

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 June 2017

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APPLICATION REF. NO:

12/00391/RM6

STATUTORY DECISION DATE:

15 May 2017

WARD/PARISH:

STEPHENSON

LOCATION:

Central Park Development Site Haughton Road
Darlington

DESCRIPTION:

Approval of details of access, appearance, landscaping, layout and scale for a three storey bio-incubator building and associated external service area pursuant to outline planning permission 12/00391/FUL dated 25 September 2012 for residential development of up to 180 units and Use Class A1 (retail), A3 (hot food) and A4 (drinking establishments) up to 1,700 sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus Use Class A3 and A4, together with office development (B1), hotel (C1) and multi-storey car park

APPLICANT:

Centre for Process Innovation

APPLICATION AND SITE DESCRIPTION

The application site consists of a development plot to the north of the existing CPI building and Business Growth Hub on Yarm Road, within Central Park, currently used as a temporary surface car park. To the east of the site is public highway at Green Street, to the south, Silver Place and to the west is an existing car park.

Approval for reserved matters relating to access, appearance, landscaping, layout and scale is sought for the erection of a three-storey building to accommodate the New Health Futures Centre Facility to support the existing National Biologics Manufacturing Centre (NBMC) and to service the high demand that has been generated by it. The proposed building would provide a serviced bio-incubator facility to promote the development and growth of healthcare start-ups and SME's. As such, the building would house a number of small to medium sized lab spaces designed to function as incubator units for biologic start-ups, supported with open plan office spaces, meeting rooms, shared technical facilities together with storage and staff facilities.

The main elements of the proposal are as follows:

- Three storey building with floor to floor height largely dictated by the minimum ceiling height and services zone needed to serve labs of this type;
- Second phase to the north of the existing National Biologics Manufacturing Centre and Business Growth Hub Gateway buildings with a reduced height, scale and mass as you progress northward into the Central Park site from the gateway – in keeping with the overall master plan;
- A small rooftop plant compound to the centre to reduce visibility from street level and avoid adding to the perceived building height;
- An external service area bounded by a single storey brick wall with height to match the existing adjacent service yard of the National Biologics Manufacturing Centre opposite;
- Vertical slot windows over panels and strong horizontal banding at floor levels with use of the red brick from the NBMC incorporated into the external service compound to visually tie the two buildings together; Standing seam metal rainscreen cladding in a light bronze finish to the northern and upper elevations also used in forming the soffit to the recessed entrance area;
- Vehicular access via Silver Place and pedestrian access via the main pedestrian route through the Central park site to the west of the building with service access adjacent to and aligned with the NBMC service to aid transportation of items between the two buildings;
- Replacement car parking for the CPI building accommodated to the east of Green Street;
- Hard and soft landscaping incorporating native species as per the previous installed landscaping to Union Square and as part of the wider site approach to the master plan.

PLANNING HISTORY

The planning history most relevant to this application is as follows:

12/00391/FUL – In September 2012 planning permission was granted for a hybrid application for residential development of up to 180 units and Use class A1 (retail), A3 (hot food) and A4 (Drinking Establishments) up to 1,700sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus use Class A3 and A4 together with office development (B1), hotel (C1) and multi-storey car park (outline) and erection of 327 No. residential units with associated landscaping, access and parking (in detail).

12/00391/RM1 – In April 2013 reserved matters was approved for details of access, appearance, landscaping, layout and scale for office development (use class B1) pursuant to outline planning permission 12/00391/FUL dated 25 September 2012 for residential development of up to 180 units and Use Class A1 (retail), A3 (hot food) and A4 (drinking establishments) up to 1,700 sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus Use Class A3 and A4, together with office development (B1), hotel (C1) and multi-storey car park.

12/00391/RM2 – In June 2013 reserved matters was approved for details of access, appearance, landscaping, layout and scale for 20 No dwellings to north east part of site pursuant to outline planning permission 12/00391/FUL dated 25 September 2012 for residential development of up to 180 units and Use Class A1 (retail), A3 (hot food) and A4 (drinking establishments) up to 1,700 sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus Use Class A3 and A4, together with office development (B1), hotel (C1) and multi-storey car park.

13/00359/FUL – In June 2013 planning permission was granted for the erection of 5 No. dwellings with associated infrastructure and landscaping to increase the residential element of planning permission 12/00391/FUL from 327 dwellings to 332.

12/00391/RM3 – In April 2014 reserved matters was approved for details of access, appearance, landscaping, layout and scale for National Biologics Manufacturing Centre (Use Class B1) pursuant to outline planning permission 12/00391/FUL dated 25 September 2012 for residential development of up to 180 units and Use Class A1 (retail), A3 (hot food) and A4 (drinking establishments) up to 1,700 sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus Use Class A3 and A4, together with office development (B1), hotel (C1) and multi-storey car park.

15/01176/FUL – In March 2016 planning permission was approved for the erection of 7 No. dwellings with associated infrastructure and landscaping to increase the residential element of planning permission 12/00391/FUL and 13/00359/FUL from 352 to 359.

12/00391/RM4 – In February 2016 reserved matters was granted for details of access, appearance, landscaping, layout and scale of spine road pursuant to outline planning permission 12/00391/FUL dated 25 September 2012 for residential development of up to 180 units and Use Class A1 (retail), A3 (hot food) and A4 (drinking establishments) up to 1,700 sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus Use Class A3 and A4, together with office development (B1), hotel (C1) and multi-storey car park.

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E14 Landscaping of Development
- E37 Enhancement of the Built Environment
- EP12 Office Development Limits
- R4 Open Space Provision
- T7 Traffic Management and Main Roads
- T8 Access to Main Roads
- T9 Traffic Management and Road Safety

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS3 Promoting Renewable Energy
- CS5 The Provision of Land for Employment Uses
- CS7 The Town Centre
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Design of New Development Supplementary Planning Document, July 2011
Interim Planning Position Statement 2016

RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

A joint letter of objection from six businesses via Business Central has been submitted, which raises the following issues:

- *Master plan originally guaranteed an open access road to our building (funded by European Money) through Silver Place; Why is this to change and why is the public highway being altered to allow a private entity loading bay access; We have current rights of access across this area and our services (sewerage, utilities, broadband) are supplied through that; It's a public asset currently and we were granted rights of access only, so why should these be lost or altered in favour of one private entity over another, we have never been offered the opportunity to alter this area for our access / conditions benefit;*
- *Why does the application state that we have granted them rights of access to maintain the building on the west side – when this is not the case and we have never been approached about that, again not an accurate representation;*
- *Can you confirm what parking is planned for the proposed new building?*
- *Can you confirm if there will be any parking loss to our site;*
- *There is no mention of how the car park currently being constructed will have the spaces allocated or how it will be managed;*
- *Why is there no construction plan confirmed; There isn't one with it to validate the application;*
- *The condition of the current access road is a concern, especially in the filling in of holes and cleaning of these areas, safety in worse weather months especially (which is when proposed further construction would take place) and this would be a pedestrian, cycle and vehicle route along with site traffic and deliveries.*
- *If our access is also to be restricted and replaced initially with a temporary route and then a further changed access route, we would like confirmation of what the temporary loss will be in more detail and that the control measures for that access (temporary and final) that currently exist (barrier control / cameras, etc.) and any associated costs will be guaranteed to be replaced;*
- *Why is there no current travel plan – example is 2014 and site is already much more utilised than originally thought, therefore not an accurate representation;*
- *Why is there not a current transport plan;*
- *Having 2 service yards facing each other is very poor design for the area facing the main access point for most who will visit both sites from the main road; could the entrance not be reversed to face the north east corner;*
- *Why isn't the area alongside the new road (East side) which appears not to be utilised in the plans shown, or the area at the north, not being used in the build, which would allow more space between the car park in our plot, barrier entrance with vehicles, etc. making it safer for pedestrian / vehicle access;*
- *There is currently limited access to loading bay with a limited turning area (existing CPI building) there would be safety issues for pedestrians, cyclists and other vehicles if they*

- propose lorries / large vans to be turning to exit from their current loading bay or reversing back out onto the main road;*
- It states it will have compliant ramped access from adjacent car parking areas – yet those adjacent are on our site not that of CPI. Why is this mentioned if the car parking provision for this building including disabled bays are to be sited to the east of this new building, this is not a factual representation;*
 - Why does the application state it will be bounded to the west by the main pedestrian route through the Central Park site, however this is not the case;*
 - The site detailed for the construction compound in the application text states the compound will be to the North West adjacent to the railway line, but shown in a different position in the application. Without a construction plan we have no confirmation of this issue – again not an accurate representation;*
 - What would be the proposed bus route into the main site and where would any bus stops be proposed on the new road / entry to park;*
 - Construction traffic should be separated from public in current works and for future works;*
 - All footpaths proposed need to be wide enough for pedestrians and cyclists and there needs to be adequate signage for such;*
 - We would request onsite traffic is restricted to 20mph for safety of pedestrians and cyclists and vehicles;*
 - Both sides of the pavements on the spine road (east of the build) need to be also wide enough for pedestrians and cycle routes;*
 - There was not enough cycle provision in the first building which is why we agreed to allow CPI to share our current facilities, however the two hoops noted in this application are not adequate in relation to the Tees Valley planning documents, and as we will need to re-locate our current facility elsewhere on our site with the proposed cycle / footbridge, there needs to be more provision in this application and it needs to be secured and lockable storage;*
 - We feel there has been a failure to fully assess the impact on us and the other 60 businesses correctly as neighbours;*
 - Why was there no pre-consultation with us as neighbours and our 60 companies on site? The only reference in the application is to the residential areas as neighbours to the east. The consultation that did take place was only for the now current CPI building prior to us being occupied;*
 - The master plan refresh does not show the building aligned to the main road, but the original did. This creates a loss of privacy to us as neighbours;*
 - The economic business offering of the site could change through the building of this unit; The construction work, access problems, etc. which could mean loss of existing clients, potential new companies, meeting room bookings and clients for our clients may go elsewhere other than Darlington if it results in a negative image; There has been significant job creation through our site and this could also be affected;*
 - The information should fit alongside the outline sustainable transport plan which includes the station plan, bridge and that of the rest of Central Park;*
 - We have a deed of covenant with DCLG that the scheme would not change for 15 years, but in these works it is suggested it would potentially eventually.*

Consultee Responses

The Council's **Highway Engineer** has raised no objections to the proposal.

The **Environmental Health Officer** has raised no objections to the proposed development.

The Council's **Ecology Officer** has raised no objections to the proposed development.

Northumbrian Water has raised no objections to the proposed development.

Network Rail has raised no objections subject to informatives to ensure protection of the railway.

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Design and Visual Amenity
- Residential Amenity
- Highways and Sustainable Transport Issues
- Other matters

Planning Policy

The Central Park site is identified in Core Strategy Policies CS1, CS5, and CS10 as being one of the key strategic locations for development during the plan period. It is identified as being suitable for mixed-use development, principally housing and employment.

The principle of the development has already been established with the grant of outline planning permission and the proposal is compliant with the parameters set out in the approved master plan.

The main issues to be considered are in relation to details of access, appearance, landscaping, layout and scale of the proposal.

Design and Visual Amenity

The proposed building is considered to be acceptable in terms of its scale, height and massing and would relate well to the existing buildings to the south. The proposed choice of external contrasting materials would visually tie the building with those of the NBMC and would relate well visually with the Business Growth Hub, in keeping with the high quality appearance of the development.

The building would have a reduced scale, height and mass from that of the gateway buildings to the south, and as such is not considered to raise any significant issues in terms of impact on the distinctive character of the Central Area skyline.

Residential Amenity

The proposal raises no significant issues in terms of impact on the residential amenity of existing dwellings in the locality, the nearest of which are located to the south of Yarm Road beyond the existing CPI and NBMC buildings and Graham Court to the east, some 110 and 60m distance

respectively, from the proposed building. Given these distances, it is not considered that the proposal will have any significant detrimental impacts in relation to light, outlook or overlooking of such properties.

Details of the external plant to be situated on the central roof plant area of the building, are not yet known, however conditions 17, 19 and 20 of the original permission 12/00391/FUL require details of ventilation and extraction systems in relation to noise, fumes and odour, and this will therefore be dealt with as part of a discharge of conditions application prior to the commencement of the development under these existing planning conditions.

Highway and Sustainable transport issues

Car parking for the plot is provided off site in a separate car park (to the east of Green Street) and a travel plan is in place for Central Park to reduce the reliance on private motor vehicles.

Works by DBC to Silver Place are proposed, potentially starting in January 2018, which would provide the access from the adopted highway into the proposed building plot and sites beyond, and as such, the Highways Officer has requested co-ordination with DBC to determine surface finishes, tie in details and levels adjacent to the adopted highway. This requirement can be set out in an informative, as can the requirement for a condition survey of the new highway to ensure that no damage is caused during construction of the new building.

The Highways Officer has requested that a Construction Management plan be required by planning condition. This is a requirement of the original outline permission for each phase of the development by virtue of condition 11 of 12/00391/FUL and this will therefore be dealt with as part of a separate discharge of condition application.

Overall, the proposal is considered acceptable in highway terms and as such, the Highways Officer has raised no objections.

Other matters

The majority of issues that are raised by objection will be addressed through the Construction Management Plan, which will be dealt with via a separate Discharge of Condition application under 12/00391/FUL.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The Central Park site is identified in Core Strategy Policies CS1, CS5, and CS10 as being one of the key strategic locations for development during the plan period. It is identified as being suitable for mixed-use development, principally housing and employment. The principle of the development has already been established with the grant of outline planning permission and the proposal is compliant with the parameters set out in the approved master plan. The details submitted in this reserved matters application are considered acceptable.

RECOMMENDATION

That reserved matters relating to details of access, appearance, landscaping, layout and scale for a three storey bio-incubator building and associated external service area pursuant to outline planning permission 12/00391/FUL dated 25 September 2012 for residential development of up to 180 units and Use Class A1 (retail), A3 (hot food) and A4 (drinking establishments) up to 1,700 sq m throughout the development, inclusive of a local centre, food retail and up to 3 No. other retail (A1) plus Use Class A3 and A4, together with office development (B1), hotel (C1) and multi-storey car park **BE APPROVED**

INFORMATIVES

A condition survey of Silver Place should be carried out before works commence on site to highlight any existing defects and issues that may arise from construction traffic for the new site and this should be agreed by the developer and DBC Highways Inspector.

Access from the north of the site will be required in order to construct the new highway and Silver Place will be closed for the duration of the works.

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways Design and Projects (contact Mrs P McGuckin 01325 406651) to discuss naming and numbering of the development.

The developer is required to submit detailed drawings of the proposed offsite highways works to be approved in writing by the Local Planning Authority to enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

Prior to the commencement of the development, exact details of the surface finishes, tie-in details, drainage details and surface levels adjacent to the adopted highway shall be submitted to and approved by the Highways, Design and Projects team (Contact Paul Ibbertson 01325 406711).

It has been agreed with the applicant that the maximum sized vehicle that would service the plot is a transit-sized van and all other deliveries would be ferried across Silver Place from the existing site.

The cycle parking for the new building is deficient in terms of the requirements set out in the Tees Valley Design Guide; however, it has been agreed as part of the Travel plan that the existing building cycle parking can be utilised by the new site and this will be monitored for usage.

Network Rail requirements

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3m of overhead electrical equipment or supports.

Excavations / Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail property / structures must be designed and executed such that no interference with the integrity of that property structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and / or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary, the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements / Fail Safe / Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession, which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally, excavations / piling / buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least 6 weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statement / drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may / will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity, etc. which needs to be agreed by the Asset Protection Manager prior to implementation.

Encroachment

The developer / applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicants land ownership. Should the applicant require access to Network Rail land they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence. Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees / Shrubs / Landscaping

Where trees/ shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to the Network Rails boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are available.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertakers land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.