best able to support it and protecting the open countryside is consistent with the NPPF and the promotion of sustainable development.
62. It is however recognised that the application of settlement boundaries is not entirely consistent with the NPPF, as clarified on recent appeal decisions. In addition to this recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. It is advised that where policies for the supply of housing are based on housing figures of some age, which did not represent an objectively assessed need, they are "out of date" irrespective of the Council's position on 5 year supply. In relation to this application policies for supply of housing which contain settlement boundaries, including Local Plan Policy H8, were based upon housing supply figures derived from the former County Structure Plan which considered housing need up to 2006. Therefore, policy H8 does not reflect an up to date objective assessment of need and is considered "out of date", for the purposes of Paragraph 14 of the NPPF and no weight can be afforded to this element of the policy.
63. When determining planning applications, all material considerations need to be taken into account, including the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles, whilst Paragraph 17 identifies 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations.
64. The NPPF states that where a Local Planning Authority cannot demonstrate a 5 year housing land supply of deliverable sites, its housing policies should not be considered to be up to date. The Council's Spatial Policy Team has confirmed that the Council can demonstrate an adequate supply. Consequently, its housing policies are considered to be up to date in this regard. Whilst it is recognised that schemes should not be resisted solely on housing oversupply grounds, this does enable the LPA to be more selective over which sites it does release, to ensure that the most sustainable and appropriate sites are brought forward for development.
65. In this regard, Trimdon is identified as a Local Service Centre as it has a range local services and facilities, further housing developments which are sustainable in all respects may therefore be permissible. The provision of an

additional 30 dwellings in a village of 1406 represents a small scale of development that would be commensurate with the role of Trimdon in the settlement hierarchy and would help to support the vitality and viability of local services in Trimdon, which also supports the wider rural area.

66. While recognising that Trimdon is capable of accommodating additional small scale housing development, the previous application was refused as it was considered that the development would be read as an encroachment in the open countryside and would have an adverse visual impact. Concerns were also raised regarding the accessibility of the site, being located on the edge of the settlement when the plan led approach of the CDP proposed housing allocations in larger settlements in more sustainable locations.
67. This resubmitted scheme attempts to address the reason for refusal regarding the visual impact of the development and this is appraised in full below. However since the refusal of the previous application, the CDP is now at a significantly less advanced stage and is in the process of being withdrawn for examination. Therefore in line with paragraph 216 of the NPPF the policies of the CDP can no longer carry any weight. This means that at present the Council does not have a development plan that address the future housing needs of the county. Whilst at present a 5 year land supply can be demonstrated suitable sites will need to be brought forward to maintain this position.
68. In terms of accessibility, the NPPF requires that development should be located where it will maintain or enhance existing community facilities, and where the need to travel, particularly by the private motor car, will be minimised. It has been previously highlighted that the site is situated on the periphery of the settlement and not particularly well located to facilities within the village which are relatively limited. Accessibility is also disrupted by Salter's Lane and many of the services and facilities are beyond a short walking distance (500m), including secondary schools, GPs and shops. It is therefore anticipated that development in this location would entail a reliance on the car and a resultant increase in convenience trips using this form of transport, rather than alternative travel modes by bus and walking/cycling. It is however recognised that a large proportion of the village lies at a similar distance and beyond from these services and on balance in the context of the settlement the site would have an acceptable degree of accessibility.
69. In line with the Councils Strategic Housing Market Assessment, a development of this nature would be expected to provide a 10% affordable housing provision, equating to 3 units. The applicant has also submitted a viability assessment demonstrating that the development would be deliverable offering an appropriate level of return for a willing developer and a small uplift in land value for the site owner while still providing relevant planning obligations, including affordable housing.
70. The NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this. These should not be seen in isolation and are mutually dependant. The development of the site would boost housing supply and has the potential to provide a proportion of affordable housing which is a key aspect of government policy. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other

elements of sustainable development. Including in this case the protection of the rural landscape and open countryside. Careful consideration therefore needs to be given to this matter in order for the development to represent sustainable development when assessed against all elements of the NPPF and to be considered acceptable in principle

## Visual Impact

71. The layout and appearance of the proposed development is not under consideration at this stage but the submitted information suggests that it could replicate the linear form of development of Broadway Avenue. However due to the location of the ridge line, sloping topography of surrounding land, lack of natural screening and proximity of public receptors to the site it is considered that any development has the potential to be prominent within the Local Landscape. Although not covered by any specific landscape designation the site and surrounding land form part of an attractive approach to Trimdon from the south and south west. The substantial highway verge and landscape buffer running up Salters Lane also gives the impression that the road is the natural boundary to the settlement and that land lying to the west is viewed as open countryside. The previous application was refused as it was considered that the development would represent an encroachment into the open countryside and would have a negative impact.
72. In an attempt to address this, the applicant has produced a Mitigation and Enhancements Strategy indicating that a substantial landscape buffer measuring between 25-30m would be provided to the southern, western and eastern boundaries of the site. As advised by the Council's Landscape Section, the introduction of this landscape buffer, once mature would likely mitigate the impact of the proposed development. The landscape buffer to the south and west would also have the effect of screening the existing development of Broadway Avenue which is also prominent in the landscape due to the openness of the surrounding countryside and topography of the site.
73. However it is advised that this needs to be balanced against the impact of enclosing a significant piece of land within an open and distinctive landscape. It is also suggested that a period of 10 years would be necessary to allow the landscaping buffer to mature to a level that would offer significant screening to the development, while in the meantime there would be an adverse visual impact. Concerns are also raised regarding the extent of cut and fill that may be required to facilitate the development, potentially increasing the prominence of the site. This has not been detailed in the supporting information.
74. In considering the competing issues and having regard to the revisions that have been made, it is considered that although the development and mitigation planting would enclose a sizable portion of land, this is relatively modest in the wider landscape and that the screening afforded would be a benefit that would progressively and successfully integrate the development into the landscape and screen the existing housing. The landscaped area and open space to be provided would also increase public access and accessibility and on balance would not be read as a significant unacceptable encroachment into the open countryside.

75. Concerns are raised from the Council's Design and Conservation Officer regarding the expansion around the historic village core which has the potential to impact upon the setting of the Conservation Area. However as this lies over 170m away from the application site and would not be seen in the same context, in line with the previous application, it is considered that there would not be any adverse impact on the character or setting of the conservation area.

#### Infrastructure

76. Saved Policy D8 of the Local Plan sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. Although the Local Education Authority has previously highlighted that Trimdon Infant School will be at capacity in 2017 this has since been recalculated. The Council's Schools Organisation Manager now advises that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would now not need to be mitigated in this respect.
77. The applicant has offered a contribution of £20,000 to the Parish Council for the continued provision of facilities and services through a S106 agreement. However the NPPF advises that, planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development. On this basis there is no policy requirement or justification to contribute £20,000 to the Parish Council and therefore no weight should be given to this contribution.

#### Highway Safety

78. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the indicative access and the potential impacts on highway and pedestrian safety.
79. Although this matter is reserved for subsequent approval the ability of the development to provide an acceptable access does need to be given consideration. The submitted information indicates that vehicular access to serve the development would be taken from Salters Lane serving a cul-de-sac. This would be located further south than the existing farm access and route of the Public Right of Way. The Highways Authority raise no objections in principle to these access arrangements, advising that a satisfactory access could be created, subject to further detailing. It is however highlighted that the indicated road layout would not comply with adoptable standards and would need revising. An offsite 1.8m wide footway improvement alongside the B1278 to link to the development to Broadway Avenue to the north and a bus stop 100m to the south of the access and a link to Main Road would be required. A number of mature trees are located in close proximity of the indicated access and required footpath link, but it is considered likely that these could be retained or compensated for. The Council's Arboricultural

Officer advises that any reserved matters application should be accompanied by an Arboricultural Assessment.

80. The Council's Rights of Way Officer highlights that a Public Right of Way crosses the site which should be accommodated within the development unless an appropriate method of diversion is agreed.
81. Overall it is considered that the proposed development could be served by an appropriate means of access that would need to be detailed in any reserved matters application. The PROW route could also be protected subject to scrutiny of the layout in any reserved matters application.

#### Flooding and Drainage

82. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment. In this instance the development is located within Flood Zone 1, the lowest category of flood risk.
83. In relation to surface water, no information has been submitted in relation to how this would be disposed of from the site. In addition and as required by the NPPF, a Flood Risk Assessment (FRA) is required to be submitted on development sites over 1ha in area considering the risks of flooding on site and or off site and to ensure that surface water is effectively managed. No FRA has been submitted in support of the application. The lack of a FRA is also flagged up by the Council's Drainage Section highlighting that surface water should be discharged as a preference into a soakaway or water course.
84. In this respect it is indicated that SUDS ponds would be implemented within the proposed landscaping and mitigation planting, subject to further feasibility work while storm water attenuation measures could also be incorporated into the scheme to limit discharge rate into the drainage system. It is considered on balance that these steps would provide the ability to manage and control discharge rates from the site and that the development would be unlikely to impact on flooding downstream. It is therefore considered that this matter could be controlled in more detail by condition, in conjunction with a detailed layout of the development.
85. In terms of the disposal of foul water, Northumbrian Water has raised no objection to the scheme, subject to a condition requiring the submission of a detailed scheme for further consideration.

#### Impact on amenity of adjacent residents and future occupants

86. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring occupiers. The indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan. The noise and disturbance generated by the residential development would also be compatible with surrounding residential uses. Subject to suppressing dust through the construction phase no objections are offered by the Council's Environmental Health Unit.

87. Objections have been raised by local residents regarding the loss of views from the residential properties of Broadway Avenue. While residents would experience a reduction in outlook, a loss of a view is not a material consideration and cannot be taken in to account in the determination of this application.
88. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of play space and amenity space should be provided. This would equate to 1800sqm across the scheme. The indicative site layout does not make any play space provision, however an off site contribution is proposed. This approach has been adopted to other schemes across the county and in this instance a contribution of £1000 per dwelling (£30,00) would be secured through a S106 agreement.

#### Ecology

89. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology survey report and assessed the potential impacts of the development on protected species.
90. The Ecology Section has reviewed the report and considers that the risk of protected or priority species being present is low. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 subject to implementing the proposed mitigation strategy.

#### Other Issues

91. Given that the site is changing to a more sensitive end use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination. An initial screening of the site has not flagged up any historic industrial use.
92. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The applicant has submitted a desk based Archaeology Assessment which identifies no known archaeological or historical assets within the site requiring preservation in situ. However the assessment recommends a geophysical survey to establish the nature and extent of any archaeological resource that may be present. In reviewing this assessment the Councils Archaeology Officer advises that the geophysical survey should be carried out before the determination of this application. However on balance given the nature of the application this work could be conditioned and undertaken before the submission of any reserved matters application which would inform the layout.
93. Planning plays a key role in helping to reduce greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure. A development of this nature would be expected to achieve at

least 10% of its energy supply from renewable resources. A condition could secure this requirement.

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## CONCLUSION

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94. The proposed development is a resubmitted and revised scheme that seeks to overcome previous identified concerns. The scheme has been assessed against relevant policy documents and other material considerations and it is concluded on balance that while the development would have some adverse visual impacts, these would be softened by the proposed landscaping buffer which would provide effective mitigation screening when matured would integrate the development within its surroundings so that it would not be read as an unacceptable encroachment into the open countryside.
95. The scheme would make a contribution to housing supply, and would provide affordable housing while the scale of the development would be commensurate with the role Trimdon plays within the settlement hierarchy of County Durham.
96. A section 106 legal agreement would secure the provision of 10% affordable housing across the development, equating to three units along with the proposed landscaping buffer and an offsite sporting and recreation contribution of £1000 per dwelling.
97. The proposed site access is considered acceptable in principle and subject to detailed design would not give rise to conditions which compromise highway safety. Although indicative at this stage it is also considered that the layout could be designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties.
98. The objections received have been taken into account in the consideration of this application, however they are not considered sufficient to warrant refusal of the planning application in this instance when assessed against relevant planning policies and all other material considerations.

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## RECOMMENDATION

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That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure the provision of 3 affordable housing units and off site sporting and recreation contribution of £1000 per dwelling, the provision of a landscaping buffer to the south and west of the site and the following conditions:-

1. Approval of the details of the appearance, means of access, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced other than demolition and remediation works.

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



2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved

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

3. Prior to the submission of any Reserved Matters a written scheme of archaeological investigation and a timetable for any investigation shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide for:
  - i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application site
  - ii) An assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
  - iii) Proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, with a presumption in favour of their preservation in situ wherever feasible;
  - iv) Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
  - v) Notification in writing to the Local Planning Authority commencement of archaeological works and the opportunity to monitor such works.

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

Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

*Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.*

4. Notwithstanding the submitted information, provision shall be made for the installation of a 1.8m wide pedestrian footway adjacent to the B1278 extending to Broadway Avenue, to the north bound bus stop to the south of the development site and linking to main road, in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the agreed scheme is implemented and brought into use.

*Reason:- In the interests of pedestrian safety and accessibility to the site in accordance with policy D1 and D3 of the Sedgfield Borough Local Plan.*

5. No development shall commence until sections setting out existing and proposed site levels including those within the proposed landscape buffer have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved information.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgefield Borough Local Plan.*

6. No development approved by this permission other than demolition, preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the restriction of surface water discharge rates from the development to greenfield run off rates and incorporate sustainable drainage systems where appropriate, in accordance with a site specific Flood Risk Assessment. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of surface water and to minimise flood risk in accordance with Policy D1 Sedgefield Borough Local Plan and Part 11 of the NPPF.*

7. All planting, seeding or turfing comprised in the approved 'Reserved Matters' of landscaping shall be carried out no later than the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgefield Borough Local Plan.*

8. No dwelling hereby approved shall be occupied until details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgefield Borough Local Plan.*

9. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies D1 and D5 of the Sedgefield Borough Local Plan and part 10 of the National Planning Policy Framework.*

10. No development shall be carried out unless in accordance with the mitigation and detailed within the Extended Phase 1 Survey compiled by DWS Ecology Consultants, Dated March 2014 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

*Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.*

11. No development shall commence until an Arboricultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), location of service runs and details and the constriction of areas of hard standing and structures within root protection zones . The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E15, D1 and D5 of the Sedgefield Borough Local Plan.*

12. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

#### **Pre-Commencement**

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

#### **Completion**

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

County Durham Plan (submission version)

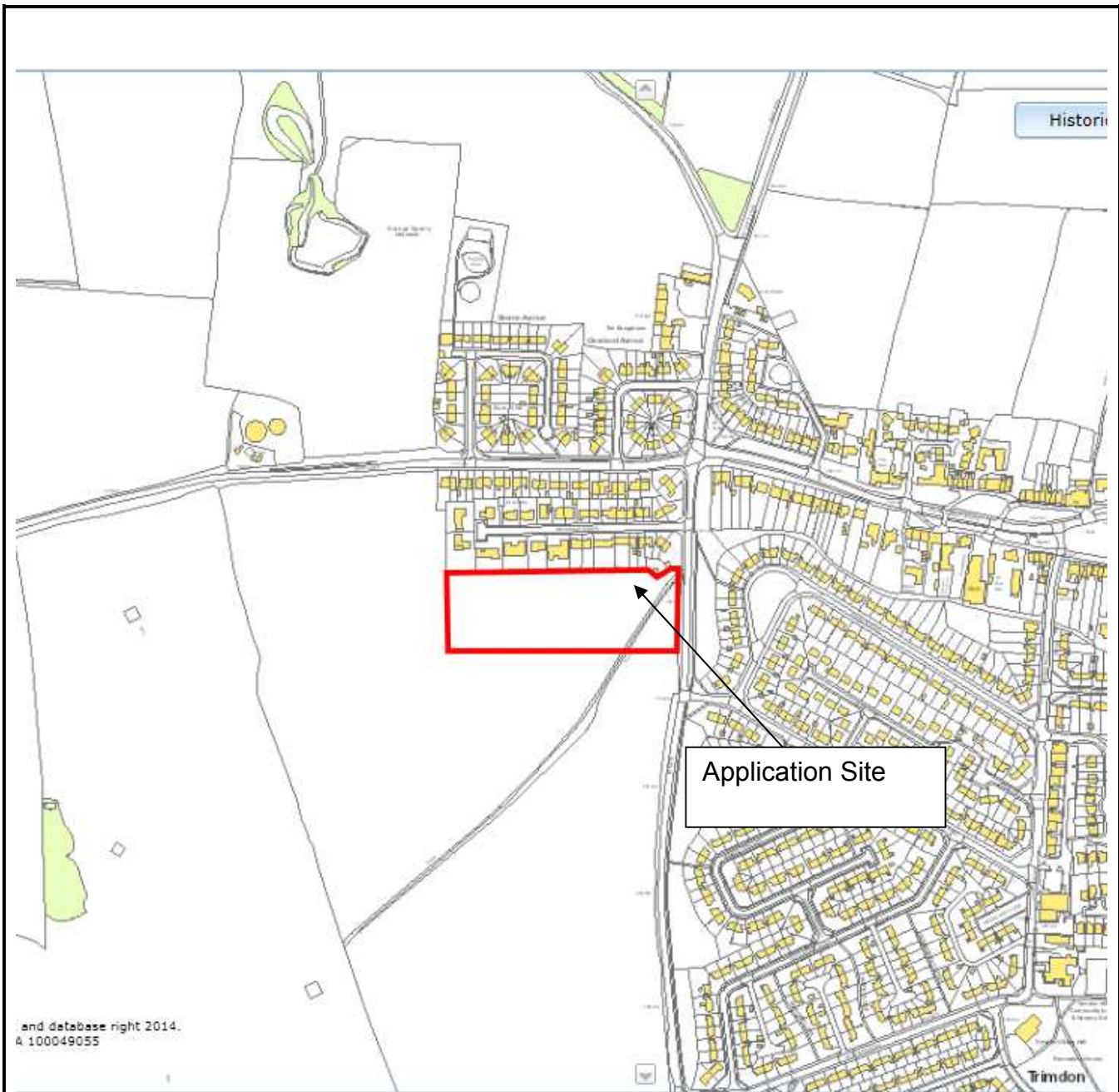
Affordable Housing & CIL Development Viability Study


Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited, Trimdon Parish Council

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section, Schools Organisational Manger and Arboricultural Officer.

Representations received from the public and other representative bodies

Planning application file DM/14/00678/OUT



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Erection of up to 30 dwellings (all matters reserved)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> October 2015</p>	<p><b>Scale</b> 1:2500</p>

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02121/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of two Research & Development units, including laboratory & office space
<b>NAME OF APPLICANT:</b>	Business Durham
<b>ADDRESS:</b>	Explorer One & Two, Thomas Wright Way, NETPark, Sedgefield
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Ann Rawlinson, Senior Planning Officer 03000 261393 <a href="mailto:ann.rawlinson@durham.gov.uk">ann.rawlinson@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Background

1. Outline planning permission was granted in 1999 for the development of a Business Park at the former Winterton Hospital site, to the north of Sedgefield. Since 2001 the site, NETPark (North East Technology Park) has gradually developed, with six plots now well established. The Science Park is owned, and is being developed by the County Council and is being marketed and promoted by Business Durham. It was seen as an opportunity to develop and combine world class research facilities and associated wide-ranging business activities, including business incubation. It focuses on supporting companies that are developing technology and products in the physical sciences, particularly printable electronics, microelectronics, photonics and nanotechnology; and their application, in the fields of energy, defence and medical-related technologies. NETPark has the capability to develop new enterprises within the University Research building, graduating in the Incubator building, and then growing into a commercial business in the new Discovery buildings.
2. Planning permission was granted subject to a Section 106 agreement which required a Master Plan and Design Code to be developed and implemented. The purpose of these was to ensure that high quality of building design and landscaping is achieved. This encourages design flare and imagination, in recognition of the strategic importance of the site with the potential of being developed as a Science and Technology Park of regional, national and international importance. This is reflected in the standard and quality of the wider site which has been established and should be taken forward in the development of future development plots highlighted in the Master Plan.

## The Site

3. The site comprises of plot 2 (proposed to be named 'the Explorer Village') which is situated to the western side of NETPark. It comprises of approximately 1.26 hectares of relatively flat grassland. Structural landscaping and hedging forms the eastern, southern and western boundaries, with the site having an open grassed frontage adjacent the main park thoroughfare. Mature trees form the eastern and north western boundaries and are protected as part of the NETPark 1, Winterton Park, Tree Preservation Order (TPO). The site is currently divided into roughly three segments by hedging.
4. Access to NETPark is from the A177 to the west, which leads onto old Durham Road and Salters Road to the east. Although this secondary access from Salters Road was originally envisaged to service the site; it is not currently utilised by vehicular traffic and comprises a locked gate, although it has open pedestrian access to the side. NETPark is served by a bus route and stops on both Old Durham Road and Salters Road.
5. The site is bounded to the east and northwest by further research and development buildings, with the Incubator building to the north and the two Discovery buildings beyond. The Petec building and car parking is sited to the west with the plot 3 building to the east. Directly to the north, the site is bounded by Thomas Wright Way, the main access route through the Business Park. To the east are two, two storey detached properties fronting onto Old Durham Road. To the south are two storey residential properties sited on Wellgarth Mews and St. Lukes Crescent. To the south east is St Lukes Church, a Grade 2 listed building, set within its own grounds. Winterton Cottages, considered to be a non-designated heritage asset are situated approximately 240m to the east of the site. Outside the northern, eastern and southern boundaries extend footways and cycle ways linking the residential and business park to the wider area.
6. Other than St Luke's Church and Winterton Cottages there are no designated or non-designated heritage assets within or adjacent to the site. Nor are there any ecological or landscape designations within or adjacent the site.

## The Proposals

7. It is proposed to erect two, two storey buildings to be used for research and development. These would be suitable for businesses between the Incubator and Discovery capacities i.e. high tech companies who have plans to grow to around 30 people in size. They would incorporate office and laboratory space, as well as plant and machinery, meeting rooms, receptions, kitchens and toilets. Mechanical plant is proposed to be located within plantrooms at the rear of the buildings and above these on screened plant decks. The total area of both units over two floors amounts to 2750sqm. The two units would be split into three tenanted spaces in Explorer One and six tenanted spaces in Explorer Two.
8. The proposed Explorer 1 building would be sited fronting onto the Park's internal access road (Thomas Wright Way). The internal site access road through the site would extend from the site frontage to the rear of the site in order to service the Explorer 2 building, set into the site located behind the Explorer 1 building. Staff and visitor parking would be sited directly adjacent the internal access road with service and delivery yards proposed to be located directly behind each building. Chemical stores and refuse/recycling stores, constructed from timber posts and cedar boarding would be sited to the rear and side of the buildings. A footway would extend along



the site frontage linking into the wider park and along the internal access road into the buildings.

9. The proposed buildings would be approximately 39m in width, 25m in length and approximately 9-10m in height at the highest point with a single ply membrane flat roof. The main bodies of the buildings would comprise of a blue coloured composite cladding panel system with feature walls to be of metal cladding with frameless glazing. Each building would be broken up into three separate elements, comprising of prominent metal cladding that is set forward and dark blue cladding that is slightly recessed linked by glazing. Each unit would have two major glazed aspects at ground level and three at first floor level, one of which would face south.
10. The plans have been amended to incorporate additional structure planting (six heavy standard trees) adjacent the southern boundary of the site. Grassed and planted areas are also proposed.
11. The application is being presented to the South West Area Planning Committee for determination as the proposals constitute less than 10,000m<sup>2</sup> of non-residential floor space.

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## **PLANNING HISTORY**

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12. Outline planning permission was granted in 1998 and reserved matters permission was granted in 2000 for residential development (218 dwellings), including community facilities, landscaping and associated infrastructure on the part of the former Winterton hospital site located directly to the south of NETPark.
13. Outline planning permission was granted in 1999 for a Class B1 Business Park of up to 24, 400m<sup>2</sup> of floor space.
14. Planning permission was granted in 2001 for infrastructure works to include roads, footpaths, cycle ways, drainage and sub stations at Netpark.
15. Various planning applications have been approved since 2002 on the wider NETPark site for the erection of business, laboratory, research and development buildings as well as extensions to these, plant/machinery, storage, hoardings, adverts, enclosures, CCTV, tanks and PV panels.
16. Planning permission was granted in 2004 for the change of use of St. Luke's Church to a health and fitness club.
17. Planning permission was granted in 2005 on the application site (plot 2) for five commercial units.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable

development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
20. *NPPF Part 1 – 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.
21. *NPPF Part 4 – Promoting Sustainable Transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
22. *NPPF Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
23. *NPPF Part 8 – Promoting Healthy 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, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
24. *NPPF Part 10 – Meeting the challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
25. *NPPF Part 11 – 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, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.

26. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

27. 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: historical environment, design, flood risk, noise, light pollution, land affected by contamination and conditions.

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

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

Sedgefield Borough Local Plan (1996) (SBLP)

28. *Policy IB1 – Types of Industry and Business Areas* – Planning applications that maintain in appropriate locations a range of land available for industry and business.
29. *Policy IB3 – Proposals for the Development of New Industrial and Business Areas* – Identifies part of, (a minimum of 12.2 hectares) of the Winterton Hospital Estate to be developed as a Business Area.
30. *Policy IB8 – Acceptable Uses in Business Areas* – States that in business areas, business uses will normally be approved and that planning permission for general industry and warehousing would normally be refused. A high standard of site layout, building design and landscaping will be required.
31. *Policy L15 – Winterton Hospital Estate* – Development proposals should conserve the landscape setting of the Winterton Hospital Site and include business uses as a significant part of a mixed development scheme.
32. *Policy D1 – General Principles for the Layout and Design of New Developments* – States that new developments will be expected to follow specified principles in respect of layout and design to include (inter alia), account being taken of the site's natural and built features, of neighbouring land uses and activities, energy conservation, accommodation of the needs of users and safe access.
33. *Policy D2 – Design for People* – Requires new development to take account of personal safety, the access needs of users and the provision of appropriate facilities.
34. *Policy D3 – Design for Access* – Requires developments to make satisfactory and safe provision for access by a range of transport modes.
35. *Policy D4 – Layout and Design of New Industrial and Business Development* – Expects such development proposals to include an appropriate standard of design, safely accommodate the traffic generated, and have an appropriate standard of landscaping and screening of open storage areas, where appropriate.

36. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows* – Seeks to protect areas of woodland and important groups of trees in the consideration of development proposals.

#### **EMERGING POLICY:**

37. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/media/3403/Sedgefield-Borough-local-plan-saved-policies/pdf/SedgefieldBoroughLocalPlanSavedPolicies.pdf> (Sedgefield Borough Local Plan) <http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

38. *Sedgefield Town Council* – Raise no objection.
39. *Highway Authority* – Raise no objection. The proposed car, cycle and motorcycle parking is considered acceptable. The proposed 59 on-site car parking spaces are deemed reasonable in relation to the maximum 110 car parking spaces that are permitted. This reflects the R & D nature of the proposals within which laboratories are not usually densely populated by staff. The 4 disabled spaces, 9 car share parking spaces, 2 motorcycle parking spaces, 10 covered and secure cycle parking spaces and 2 electric vehicle charging point parking spaces are welcomed. The construction of the new vehicular access bell-mouth onto Thomas Wright Way, up to the rear of the existing public footways on either side, must be constructed to adoptable standards.
40. *Environment Agency* – Raise no objections to the proposal. General advice regarding land contamination is provided, given that the site is located on a Principal Aquifer which is a sensitive controlled waters receptor which could be impacted by any contamination at the site. The Environment Agency advises that the developer should address risks to controlled waters from contamination at the site.
41. *Northumbrian Water* – Raise no objections although advise that the application does not provide sufficient detail with regards to the management of foul and surface water from the development. Therefore it is advised that this should be addressed by planning condition.
42. *Historic England* – Confirm that it is not necessary for the application to be notified to Historic England.
43. *Drainage and Coastal Protection* – Raise no objections. Advise that details of surface water drainage should be ensured by planning condition. Restricted run-off rates would apply, and the site should be developed to incorporate source control with sustainable drainage systems; including infiltration and water quality improvement

techniques. A Hierarchy of Preference as contained within the Surface Water Management Plan should be implemented. If a surface water connection is made to a river, watercourse or sewer, the surface water discharge should be restricted to Greenfield run-off rate. A Site Investigation including permeability tests to verify the drainage option should be undertaken.

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

44. *Spatial Policy* – No objections are raised. It is noted that NETPark has seen the development of similar research and development (R&D) businesses over recent years and is now recognised as a regionally significant centre for R&D. The planning context for the wider development of NETPark was set by policies IB3 and L15 of the SBLP, recognising that the redevelopment of what was the former Winterton Hospital would be suitable for some business uses. Officers acknowledge that these Policies within the SBLP are now dated and a more updated steer is given within the Council's Employment Land Review (2012). This advocates that the site be allocated for uses specifically within the R&D sector, which the proposal would be in full accordance with.
45. *Landscape* – Officers advise that the proposed design has accommodated the trees of highest visual amenity value. Officers endorse the lack of frontage planting, on the assumption that grassed areas would be well maintained, and with an appreciation that the Incubator frontage area directly opposite the site would contribute to sustaining an attractive environment that is consistent with the Design Code. The inclusion of six extra heavy standard trees to reinforce established structure planting to the south of unit 2 would assist in screening the unit from oblique first floor views possible from nearby houses to the south and south west.
46. *Landscape (Trees)* – Raise no objections. Officers advise that certain trees are protected by TPO status and others are worthy of retention. The majority of the trees are in good health and add to the amenity value of NETPark, whilst giving some screening benefits to adjacent properties to the south of the site. The trees that are proposed to be removed are trees 535 and 536, trees within Group 4 (Cypress trees) and hedge 2 (privet hedge). The remaining trees require tree protective measures to be secured before ground preparation, in accordance with BS:3998:2012 'Trees in Relation To Design, Demolition and Construction-Recommendations (BS5837:2012)'. This should be controlled by planning condition.
47. *Ecology* – No objections are raised. Officers advise that the site is considered to be low risk in respect of priority or protected species and habitats. The existing trees are of biodiversity value and should be retained where possible. Vegetation clearance should be timed to avoid breeding birds.
48. *Design and Historic Environment* – No objections are raised. Officers consider that the design of the buildings are of a high quality and are pleased to see that the high value trees are to be retained. This would assist in the screening of the proposed buildings. Officers advise that the layout would benefit from hedge planting to soften the frontage, screen the paving and integrate the proposed development with the rest of the estate frontage planting. The car parking could be broken up by planting to make the hard surfacing areas less prominent.
49. Officers advise that the adjacent listed building is well shielded by trees at present. Any loss of trees should be supplemented by structure planting to avoid opening up views into the site when seen from the listed building. Effective screening would ensure that the proposal would not cause substantial harm to the historic asset. It is considered that there may be some impact to the setting of the building, however this

would be limited due to the existing vegetation and proposed additional screening. It is considered that that public benefits would outweigh any harm.

50. *Environmental Health and Consumer Protection (Contamination)* – Raise no objections. Advise that contamination has been identified on site. Gas monitoring has been undertaken on six occasions. Continued gas monitoring is recommended by Officers. Consideration needs to be given to the soils on site in relation to soft landscaping areas. In addition if further gas monitoring is not been undertaken, details of the proposed gas resistant membrane are required to ensure mitigation of risk to the buildings and people who occupy them. Officers advise that given the proposed development constitutes a change of use to a more sensitive receptor, a scheme to deal with contamination should be ensured.
51. *Environmental Health and Consumer Protection (Noise)* – Officers advise that any noise impact on residents to the south should be appropriately addressed. The principle of the design of the development is considered acceptable in terms of noise control i.e. there is nothing in the design that would prohibit measures to mitigate noise emissions. However, it should be ensured by planning condition that the plant selected and measures employed at the final design stage would not give rise to noise which would negatively impact on the nearest residential premises. Conditions should also ensure an appropriate lighting and fume extraction scheme in order to minimise impact on residential amenity as well as controlling construction hours.
52. *Archaeology* – No objections. Officers advise that the site was previously part of Winterton Hospital. Thus the construction and demolition of this is likely to have disturbed any archaeological features that may have been located here.
53. *Access and Public Rights of Way* – There are no recorded public rights of way within or adjoining the site. Access to surfaced paths on the boundaries of site would appear to be unaffected.
54. *Sustainability* – Officers advise that there is an ambition to achieve BREEAM 'Excellent' as well as the installation of certain technologies such as; LED lighting / ASHP and consideration of a range of other technologies. It is advised that a scheme to embed sustainability and minimise carbon from construction and in-use emissions is secured by planning condition.
55. *Economic Development* – The Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training. Based on the investment of £6.5m over an 18 month period, it is estimated that 208 person weeks could be attributed to this proposal, which equates to 4 job opportunities/apprenticeships or a cash contribution of £10,000 to support employment and skills opportunities in Durham. Officers request that employment and skills training that would assist the local community by improving job prospects and employability is secured.

#### **PUBLIC RESPONSES:**

56. The application has been advertised in the press, on site and in the locality. Letters have also been sent to neighbouring residents. No letters of representation have been received.

## APPLICANTS STATEMENT:

57. NETPark is owned by the County Council and managed by Business Durham. NETPark consists of around 120,000 sq. ft. of high quality labs, production and office space and is currently operating at 92% occupancy. The space supports 23 businesses employing 396 people. A number of businesses on the Park are growing rapidly and require more grow-on accommodation. In particular, there is increasing demand from businesses spinning out from the National Printable Electronics Centre (High Value Manufacturing Catapult) and existing businesses at the NETPark Incubator. In response, Business Durham proposes to build two new Explorer buildings.
58. The project would see the construction of two new buildings incorporating 28000 sqft of 'grow on' laboratory and office space being built for SMEs. The new buildings would occupy a 2 acre brownfield site between the existing CPI and Kromek buildings and would generate 40-50 additional jobs. It is envisaged that the space would be occupied by a combination of new businesses and existing business.
59. The SMEs would be able to access NETPark's knowledge and expertise in science based industries through its existing network of Catapults/University Research Centres and Business Durham's business support programme. This would be the first building to be built on NETPark since the economic slowdown since 2010 and initial enquiries from business have shown a firm interest in taking occupation. It is hoped that the project would start on site in September 2016 and be completed by September 2017.
60. The project is the start of a series of new investment projects on NETPark which would hopefully see new buildings on Plot 10 – the Centre for Materials Integration being proposed by CPI and a new access road that would release 13 hectares of developable land to the north of the site. Over the next 10 years it is envisaged that over 1000 new jobs would be created on NETPark which would secure its future as a high quality and nationally significant science park in the north east.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decision should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the proposed development, impact upon residential amenity, access, traffic and highway safety, design and layout, impact upon trees, heritage assets and archaeology, ecology and nature conservation, flooding and drainage, contamination and other matters.

## Principle of Development

62. The application site currently comprises undeveloped grassland, located within the southern edge of NETPark. Policy IB1 of the SBLP seeks to maintain, in appropriate locations, a range of land available for business. Policy IB3 identifies part of the former Winterton Hospital Estate to be developed as a Business Area. Policy IB8 advises that in business areas, business uses will normally be approved. Policy L15 requires that the Winterton Hospital Estate should include business uses as a significant part of a mixed development scheme. It is considered that in relation to the proposed B1 use, these Policies are consistent with the Part 1 of the NPPF which seeks to support sustainable economic growth, proactively meet the development needs of business, plan for new and emerging sectors and clusters of knowledge industries.
63. NETPark is well established and regarded as a premier location for science and technology businesses in the north east. The application site is identified as Plot 2 within the wider NETPark Masterplan, approved as part of the legal agreement for the original Business Park planning permission. Supported by the evidence in the latest Employment Land Review, the aim is to retain the current, (and extend) the future extent of the Park to ensure that a sufficient supply of employment land is available to help towards improving the economy and provide good quality job opportunities within the County. This is reflected within Policy 23 of the emerging CDP, which allocates remaining undeveloped land/ plots at NETPark specifically for Research and Development uses. It is however acknowledged that no weight can be given to this Policy.
64. The use of the site for research and development (R&D) which is a B1 (b) use, to incorporate laboratories and offices, B1 (a) use, is considered acceptable in principle in land use terms. The proposed scheme is therefore considered to accord with SBLP Policies IB1, IB3, IB8 and L15. The proposal is wholly consistent with Part 1 of the NPPF, which seeks to secure economic growth in order to create jobs and prosperity.

## Impact upon Residential Amenity

65. SDLP Policy D1 requires that account should be taken of neighbouring land uses and activities. It is considered that this Policy is consistent with Paragraph 109 of the NPPF which requires that existing development should not be adversely affected by unacceptable air or noise pollution. Paragraph 120 seeks to ensure that new development is appropriate for its location. The effects of pollution on health or general amenity should be taken into account. Paragraph 123 requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Paragraph 125 also encourages the use of good design to limit the impact of light pollution from artificial light on local amenity.
66. It is noted that Paragraph 122 of the NPPF requires that LPA's focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves. LPA's should assume that these regimes would operate effectively. Paragraph 123 of the NPPF goes on to acknowledge that development will often create some noise. Having regard to the relationship between the site and the nearest residential properties, it is important to consider whether potential adverse impacts could be mitigated or be reduced to a minimum through the use of conditions, if this is indeed necessary.



67. The proposed Explorer 2 to the south of the site is intended to be occupied by two light research and development companies with laboratories on the ground floor and in addition some office based support companies with the first floor being designated as offices. The mechanical plant is proposed to be located within the plantroom at the rear of the building and above this plantroom on the plant deck, which would be screened. The applicant advises that the mechanical services for the laboratory spaces would be installed as part of the building project, with no allowance to expand the usage beyond light R&D in the future.
68. Two storey residential properties are located directly to the west (Middle View Lodge and Greystone House) and south (St. Luke's Crescent and Wellgarth Mews) of the application site. It is considered that the development of the site for B1 uses (research and development, incorporating offices and laboratories), in principle, should not give rise to significant adverse impacts on health and quality of life to the closest residents. It is also accepted that the site is situated within an established business park, with the plot having been historically earmarked for business use. Nevertheless, it is acknowledged that the development of the site, in particular the Explorer 2 building and associated infrastructure would bring new commercial development much closer to the majority of the surrounding residential properties than is the existing situation.
69. In examining these relationships it can be seen that Middle View Lodge and Greystone House to the west, fronting onto Old Durham Road are sited, at the closest distance, appropriately 43m and 56m, respectively from the proposed two storey Explorer 2 building. At these distances there is no doubt that the building would be visible from these properties, however, having regard to the scale (20m in width at this distance and height of 10m at the highest point) and the presence of existing vegetation and boundary treatment to the western boundary, it is considered that these separation distances are appropriate in preventing a serious loss of privacy, light or outlook. However, in order to filter and soften views of the building it is recommended that landscape screening is implemented to the west of the site which can be ensured by planning condition. In terms of uses within the building closest to these properties this is shown to be office accommodation at ground and first floor levels.
70. The nearest proposed car parking to these properties is located at a distance of between 28m and 37m away. In this respect it is accepted that car lights can result in disturbance to residential properties. Again existing and additional structural and tree planting would assist in filtering lighting in this regard.
71. The proposed Explorer 2 building would be sited approximately 24m to the north of the gable elevation of no. 1 St. Luke's Crescent of which there is a small side window to the ground floor on this northern gable. This is considered to be a secondary gable window and as such the proposed building, having regard to its scale is considered to be an adequate distance away, although it is appreciated that the building would be relatively close to this property. The site is separated from the property by existing planting and proposed new structural trees, as well as the existing footway. The front windows to this property would have very oblique views of the proposed building, given that it would be sited to the north of the residential property which faces east. However the direct outlook and view would remain, consisting of retained trees and the existing church and its setting.
72. Further to the southwest of the site, the proposed explorer 2 building would be sited approximately 28m from the front of no. 5 Wellgarth Mews, again although it is accepted that this is close, the proposed building would be sited at an angle from this

property, thus views at this distance would be more oblique. Less oblique views would be at a further distance of approximately 35m. Again the incorporation of six extra heavy standard trees to reinforce established structure planting to the southern boundary would assist in screening the building from the oblique first floor views possible and maintaining privacy. No. 4 Wellgarth Mews would be located approximately 45m from the proposed building. Again however views would not be direct and oblique views at this separation distance are considered adequate.

73. In terms of other potential impacts of the proposed development on the nearest residential properties the buildings would incorporate plant and machinery, inside at ground floor level and screened at first floor level. This would be sited approximately 24m away from the nearest residential property at no. 1 St Luke's Crescent. The proposed service yard to the rear of the building would be situated at a distance of approximately 15m from the property. It is acknowledged that this is relatively close given the potential for noise from plant and machinery, as well as traffic and odour. Therefore it is particularly important to ensure that the potential impacts are minimised as required by Paragraphs 120-123 of NPPF.
74. Following discussions with the Council's Environment, Health and Consumer Protection the applicant has engaged a noise specialist to undertake a noise impact assessment of the proposals which would enable provisions to be made to control noise from plant and machinery to ensure that it would be of an appropriate level. These mitigation measures, if required would be secured by planning condition. It is also considered appropriate that the use of the site be restricted to that which the applicant has applied for i.e. B1 (a) offices and B1 (b) research and development, in order to ensure an appropriate level of amenity for the nearest residential properties.
75. It follows that other residential properties located further away than those considered above would be impacted on less. In terms of 'Explorer 1', proposed to be sited to the northern side of the site, it is considered that this would be situated at sufficient distance from residential properties to so as not to significantly impact on residential amenity.
76. A condition to control the type, location, illumination and direction of lighting for the site and buildings can be imposed to ensure that any light pollution to nearby residential properties is minimised. This would also be the case in terms of implementing appropriate fume extraction to minimise any odours. Were the application to be approved, conditions relating to working hours and site management during construction could be attached in order to minimise potential disruption to local residents.
77. In conclusion, it is acknowledged that the development of the site as proposed has the potential to impact on the amenity of the closest residents, both visually and from noise and potentially odour and lighting. However, it is considered having regard to Paragraphs 120-123 of the NPPF and SDLP Policy D1 that potential impacts could be minimised through the use of planning conditions by reasonably controlling the level of noise, odour and lighting from the buildings and site. It is noted that Environmental Health and Consumer Protection has no objections to the proposals, nor have any objections been received from local residents. As such, and having regard to the economic benefits of the scheme i.e. job and business creation, development and expansion, of which are given substantial weight, as well as the B1 research and development use of the site, it is considered that any potential impacts would be of an acceptable level.

## Access, Traffic and Highway Safety

78. SBLP Policies D1, D2, D3 and D4 require new developments to have safe and satisfactory access, make provision for access by a range of transport modes and take account of the access needs of users. It is considered these Policies are consistent with Paragraph 32 of the NPPF which states that development should only be refused on transport grounds where residual cumulative impacts are severe and Paragraph 35 which requires developments to be located and designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians.
79. The Highways Authority considers that the existing local and strategic highway network should be able to accommodate traffic from the development satisfactorily and operate within capacity. Any impacts could not be considered to be severe. The site is adequately served by bus, pedestrian and cycle infrastructure.
80. The location and width of the proposed access, off Thomas Wright Way is considered to be acceptable in terms of highway safety. The construction of the new vehicular access bell-mouth onto Thomas Wright Way, up to the rear of the existing public footways on either side would be constructed to adoptable standards. The proposed layout is considered safe and accessible, containing clear and legible pedestrian routes.
81. The proposed 59 on-site car parking spaces are deemed reasonable in relation to the maximum 110 car parking spaces that are permitted. This reflects the Research & Development nature of the proposals, within which laboratories are not usually densely populated by staff. The 4 disabled spaces, sited close to the buildings are welcomed. The applicant has undertaken some minor redesigning of these which is considered acceptable. The 9 car share parking spaces, 2 motorcycle parking spaces, 10 covered and secure cycle parking spaces and the 2 electric vehicle charging point parking spaces are also welcomed.
82. With regards to these matters therefore, the proposed development is considered to be in accordance with SBLP Policies D1, D2, D3 and D4 and Paragraphs 32 and 35 of the NPPF.

## Design and Layout

83. SBLP Policies IB8, D1, D2 and D4 of the SBLP require a high standard of layout, design and landscaping. These policies are considered to be consistent with Paragraphs 57 and 58 of the NPPF which seek to achieve high quality design.
84. Policy L15 which seeks to conserve the landscape setting of the Winterton Hospital Site is considered to be consistent with Paragraphs 58 and 59 of the NPPF which encourage Policies that set out the quality of development that would be expected and the use of design codes where they could help deliver high quality outcomes.
85. It is considered that the design of the proposed buildings has a cohesive aesthetic style of architecture. The buildings have a modern industrial high technology design and palette of materials which accords with the approved Design Code and matches the high standard found throughout the park and the strong sense of place. The form of the buildings and use of materials provides interest and relief and would ensure that the scale and mass of the buildings sit appropriately in the site.

86. Explorer One has an attractive frontage with the metal clad front projection providing a strong focal point as the park is entered and an effective prominent street frontage. Explorer Two almost mirrors this and its metal clad projection is used as a welcoming entrance and strong focal point. The entrance sits well in the centre of the building adjacent the front projection and it is clear that this is the foyer.
87. It is noted that the footprint of the buildings in relation to the size of the site has remained as a percentage figure (21%) below the recommended constraints (25%) set out in the approved Design Code as well as accommodating the retention of the high value trees. This provides a screening and softening effect as well as allowing the proposed development to sit more comfortably and appear relatively spacious within its wider setting.
88. The plans have been amended to incorporate further structural landscaping to the southern boundary. The car parking has also been broken up by the use of planting to make the hard surfacing areas less prominent. The proposed grassed frontage is considered appropriate given that the Incubator frontage area directly opposite the site across Thomas Wright Way comprises of hedging which would sustain an attractive environment that is consistent with the NETPark Design Code.
89. With regards to these matters therefore, the proposed development is considered to be in accordance with SBLP Policies IB8, D1, D2, D4 and L15 of the SBLP as well as Paragraphs 57, 58 and 59 of the NPPF which seek to provide an attractive place to work.

#### Impact upon Trees

90. SBLP Policies E15, IB8, L15, D1 and D4 seek to protect areas of woodland and important groups of trees as well as provide a high standard of landscaping. These Policies are considered to be consistent with Paragraph 118 of the NPPF which seeks to resist the loss or deterioration of irreplaceable habitats, including aged or venerable trees.
91. The site benefits from surrounding and framing mature trees. The design has largely accommodated those trees of highest visual amenity value. The proposed development would result in the loss of two Yew trees, Cypress trees and a privet hedge. These trees are not protected by the TPO and is not considered worthy of retention, nor is the privet hedge. The two Yew trees are not protected by the TPO, although it is acknowledged that they are of high quality and as such their loss is regrettable. It is, however, noted that a Sycamore tree and a Lime tree which are also of high quality and high amenity value are proposed to be retained. The plans have also been amended to incorporate six extra heavy standards to reinforce established structure planting to the southern boundary.
92. Given that the proposed development has been designed having due regard to the existing mature trees on the site and as such the proposed layout would result in the minimum removal of trees necessary to facilitate development of the site, it is considered that, although not fully compliant with the aspirations, in this respect, set out in SBLP Policies E15, IB8, L15, D1 and D4 and Paragraph 118 of the NPPF, the envisaged economic and employment benefits of the proposed development would outweigh the loss of a small number of trees. Additional trees would also be provided. Protection of retained trees during construction can be ensured by planning condition.

## Heritage Assets and Archaeology

93. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm to the setting of a listed building is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
94. Paragraph 129 of the NPPF requires LPA's to assess the impact of a proposal on the setting of a heritage asset, to avoid or minimise conflict. In accordance with Paragraph 134, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
95. St Luke's Church is a Grade 2 Listed Building of some architectural and historic significance, historically related to Winterton Hospital. It is surrounded by grassland within an attractive landscape setting. It is sited approximately 37m to the south east of the site and would be approximately 65m away from the proposed building. At present there is a hedge and a group of mature trees that screened the application site effectively.
96. Design and Conservation Officers advise that the listed building is well shielded by trees at present and that any loss of trees should be supplemented by structure planting to avoid opening up views into the site when seen from the listed building. The proposal incorporates the positioning of six heavy standard trees to be positioned along the southern boundary and the retention of existing trees to the south eastern corner of the site. Therefore it is considered that effective screening would ensure that the proposal would not cause substantial harm to the historic asset. It is considered that there would be less than substantial harm to the setting of the building due to proximity between the two sites, however this would be limited due to the existing vegetation and proposed additional screening. It is considered that the public economic benefits of the proposals, including business creation and development and job creation would outweigh any harm, meeting the test set out in Paragraph 134 of the NPPF.
97. Having regard to the requirements of Paragraph 128 of the NPPF, in respect disturbance of any underground archaeological features, the Council's Archaeologist has advised that the construction and subsequent demolition of the former Winterton Hospital which occupied the site is likely to have disturbed any archaeological features that may have been located here.

## Ecology and Nature Conservation

98. The application site does not form part of, and is not within the vicinity of any statutory ecological designation. Paragraph 109 of the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity. Paragraph 118 seeks to encourage opportunities to incorporate biodiversity in and around developments.
99. The application site does not form part of, and is not within the vicinity of any statutory designation. The existing grasslands are of low quality and do not meet any of the Biodiversity Action Plan habitats. The trees on the site are of low risk of containing bat roosts and thus the proposed development would not have any

negative impact upon protected species. The retention of the mature trees and incorporation of additional landscaping would contribute to conserving and enhancing the natural environment.

100. With regards to the above, it is considered that the development could be satisfactorily accommodated on the site without unreasonable impact upon biodiversity or protected species and is therefore in accordance with Paragraphs 109 and 118 of the NPPF. The applicant would be reminded by informative to avoid the loss of trees within the bird breeding season.

#### Flooding/Drainage

101. Paragraph 103 of the NPPF requires that when determining planning applications, Local planning authorities should ensure flood risk is not increased elsewhere. The application site lies within flood zone one where research and development uses are considered appropriate. The main consideration is therefore the prevention of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
102. It is proposed that the foul water would connect into the sewer located on Thomas Wright Way. Surface water discharge from the site should be restricted to Greenfield run-off rate. This is proposed to be achieved by swale and infiltration drainage trenches together with a controlled discharge to the surface water sewerage system via attenuation pipes and a throttle device. The applicant has though advised that subject to further site investigation work it may be possible to apply infiltration to the whole of the development.
103. Having regard to the requirements and advice of Northumbrian Water and the Council's Drainage Officer appropriate planning conditions securing a detailed foul and surface water drainage scheme would be secured by planning condition. The objectives of Part 10 of the NPPF are therefore considered to have been met.

#### Contamination

104. Paragraph 109 of the NPPF seeks to prevent new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution requires that and that contaminated land should be remediated or mitigated against. Paragraphs 120 and 121 seek to ensure that new development is appropriate for its location and the site is suitable for its use. Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner.
105. The risk of contamination on the site, given its former use as a hospital has been identified by means of the submission of a Ground Investigation Report and continued gas monitoring has been advised by Contamination Land Officers. Given the previous historical use of the site it is recommended that further investigative works take place and that a suitable remediation scheme be formulated to ensure that the proposed development complies with Paragraphs 109, 120 and 121 of the NPP, which would ensure that the site and the surrounding area is safe and appropriately remediated for its intended use. Further investigation works, continued gas monitoring and implementation of an appropriate remediation scheme can be secured through condition. The Environment Agency raises no objections to the proposal providing general advice in relation to prevention of ground water contamination. This is would be considered as part of any remediation of the site.

## Other Matters

106. There is an ambition to achieve BREEAM 'Excellent' as part of the scheme, as well as the installation of certain technologies such as; LED lighting / ASHP and consideration of a range of other technologies. Having regards to SBLP Policy D1 it is advised that a scheme to embed sustainability and minimise carbon from construction and in-use emissions is secured by planning condition.
107. The Economic Development (Employability) Team note that the development could create both short term and long term apprenticeship or employment opportunities for local people. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.
108. The site within a Coalfield Development Low Risk Area as defined by the Coal Authority. Any development is therefore subject to standing advice.

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## **CONCLUSION**

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109. The proposed scheme would accord in principle with both the existing Development Plan, in that the proposals are for research and development use within an established Business Park. The scheme would provide clear economic and employment benefits to the local and wider area, in terms of investment, research, business growth and job creation.
110. The proposals would not have significant effects on visual amenity. It is acknowledged that there would be a small number of mature trees lost to accommodate the proposed development. The remaining structural hedge and tree planting as well as proposed new landscaping would ensure the character of the site was retained. It is considered that the economic benefits of the proposal outweigh the loss of a small number of trees.
111. The development is considered acceptable in highway safety, access, parking and traffic terms. The proposed development would not, negatively affect protected species, nor impact on nature conservation.
112. It is considered that there may be some impact to the setting of the adjacent listed church. However this would be limited and it is considered that the public economic benefits of the proposals would outweigh any harm, meeting the test set out in Paragraph 134 of the NPPF.
113. It is considered that the residential amenity of occupiers of neighbouring properties would not be significantly adversely affected by the proposal, subject to imposition and adherence with the suggested conditions. However, it is acknowledged that there may be some impact on residential amenity, given the proximity of the proposed new commercial development to residential dwellings. However, the proposed development would be located on an established business park and would result in economic benefits and job creation which it is considered would outweigh impact on residential amenity, minimised through the use of planning conditions.
114. The proposed development is considered to largely accord with the relevant policies of the Sedgefield Borough Local Plan and the NPPF, having regard to the assessment and conclusions set out.

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## RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents:

### Plans

Existing Location Plan. A000-01. 9<sup>th</sup> March 2015

Proposed Site Sections. A100-04. June 2015

Proposed Site Plan. A100-01. Rev. A. 5<sup>th</sup> May 2015

Planting Plan. L/2377/04/Rev. A. Planting Plan. September 2015

Proposed Plans. A200-01. Rev. B. 12<sup>th</sup> June 2015

Explorer One. Proposed Plans & Elevations. A300-01. 27<sup>th</sup> March 2015

Explorer Two. Proposed Plans & Elevations. A300-02. 27<sup>th</sup> March 2015

Proposed Levels. A100-03. 5<sup>th</sup> May 2015

Tree Protection Plan. L/2377/02. June 2015.

Tree Survey. 07.03.13. 28<sup>th</sup> February 2014.

### Documents:

Design and Access Statement. Netpark, Plot 2, Explorer Village. 3301/00/32. June 2015. V.1.0.

Aecom. Geotechnical and Geo-Environmental Interpretative Report. May 2015.

Tree Condition Survey. 28<sup>th</sup> February 2014.

*Reason: To secure an acceptable form of development that meets the objectives of Policies IB1, IB3, IB8, L15, D1, D2, D4, D5 and E15 of the Sedgfield Borough Local Plan.*

3. Development shall not commence until a construction working practices strategy has been submitted to, and agreed in writing by the Local Planning Authority and which includes (but not exclusively) dust, noise, and light mitigation; compound location and traffic management. This shall have regard to the relevant parts of BS 5228 2009 "Noise and Vibration Control on Construction and Open Sites". Thereafter construction will take place in full accordance with that agreement.

*Reason: In the interests of public health, highway safety and amenity, in accordance with the objectives of Policies IB8, D1, D2 and D3 of the Sedgfield Borough Local Plan. The required information is necessary prior to the approved development commencing in order to ensure appropriate residential amenity during construction.*

4. The development shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

- (a) A further Phase 2 Site Investigation and Risk Assessment (with regard to risks from ground gases) is required and shall be carried out by competent person(s)



to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.
- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. The required information is necessary prior to the approved development commencing to ensure that the site is safe for development.*

- 5. No development shall commence until an Employment & Skills Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

*Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. The required information is necessary prior to the approved development commencing as it concerns construction workforce employment.*

- 6. Notwithstanding any details of materials submitted with the application samples of the external walling and roofing materials of the buildings should be submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant phase of the development to which the material relates. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policies IB8, D1 and D4 of the Sedgfield Borough Local Plan and Part 7 of the NPPF.*

- 7. No development shall take place until a surface and foul water drainage scheme for the site, based on sustainable drainage principles has been submitted and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use.

*Reason: To prevent increased risk of flooding and ensure adequate drainage of the site, having regard to Part 10 of the NPPF. The required information is necessary prior to the approved development commencing to ensure the satisfactory storage of/disposal of foul and surface water from the site.*

8. No development shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

*Reason: In order to ensure sustainability measures are embedded in the scheme both during construction and in use and in order to comply with Policy d1 of the Sedgefield Borough Local Plan and Paragraphs 93-97 of the NPPF. The required information is necessary prior to the approved development commencing to ensure that carbon is minimised during construction.*

9. Construction of the development shall not commence until a scheme which specifies the provisions to be made for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be implemented before the development is brought into use and retained thereafter.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

10. Details of the height, type, position and angle of any external lighting, temporary or permanent, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The lighting shall be erected and maintained in accordance with the approved details.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF. The required information is necessary prior to the approved development commencing in order to ensure appropriate residential amenity during construction.*

11. Construction of the development shall not commence until details of fume extraction have been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme will be to demonstrate how any odour emissions are addressed so as not to impact on residential premises. The approved scheme shall be installed prior to the use commencing and retained thereafter.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

12. The approved development shall not be occupied until details of the hours of operation of the units have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated only in accordance with the approved operating times.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

13. No operations and deliveries associated with the construction phase of the development hereby approved shall be carried out outside the hours of:
  - Monday to Friday – 08:00 – 18:00 hours
  - Saturdays – 08:00 – 12:00 hours
  - Sundays – None
  - Public and Bank Holidays – None

*Reason: In the interests of residential amenity in accordance with Policy D1 of the Sedgfield Borough Local Plan and Part 11 of the NPPF.*

14. No construction work shall take place, nor any site cabins, materials or machinery shall be brought on site until all trees and hedges to be retained are protected by the erection of fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS5837:2012.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No removal of limbs of trees or other tree work shall be carried out. No underground services trenches or service runs shall be laid out in root protection areas.

*Reason: In the interests of the visual amenity and character of the area having regard to Policies L15 and E15 of the Sedgfield Borough Local Plan and Part 11 of the NPPF.*

15. Construction of the development shall not commence until a detailed landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Structural tree planting/boundary treatment to the western boundary of the site between the approved car park and Middle View Lodge and Greystone House to be planted/constructed in advance of construction of the buildings

Any trees, hedges and shrubs scheduled for retention

Details soft landscaping including planting species, sizes, layout, densities, numbers

Details of planting procedures or specification

Finished topsoil levels and depths

Details of temporary topsoil and subsoil storage provision

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

Trees, hedges and shrubs shall not be removed within five years. 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. The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development, apart from the advance planting of all structural and perimeter planting which shall take place before construction of the buildings commence.

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies IB8, I15, D1, D4 and E15 of the Sedgfield District Local Plan.*

16. There shall be no outside storage of goods, materials, equipment, or waste nor use or installation of plant or machinery outside.

*Reason: In the interests of residential and visual amenity in accordance with Policy D1 and D4 of the Sedgfield Borough Local Plan and Part 11 of the NPPF.*

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any revocation and re-enactment of that order), the premises shall be used only for uses contained within Use Class B1a and B1b of the Town and Country Planning (General Permitted Development Order) 2015 (or any revocation and re-enactment of that order) and for no other use.

*Reason: In the interests of residential and visual amenity in accordance with Policy D1 and D4 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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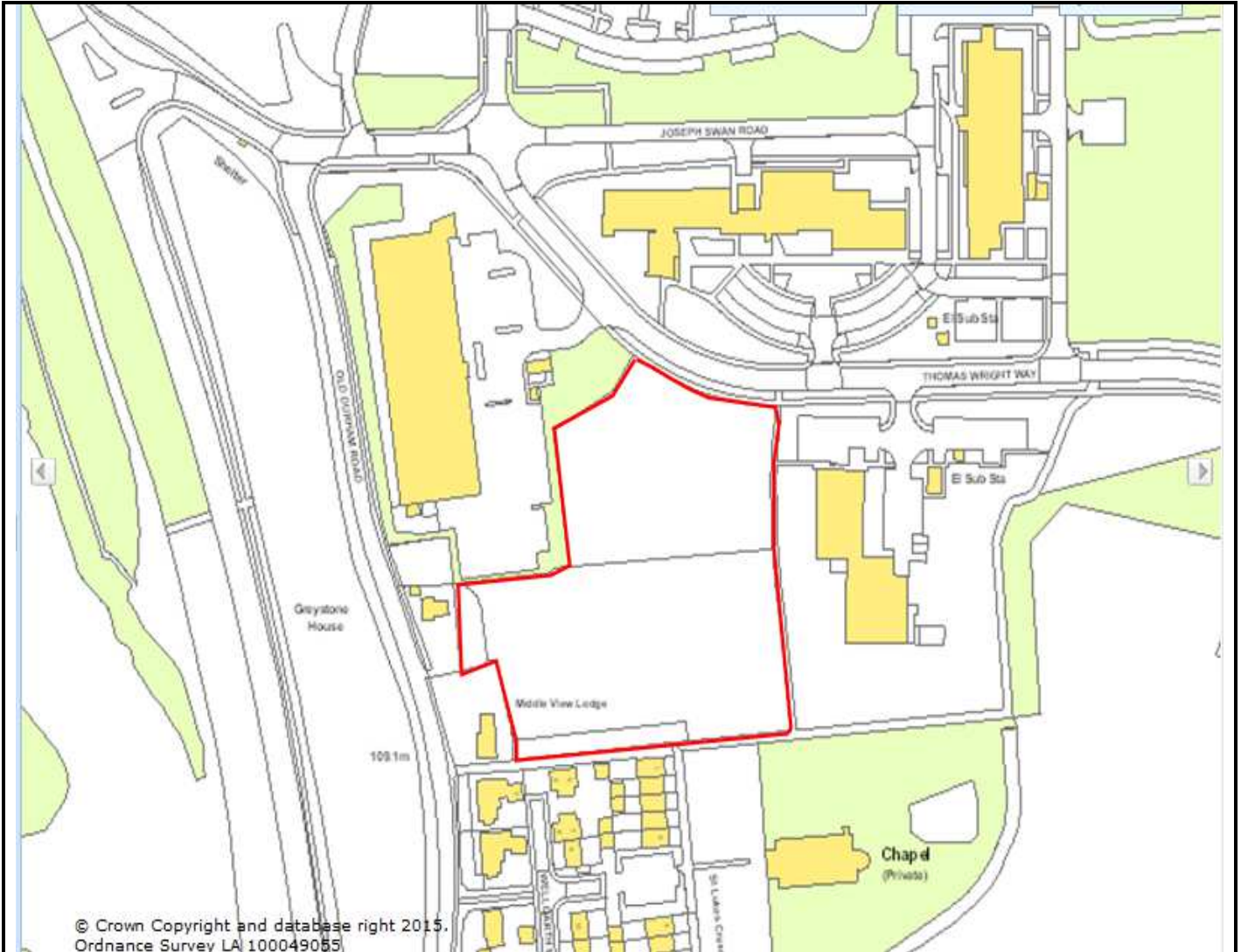
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Sedgefield Borough Local Plan (1996)
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



**Planning Services**

DM/15/02121/FPA

Erection of two Research & Development units, including laboratory & office space

Business Durham

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**Comments**

**Date** October 2015

**Scale** NTS

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01542/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of new predominantly 2 storey Research Facilities and Laboratory spaces with external car parking and hard and soft landscaping
<b>NAME OF APPLICANT:</b>	Centre for Process Innovation
<b>ADDRESS:</b>	Plot 10 Netpark, Sedgefield TS21 3FD
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Ann Rawlinson, Senior Planning Officer 03000 261393 <a href="mailto:ann.rawlinson@durham.gov.uk">ann.rawlinson@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Background

1. Outline planning permission was granted in 1999 for the development of a Business Park at the former Winterton Hospital site, to the north of Sedgefield. Since 2001 the site, NETPark (North East Technology Park) has gradually developed, with six plots now well established. The Science Park is owned, and is being developed by the County Council and marketed and promoted by Business Durham. It was seen as an opportunity to develop and combine world class research facilities and associated wide-ranging business activities, including business incubation. It focuses on supporting companies that are developing technology and products in the physical sciences, particularly printable electronics, microelectronics, photonics and nanotechnology; and their application, in the fields of energy, defence and medical-related technologies. NETPark has the capability to develop new enterprises within the University Research building, graduating in the Incubator building, and then growing into a commercial business in the new Discovery buildings.
2. Planning permission was granted subject to a Section 106 agreement which required a Master Plan and Design Code to be developed and implemented. The purpose of these was to ensure that high quality of building design and landscaping is achieved. This encourages design flare and imagination, in recognition of the strategic importance of the site with the potential of being developed as a Science and Technology Park of regional, national and international importance. This is reflected in the standard and quality of the wider site which has been established and should be taken forward in the development of future development plots highlighted in the Master Plan.

## The Site

3. The site comprises of plot 10 which is situated to the north eastern side of NETPark, to the eastern side of John Walker Road, which leads off Thomas Wright Way, the main thoroughfare through the Business Park. It comprises of approximately 1.5 hectares of relatively flat amenity grassland within a landscaped setting. Structural landscaping and mature deciduous trees form the northern and eastern boundaries. There is also a large amount of mature trees throughout the site as well as hedging and shrubbery. It is likely that many of the significant trees on the site were planted during the development of the hospital in the late 19th century. There is a substation to the eastern side of the site and one outside of the site to the northwest adjacent the hammerhead at the end of John walker Road.
4. Access to NETPark is from the A177 to the west, which leads onto old Durham Road and Salters Lane to the east. Although this secondary access from Salters Lane was originally envisaged to service the site; it is not currently utilised by vehicular traffic and comprises a locked gate, although it has open pedestrian access to the side. It is not proposed to open this locked gate as part of the proposals. NETPark is served by a bus route and stops on both Old Durham Road and Salters Lane.
5. The site is bounded to the east by a hedge and metal estate railings adjacent the B1278 (Salters Lane). Across Salters Lane is the two storey residential property of Eastholme, at a distance of approximately 16m from the eastern edge of the site. To the south east are Winterton Cottages, at a distance of approximately 21m from the south eastern edge of the site, separated by metal estate railings. These dwellings comprise of a row of six Victorian brick 2 storey terraced dwellings with an access road and car parking area to the rear. They are considered to be a non-designated heritage asset. To the south and west are further plots within the Business Park which have not yet been developed, and to the south open space with residential properties beyond fronting onto it. To the south west, at a distance of approximately 400m is St Luke's Church, a Grade 2 listed building, set within its own grounds. Further west are existing research and development buildings. To the north is an area of accessible woodlands.
6. Outside the northern, western and southern boundaries extend footways and cycle ways linking the residential and business park to the wider area.
7. Other than St Luke's Church and Winterton Cottages there are no other designated or non-designated heritage assets that may be impacted upon. Nor are there any ecological or landscape designations within or adjacent the site.

## The Proposals

8. Planning permission is sought for the development of 'The Centre for Innovative Formulations' (CIF) for the existing Centre for Process Innovation (CPI). CPI is the UK innovation centre serving the process industries. It is part of the UK's High Value Manufacturing Catapult and in its 10 year history has created National Centres in Printable Electronics, Industrial Biotechnology and Anaerobic Digestion. CPI works with industry, academia and the public sector to scale-up and prove the next generation of products and processes. It does this by bringing the manufacturing skills of its people together with leading edge capital assets in collaborative innovation partnerships.
9. In December 2014 the CPI received funding to establish and manage a new centre to encourage innovative solutions in the advancement of chemical formulations. The CIF would be a large open access facility that would assist companies of all sizes in



the proving and scaling-up of processes to manufacture or improve existing formulations. Funding has been secured from the regional growth fund, European Regional Development Fund and the Technology Strategy Board.

10. The centre is part of the Government's 'High Value Manufacturing Catapult' initiative launched in 2010 as a catalyst for the future growth and success of manufacturing in the UK. It is a strategic initiative that aims to revitalise the manufacturing industry and was implemented, along with six other similar programmes in different sectors. The inception of the Catapult provides UK business with a gateway to access the best manufacturing talent and facilities in the country.
11. The CIF would provide well serviced, flexible laboratory areas for process, analytical and technology development, small scale production areas for process demonstration and pre manufacturing requirements. The centre would provide manufacturing and engineering services, laboratories, incubation offices, open plan offices, storage, and meeting rooms.
12. The proposed building would be positioned to the north of the site and would comprise of 2 stories with a partial 3rd level to house plant and machinery equipment on the roof comprising of approximately 212m<sup>2</sup>. This external plant would be screened by louvred panels. The total floor area would be 4,162m<sup>2</sup> and the building occupies a 2456m<sup>2</sup> foot print which is approximately 16% of the overall site. The building would be approximately 8.6m in height, rising to approximately 12.5 at plant level. It would be approximately 68m in width and approximately 58m in length.
13. The building would have a two storey entrance plaza to link its two parts to provide a clear and uninterrupted entrance feature to the western side. The entrance would link to the northern block which would contain meeting rooms and laboratories at ground floor. Further laboratory space and offices would be contained at 1<sup>st</sup> floor. The building would incorporate a thin atrium running east to west in order to provide natural light. The northern block is divided into two blocks with the second northern block containing laboratory and engineering spaces. To the south a curved office block links to the entrance plaza. This allows the layout to benefit from the southern (light) aspect.
14. The building would use a cementitious board as the primary cladding panel. A series of shaded grey panels would form the colour scheme, accented by a dark grey 'book end' to each block. Vertical stacks would be constructed of profiled aluminium grid in order to replicate the stacks / chimney used on the wider site as a method of containing vertical services on the outside of the building. Open three dimensional aluminium adds a contrast to the smooth panels by adding texture to the elevations. The final external material is curtain walling to the entrance plaza and the southern block. The cladding material is raked at an angle to create a dramatic form and also shield the building from overheating.
15. To the rear north east of the site a service yard and car park (19 spaces) would be provided for the delivery of materials in association with research and engineering and would enable access for larger vehicles. This would be accessed from the existing turning head at the northern end of John Walker Road. A substation and refuse/recycling facilities would be sited to the rear eastern side of the building. Cycle parking would be provided to the north of the building. The access to the carpark to the centre and south of the site would be taken from John Walker Road to the western side of the site, from the internal road network. This would comprise of 72 spaces, including 5 disabled and 2 electric charging spaces. Pedestrian access to the main entrance of the building is arranged via the existing pedestrian route to the north and west and from the carpark. A pedestrian crossing would be incorporated

from Thomas Wright Way, across John Walker Road to the main entrance. An informal path would also be provided from the southern side of the building to the eastern side of the site onto Salter's Lane

16. The submitted elevation plans show 8 Swift wind turbines of approximately 5m in height mounted on the roof to the northern section of the building in order to provide self-generated electricity for the building. These would work in conjunction with roof mounted PV panels and potentially an air source heat pump. At this stage all of these elements are proposed, however it is the intention that one or more would be selected and detailed at construction phase. A sustainable drainage system of collecting surface drainage via swales adjacent the central car parking area which would feed to two attenuation ponds to the western frontage and eastern side of the site is proposed. This would allow appropriate capacity and the potential for habitation.
17. The plans have been amended to retain additional trees and protect the root protection areas of trees by reducing the size of the car park and moving the car parking access slightly southwards and the building very slightly north and eastwards, as well as undertaking slight layout revision around the car park and hard standing/path areas. Additional planting is also proposed to the south eastern boundary adjacent Winterton Cottages and throughout the car park.
18. The application is being presented to the South West Area Planning Committee for determination as the proposals constitute less than 10,000m<sup>2</sup> of non-residential floor space.

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## **PLANNING HISTORY**

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19. Outline planning permission was granted in 1998 and reserved matters permission was granted in 2000 for residential development (218 dwellings), including community facilities, landscaping and associated infrastructure on the part of the former Winterton hospital site located directly to the south of NETPark.
20. Outline planning permission was granted in 1999 for a Class B1 Business Park of up to 24,400m<sup>2</sup> of floor space
21. Planning permission was granted in 2001 for infrastructure works to include roads, footpaths, cycle ways, drainage and sub stations at Netpark.
22. Various planning applications have been approved since 2002 on the wider NETPark site for the erection of business, laboratory, research and development buildings as well as extensions to these, plant/machinery, storage, hoardings, adverts, enclosures, CCTV, tanks and PV panels.
23. Planning permission was granted in 2004 for the change of use of St. Luke's Church to a health and fitness club.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

24. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is

sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.

25. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
26. *NPPF Part 1 – 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.
27. *NPPF Part 4 – Promoting Sustainable Transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
28. *NPPF Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
29. *NPPF Part 8 – Promoting Healthy 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, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
30. *NPPF Part 10 – Meeting the challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
31. *NPPF Part 11 – 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, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.

32. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

33. 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: historical environment, design, flood risk, noise, light pollution, land affected by contamination and conditions.

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

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

##### Sedgefield Borough Local Plan (1996) (SBLP)

34. *Policy IB1 – Types of Industry and Business Areas* – Planning applications that maintain in appropriate locations a range of land available for industry and business.
35. *Policy IB3 – Proposals for the Development of New Industrial and Business Areas* – Identifies part of, (a minimum of 12.2 hectares) of the Winterton Hospital Estate to be developed as a Business Area.
36. *Policy IB8 – Acceptable Uses in Business Areas* – States that in business areas, business uses will normally be approved and that planning permission for general industry and warehousing would normally be refused. A high standard of site layout, building design and landscaping will be required.
37. *Policy L15 – Winterton Hospital Estate* – Development proposals should conserve the landscape setting of the Winterton Hospital Site and include business uses as a significant part of a mixed development scheme.
38. *Policy D1 – General Principles for the Layout and Design of New Developments* – States that new developments will be expected to follow specified principles in respect of layout and design to include (inter alia), account being taken of the site's natural and built features, of neighbouring land uses and activities, energy conservation, accommodation of the needs of users and safe access.
39. *Policy D2 – Design for People* – Requires new development to take account of personal safety, the access needs of users and the provision of appropriate facilities.
40. *Policy D3 – Design for Access* – Requires developments to make satisfactory and safe provision for access by a range of transport modes.
41. *Policy D4 – Layout and Design of New Industrial and Business Development* – Expects such development proposals to include an appropriate standard of design, safely accommodate the traffic generated, and have an appropriate standard of landscaping and screening of open storage areas, where appropriate.

42. *Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows* – Seeks to protect areas of woodland and important groups of trees in the consideration of development proposals.

#### **EMERGING POLICY:**

43. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/media/3403/Sedgefield-Borough-local-plan-saved-policies/pdf/SedgefieldBoroughLocalPlanSavedPolicies.pdf> (Sedgefield Borough Local Plan) <http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

44. *Highway Authority* – Officers advise that the impact of the proposed development in the context of the A177 would be insignificant on the basis of the expected (up to) 36 vehicle movements in the a.m. peak hour. The proposed number of car parking spaces is acceptable. Officers suggest that the car parking spaces nearest to the building should be constructed in advance of spaces to the south. A condition should ensure that the car parking spaces are created within a reasonable timescale based on the full occupation of the facilities. Cycle parking, electric vehicle charging point car parking spaces are also acceptable and should be installed in the initial phase of development.
45. Bus stops are located on the B1278 and a 1.8m pedestrian linkage from the proposed development should be installed from the southern car park access point to the edge of the site. Construction traffic should not access via the B1278 as the business park has been constructed safely via the A177. Officers advise that subject to both these elements being ensured by condition, no objections are raised.
46. *Environment Agency* – Raise no objections to the proposal. General advice regarding land contamination is provided, given that the site is located on a Principal Aquifer which is a sensitive controlled waters receptor which could be impacted by any contamination at the site. The Environment Agency advise that the developer should address risks to controlled waters from contamination at the site.
47. *Northumbrian Water* – Raise no objections although advise that the application does not provide sufficient detail with regards to the management of foul and surface water from the development. Therefore it is advised that this should be addressed by planning condition.
48. *Drainage and Coastal Protection* – Raise no objections. There does not appear to be a risk of flooding to the development site. Details of all surface water drainage and SUDS design proposals should be ensured by condition. The proposal to apply sustainable drainage solutions for the discharge of surface water is in accordance

with the Councils Surface Water Management Plan. If a surface water connection is made to a river, watercourse or sewer, the surface water discharge should be restricted to Greenfield run-off rate which is calculated to be 6.5 l/s.

#### INTERNAL CONSULTEE RESPONSES:

49. *Spatial Policy* – No objections raised. NETPark has seen the development of similar Research and Development (R&D) businesses over recent years and is now recognised as a regionally significant centre for R&D. The planning context for the wider development of NETPark was set by SBLP Policies IB3 and L15, recognising that the redevelopment of the former Winterton Hospital would be suitable for some business uses. It is acknowledged that these Policies are now dated and a more updated steer is given within the Council's Employment Land Review (2012). This advocates that the site be allocated for uses specifically within the R&D sector which the proposal would be in full accordance with.
50. *Landscape* – Officers welcome the revised reduced overspill carpark in the interest of the retention of mature trees of high value. However, officers consider that the swale proposed to run to the south of the curved parking bays would cause damage to two trees of high amenity value at a focal location which in officer's opinion would outweigh the SUDS benefit. Officers therefore suggest that this part of the swale be replaced with a rerouted sealed pipe within the vicinity of these two trees. Officers also advise that the adjacent proposed orbital carpark invades the critical root protection area (RPA) of one of these trees. Officers recommend that the car park be amended to facilitate the RPA of the trees.
51. *Landscape (Trees)* – The submitted Arboricultural Survey Report advises that trees are proposed to be felled to facilitate the development. Consideration should be given to which trees/how many are to be proposed to be removed through a Arboricultural Impact Assessment or Tree Constraints Plan which should also identify trees retained and their protective measures and mitigation for loss of trees.
52. *Ecology* – Officers advise that they have no objections to the proposals subject to the implementation of the mitigation suggested in the Bat Report, incorporating the erection of six bat boxes.
53. *Design and Historic Environment* – Officers advise that the design is a cohesive aesthetic style of architecture of modern industrial high technology design that matches the rest of the park in scale, design and form. It is considered that the proposed entrance plaza/southern block provides a strong frontage. Positive comments are made regarding the proposed wind turbines. Retention of high amenity value mature trees is welcomed and would assist in screening the building from the road and countryside. Planting along the frontage and within the car park would help integrate the building into its setting. Removal of trees to the south would open up the site and change its sylvan nature, result in loss of trees and impact on Winterton Cottages and dwellings beyond. Officers advise that car parking should be redesigned and reduced to enable retention of high value trees and ensure better screening of the site.
54. The proposal would be visible from Winterton Cottages which formed part of the original Winterton Hospital Estate dating back to the Victorian/Edwardian era. They are considered non-designated assets due to their architecture, symmetry and roof form. At present they sit in an enclosed green setting. The removal of trees in the southern part of the site and siting of the car park would impact on their setting and views out and thus be contrary to Paragraph 129 of the NPPF. This conflict should be avoided or minimised. St Luke's listed Church is approximately 400m from the

site and is effectively screened by mature trees that enclose it. As such the proposed building would have limited impact on its setting. Removal of trees on the southern section of the site would again open up the site, thus the proposed building may be visible from the Church in winter.

55. *Environmental Health and Consumer Protection (Contamination)* – Raise no objections, subject to conditions to ensure the satisfactory remediation of any contamination on the site.
56. *Environmental Health and Consumer Protection (Noise)* – No objections are raised. Officers advise that the proposal would bring possible noise in proximity to residential properties. A noise impact assessment to demonstrate existing noise and inform an acceptable level of noise from plant has been submitted. This demonstrates appropriate noise levels for plant which Officers accept and consider robust. In addition the assessment proposes a condition to restrict noise levels which is fit for purpose. Officers advise that a validation report demonstrating adherence with the stated levels should be carried out on completion of the development. It is accepted that noise mitigation and attenuation can be provided for plant. Officers also advise they do not consider that noise from cars visiting the site and deliveries is likely to have significant impact on residential properties as long as these activities are carried out within the working day. Officers therefore recommended that a condition controlling hours of use to appropriate times/days of the week is imposed.
57. Officers raise concerns regarding the installation of wind turbines on the building which may be unable to meet appropriate noise levels at residential properties. A restriction on noise levels would provide adequate control in this respect however this may be prohibitive to the location, number and type of technology incorporated. Finally, officers advise that conditions should also ensure appropriate lighting, (to ensure acceptable vertical lux levels) and a fume extraction scheme in order to mitigate impact on residential amenity in terms of light pollution and odour as well as limiting construction hours.
58. *Archaeology* – No objections. Officers advise that the site was previously part of Winterton Hospital. Thus the construction and demolition of this is likely to have disturbed any archaeological features that may have been located here.
59. *Access and Public Rights of Way* – There are no recorded public rights of way within or adjacent to the site. Officers welcome the retention of the informal path located just to the north of the site connecting Salters Lane (B12781) to John Walker Road.
60. *Sustainability* – Officers advise that a number of positive strategies are targeted such as; BREEAM Excellent, a carbon reduction of 25% or greater than the base model, maximising daylight, air tight construction, passive control and avoiding the use of mechanical systems. A number of technologies are also being considered for incorporation and the general approach is supported. A scheme to embed sustainability and minimise carbon from construction and in-use emissions could be ensured by planning condition.
61. *Economic Development* – The Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training. Based on the investment of £6.5m, it is estimated that 104 person weeks could be attributed to this proposal, which equates to 2 job opportunities/apprenticeships or a cash contribution of £5,000 to support employment and skills opportunities in Durham. Officers request that employment and skills training that would assist the local community by improving job prospects and employability is secured.

62. *Sustainable Transport* – Officers advise that the site is well served by public transport. The A177 would benefit from a cycle lane on either side of the road. The existing footway would benefit from improvements and could potentially provide a shared use path for walkers and cyclists. Significant works along Salters Lane to create a shared use path alongside the carriageway have been carried out. An updated travel plan is required to reflect the additional development on the site

#### **NON STATUTORY RESPONSES:**

63. *Police Architectural Liaison Officer* – The crime risk assessment for the proposed development is considered to be low. There are no issues from a 'Design out Crime' perspective.

#### **PUBLIC RESPONSES:**

64. The application has been advertised in the press, on site and in the locality. Letters have also been sent to neighbouring residents. Six letters of objection have been received during the consultation process. Residents' concerns are summarised below:

##### *Sustainability*

- No direct links to city or proximity to university.
- Rural location.
- Concerns regarding transport links.

##### *Open Space and Ecology*

- Loss of recreation/amenity space, for dog walkers, joggers and children.
- Loss of visual and audible amenity, loss of view and tranquillity.
- Impact on habitats and wildlife.
- Loss of mature trees.

##### *Scale and Amenity*

- Large scale, size and density, obtrusive.
- Size of car park and building close to properties and too large.
- Antisocial development which would affect quality of life.
- Existing noise pollution from air condensers/generators within business park therefore wind turbines would increase this.
- Additional traffic and traffic noise, noise from plant/machinery, odour, artificial lights and car lights.
- Car park too close to houses which would affect privacy.

##### *Highway safety and Parking*

- Car park near houses and open space highway safety risk.
- Opening up of existing locked gates adjacent houses would increase traffic, noise and impact on highway safety.
- Underuse of car park on rest of estate therefore no need for a large car park.

##### *Other Issues*

- Other plots and land including wasteland to the north that could be developed.
- Impact on heritage asset (Winterton Cottages).
- Impact on property values.
- Lack of community consultation.
- The site is shown undeveloped on the NETPark website and the County Durham Plan.



- A recent plan shows it to be developed to a smaller scale, away from Winterton Cottages.

#### **APPLICANTS STATEMENT:**

65. The design and shape of the building was progressed to mitigate tree loss and to maintain where possible the mature trees as these provide a natural screen to the adjacent domestic properties. The car parking was located predominantly to the Southern portion of the site where the trees were not so dense keeping the new building as far away from the residential properties as possible. During the application process, 3 main issues arose through consultations. These were the excessive loss of trees to the immediate south of the building, the loss of trees where the new car park access was being located and lack of a pedestrian footpath to the south of the site. The applicant feels that these issues have been overcome through slight revision of the car park access and footpath to the south of the buildings which enables additional trees to be retained. A footpath would also be installed to the eastern perimeter of the site to the pedestrian access to NETPark.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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66. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decision should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the proposed development, impact upon residential amenity, access, traffic and highway safety, design and layout, impact upon trees, heritage assets and archaeology, ecology and nature conservation, flooding and drainage, contamination and other issues.

#### Principle of Development

67. The application site currently comprises undeveloped grassland, located within the southern edge of NETPark. SBLP Policy IB1 seeks to maintain, in appropriate locations, a range of land available for business. Policy IB3 identifies part of the former Winterton Hospital Estate to be developed as a Business Area. Policy IB8 advises that in business areas, business uses will normally be approved. Policy L15 requires that the Winterton Hospital Estate should include business uses as a significant part of a mixed development scheme. It is considered that in relation to the proposed B1 use, these policies are consistent with the Part 1 of the NPPF which seeks to support sustainable economic growth, proactively meet the development needs of business, plan for new and emerging sectors and clusters of knowledge industries.
68. NETPark is well established and regarded as a premier location for science and technology businesses in the north east. The application site is identified as Plot 10 within the wider NETPark Masterplan, approved as part of the legal agreement for the original Business Park planning permission. Supported by the evidence in the latest Employment Land Review, the aim is to retain the current, (and extend) the future extent of the Park to ensure that a sufficient supply of employment land is

available to help towards improving the economy and provide good quality job opportunities within the County. This is reflected within Policy 23 of the emerging CDP, which allocates remaining undeveloped land/ plots at NETPark specifically for Research and Development uses, as well as extending NETPark into land north of the current Business Park into the future. It is however acknowledged that no weight can be given to this Policy.

69. Concerns raised by local residents regarding the sustainability of the site and its location are noted as well as the loss of a grassed and treed area which may have been used for recreational purposes and as amenity space by local people. However, it has always been the intention that the site be developed for business purposes as it has always identified as part of the wider NETPark site which is now a long established and successful Business Park within its field regionally and the Council's aim is to retain and encourage its growth both within the existing NETPark site and to the north of the site, into the future.
70. The use of the site for research and development (R&D) which is a B1 (b) use, to incorporate laboratories and offices, B1 (a) use, is considered acceptable in principle in land use terms. The proposed scheme is therefore considered to accord with SBLP Policies IB1, IB3, IB8 and L15. The proposal is wholly consistent with Part 1 of the NPPF, which seeks to secure economic growth in order to create jobs and prosperity.

#### Impact upon Residential Amenity

71. SBLP Policy D1 requires that account should be taken of neighbouring land uses and activities. It is considered that this Policy is consistent with Paragraph 109 of the NPPF which requires that existing development should not be adversely affected by unacceptable air or noise pollution. Paragraph 120 seeks to ensure that new development is appropriate for its location. The effects of pollution on health or general amenity should be taken into account. Paragraph 123 requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Paragraph 125 also encourages the use of good design to limit the impact of light pollution from artificial light on local amenity.
72. It is noted that Paragraph 122 of the NPPF requires that LPA's focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves. Paragraph 123 of the NPPF goes on to acknowledge that development will often create some noise. Having regard to the relationship between the site and the nearest residential properties, it is important to consider whether potential adverse impacts could be mitigated or be reduced to a minimum through the use of conditions, if this is indeed necessary.
73. Two storey residential properties (Winterton Cottages) are located directly to the southeast of the site. It is considered that the development of the site for B1 uses (research and development), in principle, should not give rise to significant adverse impacts on health and quality of life to the closest residents. It is also accepted that the site is situated within an established business park, with the plot having been historically earmarked for business use. Nevertheless, and having regard to the concerns raised by local residents, it is acknowledged that the development of the site, and associated infrastructure would bring new commercial development much closer to the majority of the surrounding residential properties than is the existing situation.

74. In examining these relationships it can be seen that Winterton Cottages are sited, at the closest distance, appropriately 50m from the proposed building. At this distance there is no doubt that the building would be visible from the front of these properties, which face towards the application site. However, the proposed building would be sited to the north of the properties which themselves face east and west, and as such the angle of view of the proposed building would not be direct and would be more oblique. The direct outlook and view to the rear of the properties facing onto Salter's Lane would remain as existing. Furthermore, having regard to the retention of existing trees directly to the south of the proposed building, proximity, scale and siting of the building, it is considered that this separation distance is appropriate in preventing a serious loss of privacy, light or outlook. However, in order to filter and soften views of the building it is recommended that further landscape screening is implemented to the south eastern boundary of the site which can be ensured by planning condition. In terms of uses within the building closest to these properties it is noted that this is shown to be office accommodation at ground and first floor levels. Research and development use would be situated in the part of the building which is located approximately 85m away from Winterton Cottages. Plant and machinery to the roof would be well screened.
75. The corner of proposed building is located approximately 41m, at the closest distance from the residential property of Eastholme. This property is situated to the east of the site, across Salter's Lane. Given the retention of the existing mature structural tree belt to the eastern boundary, the positioning of the proposed building, ensuring no direct overlooking at close distance, and the fact that the principle elevation of the residential property faces southwards over its gardens, it is considered that there would not be significant loss of outlook, privacy or light to this property as a result of the proposals. The closest part of the service yard would be situated approximately 34m from this property. It is considered at this distance and given the proposed use of the building and hence type and frequency of delivery vehicles that would be associated with the premises, use of the service yard would not significantly impact on the residential amenity of this property in terms of excessive noise or lighting. The applicant has also advised that the premises would be operational within normal office hours only. Suitable hours of operation of the site to ensure appropriate residential can be controlled by planning condition.
76. The proposed car parking is located at a distance of approximately 24m at the closest distance from the rear of Winterton Cottages. In this respect it is accepted that car lights could result in disturbance to residential properties. Additional structural and tree planting would assist in filtering lighting in this regard and appropriate lighting to both the car park and the building can be ensured by planning condition. The applicant has advised that the car park lighting could be switched off at night time. It is considered that noise and disturbance from staff and visitors would be of an acceptable level, given that the premises would be operational within normal office hours only. Again suitable hours of operation of the site to ensure appropriate residential amenity can be controlled by planning condition. Given the separation distance between the car park and the nature of its use, and during normal office hours, it is not considered that this would result in a significant loss of privacy to local residents.
77. The applicant has submitted a Noise Impact Assessment in respect of the proposals which has been accepted by the Environmental Health team. This establishes that provisions can be made in terms of attenuation and mitigation of plant and machinery to control noise from plant and machinery from the site to ensure that it would be of an appropriate level. These mitigation measures would be secured by planning condition as well as ensuring an appropriate level of noise from the building at the

nearest residential properties. It is also considered appropriate that the use of the site be restricted to that which the applicant has applied for i.e. B1 (a) offices and B1 (b) research and development, in order to ensure an appropriate level of amenity for the nearest residential properties.

78. It is considered that implementing appropriate fume extraction to minimise any odours can be ensured by planning condition. It is noted that the erection of wind turbines to the roof of the premises may not meet acceptable noise levels at the nearest residential properties and as such further details of proposed sustainability technologies would be required to be approved by planning condition, which may result in the incorporation of additional solar panels to replace wind turbine proposals, should these not be able to meet acceptable noise levels. Were the application to be approved, conditions relating to working hours and site management during construction could be attached in order to minimise potential disruption to local residents.
79. In conclusion, it is acknowledged that the development of the site as proposed has the potential to impact on the amenity of the closest residents, both visually and from noise and potentially odour and lighting. However, it is considered having regard to Paragraphs 120-123 of the NPPF and SDLP Policy D1 that potential impacts could be minimised through the use of planning conditions by reasonably controlling the level of noise, odour and lighting from the buildings and site. It is noted that Environmental Health and Consumer Protection have no objections to the proposals, subject to the imposition of conditions. As such, and having regard to the economic benefits of the scheme i.e. job and business creation, development and expansion, of which are given substantial weight, as well as the B1 research and development use of the site, it is considered that any potential impacts would be of an acceptable level.

#### Access, Traffic and Highway Safety

80. SBLP Policies D1, D2, D3 and D4 require new developments to have safe and satisfactory access, make provision for access by a range of transport modes and take account of the access needs of users. It is considered these policies are consistent with Paragraph 32 of the NPPF which states that development should only be refused on transport grounds where residual cumulative impacts are severe and Paragraph 35 which requires developments to be located and designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians.
81. The Highways Authority is in agreement with the conclusions of the submitted Transport Statement in that that the existing local and strategic highway network should be able to accommodate traffic from the development satisfactorily and operate within capacity, having regard to anticipated peak flow traffic levels. Any impacts could not be considered to be severe. The site is adequately served by bus, pedestrian and cycle infrastructure. Whilst it is acknowledged that the A177 would benefit from a cycle lane, this is not felt to be in proportion with the proposals under consideration. An updated travel plan would be conditioned to reflect the additional development at the site.
82. The location and width of the proposed access, off John Walker Road is considered to be acceptable in terms of highway safety. The proposed layout is considered safe and accessible, containing clear and legible pedestrian routes. The plans have been amended to show a 1.8m footpath extending around the western and southern side of the site to the edge of the site in order to ensure pedestrian safety to the edge of

NETPark. The proposed informal footway leading from the eastern side of the building linking onto Salter's Lane to access bus provision is also welcomed.

83. The proposed 91 on-site car parking spaces are deemed reasonable having regard to the size of the building and number of staff proposed (100). This is not considered to be too high a level of car parking as suggested by local residents. It is reasonable for the site to have its own car park rather than rely on any underuse in the car parks of adjacent premises. The five disabled spaces, 10 covered and secure cycle parking spaces and the 2 electric vehicle charging point parking spaces sited close to the building are welcomed. It is understood that the development is likely to be undertaken in two phases and therefore it is considered necessary to ensure that an appropriate number and siting of car parking spaces, as well as the construction of the disabled and electric vehicle bays are constructed expediently, in order to adequately serve a phased development.
84. The highway safety concerns of residents in relation to the provision of a car park adjacent houses and open space are noted and it is accepted that there would be an increase of vehicles using John Walker Road to access the site, albeit this would be during daytime office hours. However, it is understood that there is no intention to open up the existing locked gates to the south eastern edge of the site onto Salter's Lane, adjacent Winterton Cottages to accommodate this proposed development. This gate is not under the control of the applicant. Nevertheless it would be ensured through planning conditions that construction traffic and deliveries would not use this eastern access during construction, nor should it be used as part of the approved development. It is noted that service yard access to the site for larger vehicles would be taken from the northern end of John Walker Road, away from residential properties. In terms of accessing open space currently available on the wider NETPark site and to the south of the site, this would remain as existing, although a pedestrian link would be available for use around the southern and western perimeter of the site, linking into existing footways.
85. With regard to matters of pedestrian and highway safety as well as parking and servicing, the proposed development is considered to be in accordance with SBLP Policies D1, D2, D3 and D4 and Paragraphs 32 and 35 of the NPPF.

#### Design and Layout

86. SBLP Policies IB8, D1, D2 and D4 require a high standard of layout, design and landscaping. These policies are considered to be consistent with Paragraphs 57 and 58 of the NPPF which seek to achieve high quality design.
87. SBLP Policy L15 which seeks to conserve the landscape setting of the Winterton Hospital Site is considered to be consistent with Paragraphs 58 and 59 of the NPPF which encourage Policies that set out the quality of development that would be expected and the use of design codes where they could help deliver high quality outcomes.
88. It is considered that the design of the proposed building has a cohesive aesthetic style of architecture. The building has a modern industrial high technology design and palette of materials which accords with the approved Design Code and matches the high standard found throughout the park and the strong sense of place. The concerns of local residents relating to scale and size are noted, although this is not shared. It is considered that the form, design of the building and use of materials, similar to other buildings within the Park, would break up the size of the building, provide interest and would ensure that the scale and mass, although relatively large, would sit appropriately in the site. The retention of existing mature trees would

enable the site to retain its landscaped setting and would assist in softening and filtering the building.

89. It is noted that the footprint of the building in relation to the size of the site has remained as a percentage figure (16%) below the recommended constraints (25%) set out in the approved Design Code as well as accommodating the retention of the high value trees. This provides a screening and softening effect as well as allowing the proposed development to sit more comfortably and appear relatively spacious within its wider setting.
90. The plans have been amended to incorporate structural landscaping to the south eastern boundary. The car parking has also been broken up by the use of planting. The size of the car park has also been reduced by nine spaces.
91. With regards to matters of scale, layout, design and mass the proposed development is considered to be in accordance with SBLP Policies IB8, D1, D2, D4 and L15 of the SBLP as well as Paragraphs 57, 58 and 59 of the NPPF which seek to provide an attractive place to work.

#### Impact upon Trees

92. SBLP Policies E15, IB8, L15, D1 and D4 seek to protect areas of woodland and important groups of trees as well as provide a high standard of landscaping. These Policies are considered to be consistent with Paragraph 118 of the NPPF which seeks to resist the loss or deterioration of irreplaceable habitats, including aged or venerable trees.
93. The site benefits from surrounding and framing mature trees, as well as trees throughout the site. The proposed design has accommodated a large number of trees of highest visual amenity value, particularly to the north, eastern and south western site perimeters. The proposed development would result in the loss of approximately 36 trees, two hedges and two groups of shrubbery, including one large group to the south eastern boundary, as indicated on the proposed Tree Works Mitigation Plan. This is a concern identified by local residents and it is acknowledged that this is regrettable. However, it is noted that the plans have been amended in order to retain additional further trees, including a group of four limes of high quality and amenity value to the south of the site, through the slight re-positioning of the access road as well as the retention of additional trees directly to the south of the proposed building.
94. Concerns raised by the Council's Landscape Architect regarding damage to tree roots from the proposed swales can be alleviated through the careful construction of a shallow swale, rather than deeper excavation in order to minimise damage to tree roots. Construction details and methodology can be controlled by condition. Slight re-designing has also taken place to the car parking layout to reduce the impact on the root protection zones of retained trees. Car parking in root protection zones would be constructed with concrete lattice blocks with gravel infill to minimise any damage to tree roots as identified on the submitted Tree Works Mitigation Plan.
95. Given that the proposed development has been designed having due regard to the existing mature trees on the site and as such the proposed layout would result in the minimum removal of trees necessary to facilitate development of the site, it is considered that, although not fully compliant with the aspirations, in this respect, set out in SBLP Policies E15, IB8, L15, D1 and D4 and Paragraph 118 of the NPPF, the envisaged economic and employment benefits of the proposed development would outweigh the loss of a small number of trees. Additional trees would also be provided

to the south eastern boundary and within the car park. Protection of retained trees during construction can be ensured by planning condition.

## Heritage Assets and Archaeology

96. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm to the setting of a listed building is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
97. Paragraph 129 of the NPPF requires LPA's to assess the impact of a proposal on the setting of a heritage asset, to avoid or minimise conflict. In accordance with Paragraph 134, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
98. St Luke's Church is a Grade 2 Listed Building of some architectural and historic significance, historically related to Winterton Hospital. It is surrounded by grassland within an attractive landscape setting. It is sited approximately 400m to the south east of the site. There is a group of existing mature trees that screen the church effectively to the north and east. As such the proposed building would have limited impact on its setting, particularly given the retention of existing trees to the western and southern sections of the site which would assist in shielding the building from the southwest.
99. The proposal would be visible from Winterton Cottages which are considered to be non-designated heritage assets. It is accepted that the removal of trees and shrubbery to the central and southern section of the site and siting of the car park would impact on their setting and views out. In order to minimise this conflict, additional trees are proposed to be retained directly to the site of the building and new trees incorporated to the south eastern boundary. It is considered that less than substantial harm caused to the non- designated historic asset and that the public economic benefits of the proposals such as business creation and expansion, job opportunities and research and development progress, would outweigh any harm, meeting the test set out in Paragraph 134 of the NPPF.
100. Having regard to the requirements of Paragraph 128 of the NPPF, in respect disturbance of any underground archaeological features, the Council's Archaeologist has advised that the construction and subsequent demolition of the former Winterton Hospital which occupied the site is likely to have disturbed any archaeological features that may have been located here.

## Ecology and Nature Conservation

101. The application site does not form part of, and is not within the close vicinity of any statutory ecological designation. Paragraph 109 of the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity. Paragraph 118 seeks to encourage opportunities to incorporate biodiversity in and around developments.
102. Under the requirements of The Habitats Regulations it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a European Protected Species, unless such works are carried out with the benefit of a licence

from Natural England. Regulation 9(3) of The Habitat Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions.

103. The submitted Ecological Appraisal Report correctly identifies the issues that are required to be considered relate to the potential presence of Great Crested Newts (GCN), given that there is a pond located approximately 400m to the north and the potential for the trees to provide bat roosting sites. Therefore additional GCN and bat surveys have been submitted to support the application. It was found that although the pond to the north of the site has good suitability for GCN, none were found to be present.
104. The submitted Bat Survey highlights the use of the site and its surrounds by bats for commuting and feeding and within the site there are a number of mature deciduous trees that could potentially provide roosting sites. However, no bat roosts have been found and trees proposed for removal do not contain features that could be utilised by bats as roosting sites. The Council's Ecologist concurs that the trees on the site are of a low risk of containing bat roosts and thus the proposed development would be unlikely to have a negative impact upon protected species. The retention of the mature trees, incorporation of bat boxes (as set out within the recommendations of the Bat Survey), additional landscaping and attenuation ponds would contribute to conserving and enhancing the natural environment.
105. With regards to the above, it is considered that the development could be satisfactorily accommodated on the site without unreasonable impact upon biodiversity or protected species and is therefore in accordance with Paragraphs 109 and 118 of the NPPF.

#### Flooding/Drainage

106. Paragraph 103 of the NPPF requires that when determining planning applications, Local planning authorities should ensure flood risk is not increased elsewhere. The application site lies within flood zone one where research and development uses are considered appropriate. The main consideration is therefore the prevention of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
107. A Flood Risk Assessment and Drainage Statement have been submitted to support the application. It is proposed that the foul water would connect into the public sewer. Surface water discharge from the site should be restricted to Greenfield run-off rate. This is proposed to be achieved by swale trenches (a series of surface water conveyance channels) leading to two attenuation ponds which would provide attenuation, treatment and discharge of surface water. Having regard to the requirements and advice of Northumbrian Water and the Council's Drainage Officer, appropriate planning conditions securing a full and detailed foul and surface water drainage scheme would be ensured. The objectives of Part 10 of the NPPF are therefore considered to have been met.

#### Contamination

108. Paragraph 109 of the NPPF seeks to prevent new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution requires that and that contaminated land should be remediated or mitigated against. Paragraphs 120 and 121 seek to ensure that new development is appropriate for its location and the site is suitable for its use. Where a site is



affected by contamination responsibility for securing a safe development rests with the developer and/or landowner.

109. The risk of contamination on the site, given its former use as a hospital has been identified by means of the submission of a Phase 1 Ground Investigation Report. Given the previous historical use of the site it is recommended that further investigative works take place and that a suitable remediation scheme be formulated to ensure that the proposed development complies with Paragraphs 109, 120 and 121 of the NPP, which would ensure that the site and the surrounding area is safe and appropriately remediated for its intended use. Further investigation works can be secured through condition. The Environment Agency raises no objections to the proposal providing general advice in relation to prevention of ground water contamination. This is would be considered as part of any remediation of the site.

#### Other Matters

110. There is an ambition to achieve BREEAM 'Excellent' as part of the scheme, as well as the targeting of a number of positive strategies including a carbon reduction of 25%, maximising daylight, air tight construction, passive control and avoiding the use of mechanical systems. A number of technologies are also been considered for inclusion such as solar panels, wind turbines and air source heat pump, as set out in the submitted Sustainability Statement. Having regards to SBLP Policy D1 it is advised that a final scheme to embed sustainability and minimise carbon from construction and in-use emissions, which is considered appropriate having regards to local residential amenity, be secured by planning condition.
111. The Economic Development (Employability) Team note that the development could create both short term and long term apprenticeship or employment opportunities for local people. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.
112. Concerns raised by local residents regarding loss of property value cannot be given any weight in the decision making process.
113. Officers note the concerns regarding consultation that have been expressed by local residents. As stated above the application has been advertised in the press, on site and in the locality. In addition letters have also been sent to neighbouring residents. It is considered that the consultation that has been undertaken is appropriate.
114. The site within a Coalfield Development Low Risk Area as defined by the Coal Authority. Any development is therefore subject to standing advice.

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## **CONCLUSION**

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115. The proposed scheme would accord in principle with both the existing and emerging Development Plan, in that the proposals are for research and development use within an established Business Park. The scheme would provide clear economic and employment benefits to the local and wider area, in terms of investment, research and development, business creation and growth as well as job creation.
116. The proposals would not have significant effects on visual amenity. It is acknowledged that there would be a number of mature trees lost to accommodate the proposed development. The remaining structural tree belt as well as proposed new landscaping would ensure the character of the site was retained. It is considered that the economic benefits of the proposal outweigh the loss of trees.

117. The development is considered acceptable in highway and pedestrian safety, access, parking and traffic terms. The proposed development would not, negatively affect protected species or nature conservation.
118. It is considered that there may be some impact to the setting of the adjacent non-designated heritage assets, Winterton Cottages. However, this would be limited and it is considered that the public economic benefits of the proposals would outweigh any harm, meeting the test set out in Paragraph 134 of the NPPF.
119. It is considered that the residential amenity of occupiers of neighbouring properties would not be significantly adversely affected by the proposal, subject to imposition and adherence with the suggested conditions, although it is acknowledged that there may be some impact on residential amenity, given the proximity of the proposed new commercial development to residential dwellings. However, the proposed development would be located on an established business park and would result in economic benefits and job creation which it is considered would outweigh impact on residential amenity which would be minimised through the use of planning conditions.
120. Careful and thorough consideration was given to the objections and concerns raised by local residents and these have been taken into account and addressed within the body of the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application, in the light of the benefits of the scheme and the ability to impose conditions.
121. The proposed development is considered to largely accord with the relevant policies of the Sedgefield Borough Local Plan and the NPPF, having regard to the assessment and conclusions set out.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents:

Plans

Site Location Plan. 1000. P1. 15/5/2015  
Existing Site Plan. 1002. Rev. P1. 15/5/2015  
Proposed Elevations-Sheet 1. 2112. Rev. P1. 14/5/2015  
Proposed Elevations-Sheet 2. 2113. Rev. P1. 14/5/2015  
Proposed Roof Plan. 2115. P1. 14/5/2015  
Ground Floor Plan. 2110. P1. 14/4/2015  
First Floor Plan. 2111. P1. 14/5/2015  
Proposed Site Plan. 1003. T6. 12/10/2015  
Proposed Tree Mitigation Works. 1004. T7. 12.10.2015

Documents:

EcoSurv Ecological Consultants. Bat Survey Report. Rev.1. 29/7/2015, including mitigation recommendations.  
EcoSurv Ecological Consultants. Great Crested Newt Survey Report. Rev.1. 29/7/2015  
EcoSurv Ecological Consultants. Preliminary Ecological Appraisal Report. Final 20/4/2015  
EcoSurv Ecological Consultants. Arboricultural Survey Report. Rev. 1 Final. 20/4/2015.  
Transport Statement. D/1/D/108537/05. May 2015  
Geo-Environmental Desk Study Report. D/I/D/108537. 31/3/2015  
Flood Risk Assessment and Drainage Statement. May 2015  
Design and Access Statement. Rev. P1. May 2015  
Archaeological Desk Based Assessment. 3796. May 2015  
Arboricultural Survey. Final. 20/4/2015  
Sharps Redmore Acoustic Consultants Report. 1112284. 15<sup>th</sup> May 2015

*Reason: To secure an acceptable form of development that meets the objectives of Policies IB1, IB3, IB8, L15, D1, D2, D4, D5 and E15 of the Sedgefield Borough Local Plan.*

3. Development shall not commence until a construction working practices strategy has been submitted to, and agreed in writing by the Local Planning Authority and which includes (but not exclusively) dust, noise, and light mitigation; compound location and traffic management. This shall have regard to the relevant parts of BS 5228 2009 "Noise and Vibration Control on Construction and Open Sites". Thereafter construction will take place in full accordance with that agreement.

*Reason: In the interests of public health, highway safety and amenity, in accordance with the objectives of Policies IB8, D1, D2 and D3 of the Sedgefield Borough Local Plan. The required information is necessary prior to the approved development commencing in order to ensure appropriate residential amenity during construction.*

4. The development shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:
  - (a) The Phase 1 Preliminary Risk Assessment (Desk Top Study) has identified the need for a Phase 2 report and further site investigation to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
  - (b) A Phase 2 Site Investigation and Risk Assessment is therefore required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
  - (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. The required information is necessary prior to the approved development commencing to ensure that the site is safe for development.*

5. No development shall commence until an Employment & Skills Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

*Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. The required information is necessary prior to the approved development commencing as it concerns construction workforce employment.*

6. Notwithstanding any details of materials submitted with the application samples of the external walling and roofing materials of the buildings should be submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant phase of the development to which the material relates. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policies IB8, D1 and D4 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.*

7. Notwithstanding any submitted detailed no development shall take place until a surface and foul water drainage scheme for the site, based on sustainable drainage principles has been submitted and approved in writing by the Local Planning Authority. This shall include methodology and construction details and of swales and ponds. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use.

*Reason: To prevent increased risk of flooding and ensure adequate drainage of the site, having regard to Part 10 of the NPPF. The required information is necessary prior to the approved development commencing to ensure the satisfactory storage of/disposal of foul and surface water from the site.*

8. Construction of the development shall not commence until a scheme to embed sustainability and minimise carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence. For the avoidance of doubt no sustainability technologies are approved as part of this planning permission.

*Reason: In order to ensure sustainability measures are embedded in the scheme both during construction and in use and in order to comply with Policy d1 of the Sedgefield Borough Local Plan and Paragraphs 93-97 of the NPPF. The required information is necessary prior to the approved development commencing to ensure that carbon is minimised during construction.*

9. Details of the height, type, position and angle of any external lighting, temporary or permanent, including vertical lux levels, shall be submitted to and approved in writing by the Local Planning Authority before the temporary or permanent lighting is erected on site. The lighting shall be erected and maintained in accordance with the approved details.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

10. Construction of the development shall not commence until details of fume extraction have been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme will be to demonstrate how any odour emissions are addressed so as not to impact on residential premises. The approved scheme shall be installed prior to the use commencing and retained thereafter.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

11. Construction of the development shall not commence until full details of a footpath link from the western side of the site extending to the south eastern edge of the site has been submitted to and approved in writing by the Local Planning Authority. The approved footpath link must be completed before the first occupation of the building.

*Reason: In the interests of highway and pedestrian safety having to Policies D1, D2, D3 and D4 of the Sedgefield Borough Local Plan and Part 4 of the NPPF.*

12. Construction of the development shall not commence until a detailed landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:  
Details soft landscaping including planting species, sizes, layout, densities, numbers  
Structural tree planting to the south eastern boundary  
Advance planting of all perimeter structure planting before construction of the building commences.  
Details of planting procedures or specification  
Finished topsoil levels and depths  
Details of temporary topsoil and subsoil storage provision  
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.  
Hedges and shrubs shall not be removed within five years. 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.  
The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development (except advance perimeter structural planting).

*Reason: In the interests of the visual amenity and character of the area having regard to Policies L15 and E15 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

13. The approved development shall not be occupied until details of the hours of operation of the building and site have been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated only in accordance with the approved operating times.

*Reason: In the interests of residential amenity having regard to Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

14. The approved development shall not be occupied until phasing details of the implementation and location of all car parking spaces, and a timetable for their construction has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved timetable.

*Reason: In the interests of highway and pedestrian safety having to Policies D1, D2, D3 and D4 of the Sedgefield Borough Local Plan and Part 4 of the NPPF.*

15. Within 6 months of the occupation of the building, a final updated Travel Plan, conforming to the ethos of the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, indicating programmes and funding commitment, shall be submitted in writing to and approved by the Local Planning Authority and thereafter implemented for the lifetime of the development.

*Reason: In the interest of improving the sustainability of the site having regard to Part 4 of the NPPF.*

16. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges to be retained are protected by the erection of fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS5837:2012.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done as to affect any tree. No removal of limbs of trees or other tree work shall be carried out. No underground services trenches or service runs shall be laid out in root protection areas.

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

*Reason: In the interests of the visual amenity and character of the area and to comply with Policies IB8, I15, D1, D4 and E15 of the Sedgefield District Local Plan.*

17. There shall be no outside storage of goods, materials, equipment, or waste nor use or installation of plant or machinery outside.

*Reason: In the interests of residential and visual amenity in accordance with Policy D1 and D4 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

18. No operations and deliveries associated with the construction phase of the development hereby approved shall be carried out outside the hours of:

Monday to Friday – 08:00 – 18:00 hours

Saturdays – 08:00 – 12:00 hours

Sundays – None

Public and Bank Holidays – None

*Reason: In the interests of residential amenity in accordance with Policy D1 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any revocation and re-enactment of that order), the

premises shall be used only for uses contained within Use Class B1a and B1b of the Town and Country Planning (General Permitted Development Order) 2015 (or any revocation and re-enactment of that order) and for no other use.

*Reason: In the interests of residential and visual amenity in accordance with Policies D1 and D4 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

20. No traffic or deliveries associated with the construction or operational phase of the approved development shall enter or leave the site via the B1278 (Salter's Lane).

*Reason: In the interests of highway and pedestrian safety having to Policies D1, D2, D3 and D4 of the Sedgefield Borough Local Plan and Part 4 of the NPPF.*

21. The rating level of noise emitted from fixed plant on the site shall not exceed, 48 dB LAeq (1hr) between 07.00-19.00, 40 dB LAeq (1hr) between 19.00-23.00 and 37dB LAeq (15 mins) between 23.00-07.00.

Within 28 days of the occupation of the development a validation report shall be submitted to the Local Planning Authority which demonstrates adherence to the above noise levels.

*Reason: In the interests of residential and visual amenity in accordance with Policies D1 and D4 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Sedgefield Borough Local Plan (1996)
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



**Planning Services**

DM/15/01542/FPA

Construction of new predominantly 2 storey Research Facilities and Laboratory spaces with external car parking and hard and soft landscaping

Centre for Process Innovation

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**Comments**

**Date** October 2015

**Scale** NTS