

# 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<br>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 NPFF. 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 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

*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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield 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 Sedgfield Borough Local Plan and Part 11 of the NPPF.*



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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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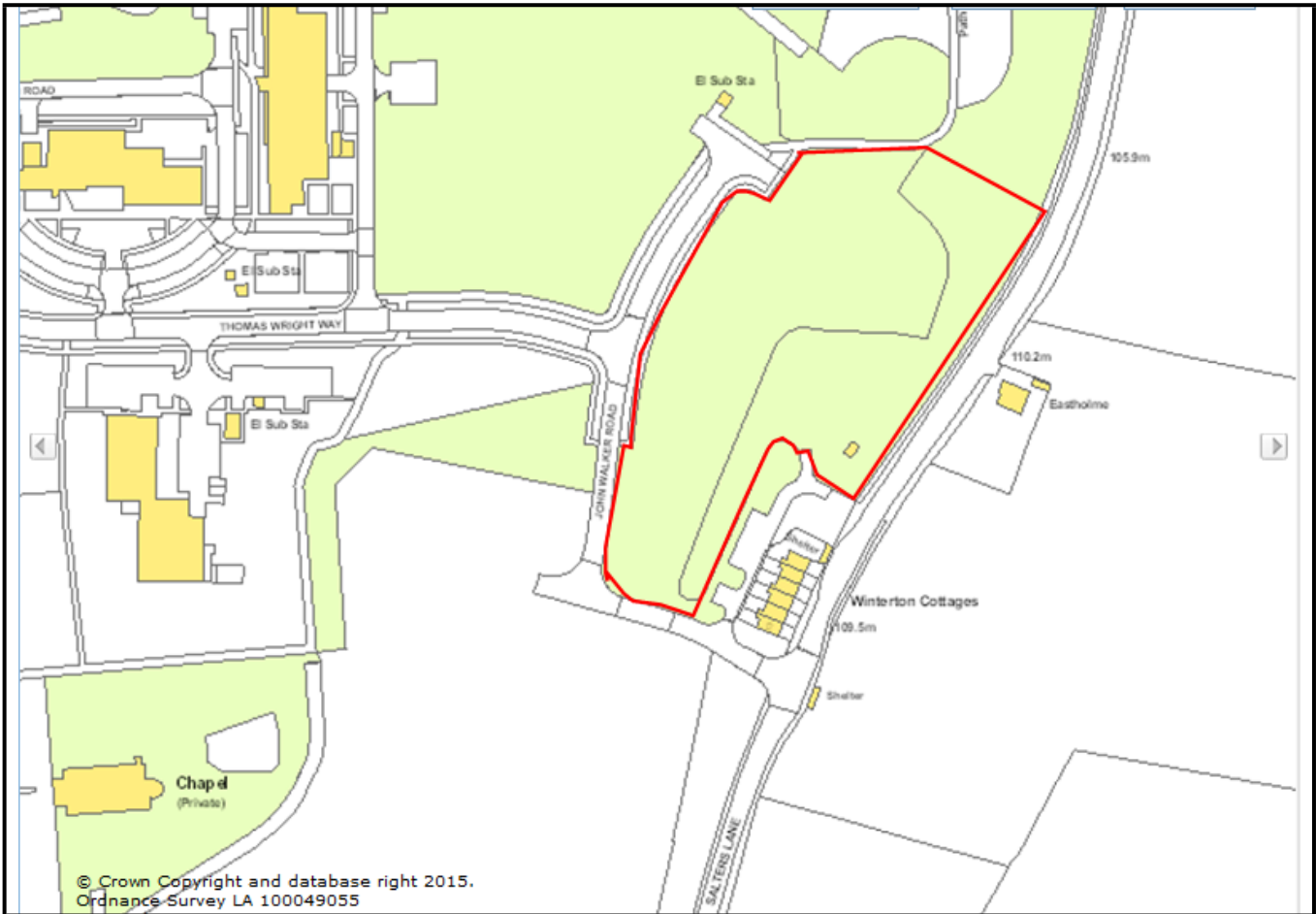
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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