

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE:

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APPLICATION REF. NO: 08/00778/OUT

STATUTORY DECISION DATE: 22 December 2008

WARD/PARISH: FAVERDALE

LOCATION: Proposed Faverdale Business Park, Samian Way, Darlington

DESCRIPTION: Outline application for B1 (c), B2 and B8 development including 2 No. access roads

APPLICANT: St Modwen Development Limited

APPLICATION AND SITE DESCRIPTION

The application site forms part of the Faverdale Business Park, which is situated to the north of Darlington. Access to the Business Park is from Rotary Way linking to the A68, which in turn links directly to the A1 (M). The site lies to the east of the Business Park, bounded on the east by the Darlington to Bishop Auckland rail line. The site measures 30.12 hectares and consists of two distinct areas. The first area in the east of the site is a former industrial development, consisting of a large area covered with concrete. The building on this part of the site was recently demolished. The second area located to the west and north is undeveloped poor quality agricultural land.

The proposal is an outline application and involves the creation of a speculative business park consisting of B1(c) (Light industry); B2 (General Industry) and B8 (Storage or Distribution) uses. The business park would operate 24 hours a day. The breakdown of potential uses is as follows:

- B8 – 639,000 sq ft
- B2 – 411,000 sq ft
- B1 (c) – 150,000 sq ft

The scheme would also include new access, associated car parking and landscaping. A maximum of 850 parking spaces would be provided on the site. In addition to this approximately 5.3 acres of Greenfield land to the north west of the development site is reserved for a possible future rail link from the East Coast Mainline.

Vehicular access would be via two new roundabouts located on the west of the site linking to a series of internal roads within the site. Pedestrian access would be adjacent to vehicular access

points with footpaths providing access to and around the units. A new pedestrian link would be provided to the south of the site via Elmtree Street, off Whessoe Road.

A 25m wildlife corridor is provided along the western boundary of the site, linking to Faverdale adjacent to the site. The corridor will include a swale as part of the SuDs strategy, which will have a dual ecological purpose. Two easements are present on the site, one on the northern boundary (a rail link) and one running east west (Northumbrian Water Easement) through the site. These areas would not be subject to any development.

Within the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, this outline application is one that falls within the definition of a Schedule 2 development, under Section 10 (b) Urban Development Projects. A Schedule 2 project is one that is “likely to have significant effects on the environment by virtue of factors, such as its nature, size or location” and in such circumstances the application must be submitted along with an Environmental Statement (ES). An ES has been undertaken and it considers the likely environmental effects considered relevant to both the construction and operational phases of the proposed development. The environmental issues and topics addressed by the Es include:

- Planning Policy Context
- Socio Economic Issues
- Landscape and Visual Issues
- Ecology
- Archaeology
- Transport
- Noise
- Air Quality
- Hydrology, Drainage and Flood Risk
- Ground Conditions and Geotechnical Issues

These matters, together with other relevant issues, will be considered in the main body of this report.

PLANNING HISTORY

08/00306/OUT - An outline application for B1 (c), B2 and B8 development including 2 No. access roads was WITHDRAWN in June 2008

PLANNING POLICY BACKGROUND

The following sources of policy need to be taken into primary consideration when determining the application:

Regional Planning Policy

The following policies are applicable from the North East of England Plan Regional Spatial Strategy to 2021:

- Policy 4 The Sequential Approach to Development
- Policy 6 Locational Strategy
- Policy 8 Protecting and Enhancing the Environment

- Policy E20 Key Employment Locations
- Policy 24 Delivering Sustainable Communities
- Policy 32 Historic Environment
- Policy 33 Biodiversity and Geodiversity
- Policy 34 The Aquatic & Marine Environment
- Policy 37 Air Quality
- Policy 38 Sustainable Construction
- Policy 54 Parking and Travel Plan

Local Planning Policy

The following policies are applicable from the Borough of Darlington Local Plan:

- E2 Development Limits
- E7 Landscape Conservation
- E14 Landscaping of Development
- E16 Appearance From Main Travel Routes
- E20 Sites of Nature Conservation Importance
- E23 Nature and Development
- E29 Setting of New Development
- T2 Highway and Transport Management
- T12 New Development – Road Capacity
- T24 Parking and Servicing Requirements for New Development
- T40 New Development and Lorries
- T47 Road/Rail Freight Depot
- T48 Rail Served Industrial Land
- EP2 Employment Areas
- EP3 New Employment Areas
- EP6 Prestige Employment

RESULTS OF CONSULTATION AND PUBLICITY

The Council has received two letters of objection following an extensive consultation and publicity exercise. The concerns can be summarised as follows:

- *At the moment we have a problem with HGV wagons when they are due to tip their loads or just finish parking on Rotary Way, causing noise and litter at all times of the day and night. The entire bush alongside Gilderdale Close is being used as a toilet. This will mean even more such problems and more HGVs parked on Rotary Way*
- *Since the construction of Argos distribution Centre, the amount of heavy traffic along Rotary Way has increased to such a level that it has had a significantly detrimental impact on the quality of my family life due to noise and air pollution. The proposal would further increase traffic levels and would consequently increase the disturbance we suffer to a totally unacceptable level;*
- *Lorries and school buses park along Rotary Way all day, effectively reducing the carriageway to single lane traffic. There have been several near misses, again more traffic will lead to serious accidents;*
- *Since the construction of the Argos centre and the housing estate, traffic between Junction 58 of the A1 and Cockerton Village is very busy and gridlocked in the morning*

and early evening. The existing road network seems unable to cope with the existing traffic levels in the area, without the additional volume that would be generated by the proposed development.

- *In close proximity to the Argos site, there are several industrial units (suitable for the proposed uses) that have yet to find any occupiers several years after their construction. It would appear that there is an over supply of such units in the area and therefore permission should not be granted for yet more.*

Northern Gas Networks

Northern Gas Networks have raised no objections to the proposals

Northumbrian Water

Northumbrian Water has raised no objections provided that the easement corridor fenced off; not used for storage purposes to allow NWL unrestricted access.

C E Electric UK

CE Electric UK raise no objections

North East Assembly

The NEA conclude in their response that “the principle of development on this site, a key employment location for north east England region, served by good public transport links, is broadly consistent with RSS policy objectives. However, the Council needs to be satisfied the appropriate mitigation measures are in place to counteract any adverse environmental effects. In addition, the applicant needs to incorporate energy efficiency, and renewable energy measures into the proposal, and provide a masterplan as per the requirements of RSS Policy 20, to ensure that the development is fully consistent with RSS policy”

One North East

One North East is supportive of the proposals. The Regional Economic Strategy promotes the need for quality of place within existing and proposed development With this in mind, the Agency have requested the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of the site e.g BREEAM, Building for Life and Secured by Design

Tees Valley Joint Strategy Unit

The TVJSU have raised some questions over the submitted Traffic Impact Assessment and they conclude that the Council should take the following issues into consideration:

- Whether the provision of car parking on the site proposed by the development is appropriate and contributes positively to maximising the use of public transport
- Whether the threshold employed in the TRICS dataset is based on a representative sample;
- Whether the proposed design standard will contribute positively to the development of prestige employment sites in the Borough

Environment Agency

No objection subject to conditions

Natural England

Verbally no objections

PLANNING ISSUES**Planning Policy Background****Regional Planning Policy**

The North East of England Plan Regional Spatial Strategy to 2021 establishes strategic policies by which planning applications are determined. The development is broadly consistent with the various policies within the Strategy. The North East Assembly have highlighted the need to incorporate energy efficiency, and renewable energy measures into the proposal, and provide a masterplan as per the requirements of RSS Policy 20, to ensure that the development is fully consistent with RSS policy

Local Planning Policy

The Borough of Darlington Local Plan sets out the local planning policies by which planning applications are determined. The following policies apply to the application:

E2 Development Limits

The site lies within the main urban area of Darlington and is within the existing development limits therefore it is in accordance with the policy.

EP2 Employment Areas

The development site exclusively covers aspects of the EP2.8 Whessoe Road site and also EP3.5 Faverdale Industrial Area. The EP2 policy states that permission will be granted for B1 within the area and B2 and B8 uses providing they do not harm the amenity of the area or nearby residential areas.

EP3 New Employment Areas

The policy states that land will be provided for new employment development at Faverdale Industrial Area for use as B1, B2 or B8. The development site exclusively covers aspects of the EP2.8 Whessoe Road site and also EP3.5 Faverdale Industrial Area. The proposals are in accordance with the uses advocated in policy EP3 as they are exclusively for B1, B2 and B8 uses.

EP6 Prestige Employment

The development site exclusively covers aspects of the EP2.8 Whessoe Road site and the EP3.5 Faverdale Industrial Area, which is also subject to the EP6 policy criteria. The EP6 policy states

that B1, B2 and B8 development will be required to achieve a high standard of design and landscaping.

The principle of the proposed development is considered acceptable within the context of the planning policy framework. The proposal does however; give rise to a number of planning issues, which are considered in greater detail under the following headings:

- Socio Economic Issues
- Landscape and Visual Issues
- Ecology
- Archaeology
- Transport
- Noise
- Air Quality
- Hydrology, Drainage and Flood Risk
- Ground Conditions and Geotechnical Issues
- Section 106 Agreement

Socio Economic Issues

The ES states that the proposed development would create approximately 2745 jobs, along with many construction work opportunities. The ES concludes that the proposals represent a development that will continue to encourage the strategic role of Faverdale Business Park in delivering employment and warehousing development.

Landscape and Visual Issues

The application site is not covered by any national or local statutory designations in terms of landscape character or quality. A Landscape Assessment submitted with the application reveals a simple agricultural landscape with some features of local value and interest including boundary hedgerows and hedgerow trees. Part of the site also contains a significant area of derelict land where a large building has been demolished.

The application is in outline but it has been accompanied by a Design and Access Statement. It is anticipated the proposed units would range from small starter units with a height of between 5 – 7m to large distribution facilities with heights up to 18m plus. External building materials would be consistent with other buildings in the surrounding area, for example, colour coated walls and roof cladding, brickwork and colour coated windows, doors and canopies.

The ES states that the magnitude of landscape change would be low adverse, balancing the loss of some landscape features with the clearance of the dereliction. Overall the change to the landscape character of the wider area is not considered to be significant. The crown of higher land to the north of the site provides a degree of separation between the site and the area of more rural countryside north of Burtree Lane. The ES considers that this will help to minimise landscape impact, by reducing the change to the wider landscape character.

A comprehensive visual appraisal of the proposed development has been undertaken to assess the potential effects upon surrounding receptors with views across the site. The most significant visual impacts would arise for the small number of isolated farms and properties to the north of

the site. These properties already have views of the Argos building and other buildings in the Faverdale Business Park.

Proposals to mitigate any visual impacts of the development include the planting of woodland blocks, hedgerows and hedgerow trees. New areas of grassland would be established, along with wetland areas and scrub areas. These mitigation measures would be secured by imposing appropriate conditions relating to the landscaping of the site.

Ecology

The findings of the assessments, which were completed as part of the submitted ES, state that habitats within the site were typically of restricted value due to the past industrial and agricultural use and associated disturbance. There are some features of nature conservation interest such as field boundary features, hedgerows, ditches, mature trees and wetland features ranging in value. Several UK Biodiversity Action Plan (UKBAP) habitats are present within the site including hedgerows and ponds, and also UKBAP priority species such as great crested newts, bat species and song thrush. It is important that biodiversity is retained and enhanced and that UKBAP priority species and habitats are accounted for. Any loss of habitat due to the proposed development would be mitigated for by habitat creation proposals, which include the creation of new UKBAP habitats such as hedgerows, tree planting, new pond areas, swales, scrapes and wet tussocky and wildflower hay mix grassland.

Alternative great crested newt terrestrial habitat is to be provided in compensation for the loss of mainly sub optimal habitat, in addition to wetland habitat including ponds, swales and scrapes, that will reduce the isolation of existing breeding ponds and enhance the overall breeding habitat of the locality. Potential terrestrial habitat for great crested newts is likely to be affected during works. Additional habitat, in the form of hibernacula, grassland, scrub, woodland, tree and hedgerow habitats are included and they would be managed sympathetically for bats to ensure that foraging and commuting habitat is available locally. The ES considers that residual impacts would be insignificant. Additional habitats would be created to ensure that there is a continued food source is available for the identified farmland bird species.

The findings of the ES have been considered by both the Council's Countryside Team and Natural England. The Countryside Team has some concerns over the measures being proposed to enhance the biodiversity of the site. It is therefore considered appropriate to attach a planning condition requesting the submission of an Environmental Masterplan prior to the commencement of the development.

Natural England has been in discussions with the applicant with regard to the protection and enhancement of habitats for great crested newts. NE have informed Officers verbally that they have no objections to the proposal and that their formal response will be submitted, with any appropriate conditions, prior to the planning committee.

Archaeology

An assessment of the archaeological potential for the site through desk based research and geophysical survey has been undertaken and forms part of the ES. The geophysical survey revealed anomalies in the southwest field of the site, which appear to represent ring ditches and a ditched enclosure system with associated pits. The desk based research and site visits identified the remains of a former farm complex, Huntershaw, to survive below current ground levels in the

central area of the site, and areas with potential for evidence of such features to survive below current ground levels in four other fields of the site. The ES states that the residual impact of the development upon the ridge and furrow earthworks is anticipated to be moderate, the effects of which will be slight adverse for the extant earthworks and neutral for any below ground remains present elsewhere within the site. The residual impacts on any surviving evidence of post medieval cultivation, drainage and boundary features in the western areas of the site would be minor, the effects of which would be of neutral significance.

The Durham County Council Archaeology Unit requested the applicant to take the geophysical survey and they have commented that “ *the report shows that the majority of the site is covered by medieval and later agricultural remains known as ridge and furrow. However, the south west field of the development area was found to contain archaeological remains in the form of an rectilinear enclosure with probable round houses and associated field system. Although currently unexcavated, the from suggests that the features are Iron Age – of a similar date to the remains found by Darlington Borough Council prior to the construction of the Argos depot site in 2004.*”

Transport

The Illustrative Masterplan shows that the development site will have two access points, one via Samian Way and a new access road linked to the existing Argos Secondary Access Road, Legion Avenue. There would be an internal pedestrian and cycleway network within the site with an additional cycle/pedestrian access linking the southern end of the site to Whessoe Road via a railway underpass to Elmtree Street. The development would provide a total of 850 car parking spaces split between the various units in accordance with proposed floor space.

A Transport Assessment for the proposed development has been prepared and submitted with the application. The TA has assessed the impact of the development on the surrounding transport network.

The TA shows that the impact of the construction traffic on the highway network as negligible with no significant transport related environmental impacts. The increased traffic flows generated by the proposed development will have an impact on the A68 to the south of the development. However, the Council are investigating schemes to improve the operation of this part of the A68, which is anticipated to reduce congestion and subsequently reduce driver delay. The funding for these works is not guaranteed, a contribution to the cost of the works will therefore be required.

The Council’s Traffic Manager has inspected the application and considers the access arrangements to be acceptable, however he has requested the imposition of a number of planning conditions.

The application is in outline and there is a concern that the number of parking spaces within the site (the Illustrative Masterplan shows a total of 850), may increase depending on the eventual end users of the units and therefore it is considered appropriate to attach a condition ensuring that the number of spaces do not exceed the standards outlined in the Planning Policy Guidance 13 – Transport and the Borough of Darlington Local Plan.

Both Samian Way and Legion Avenue will need to be improved. These roads have not been constructed to carry the anticipated numbers of HGVs generated by the development and works

will be required to the structure of these roads. It is anticipated that the traffic movement of HGVs would be similar to that from the Argos development and therefore a construction depth similar to that of the access to that development would be required.

The Traffic Manager also considers that the proposed development should provide toilet/washrooms/showering facilities for HGV drivers and secure cycle parking areas with associated showering and changing facilities. It is also considered that overnight parking should be available within the site.

The Transport Assessment identifies capacity problems at both the A68/Woodlands Road roundabout and A68 Cockerton Green roundabout in 2015 and 2018 that will be exacerbated by the development traffic. A draft scheme has been produced that would improve the capacity of these junctions and funding is being sought for this scheme. The success of the bid is not guaranteed. It is therefore considered that this development should make a part contribution to the cost of the works. A financial contribution from applicant would therefore be sought via a Section 106 Agreement. There will also be a requirement for a Section 38/278 Agreement for works to Samian Way and Legion Avenue (including new roundabouts and access roads over Council owned land) and at roundabouts at Cockerton.

There are some concerns over the internal pedestrian and cycle network, shown on the illustrative Masterplan, and its linkages with the existing networks. This is an issue that can be resolved by the imposition of a planning condition.

There are some concerns over the suitability and level of prominence given to the internal pedestrian and cycle network, shown on the illustrative Masterplan, and its linkages with the existing networks. This is an issue that can be resolved by the imposition of a planning condition.

A Travel Plan accompanied the application and discussions have subsequently taken place between Council Officers, the Highways Agency and Halcrow (on behalf of the applicant). The Council's Transport Policy Officer has indicated that the bus services mentioned in the Plan are out of date. The existing bus services (Nos 16 & 19) are fully financially supported by Darlington Borough Council, because they are not commercially viable for Arriva. However, despite this provision, the services are infrequent and service 16 has a circuitous route to the town centre. Because of these limitations and the distance to the bus stops from the site, bus patronage is likely to be less attractive and will not provide sufficient incentive for such Travel Plan measures as the salary sacrifice scheme for bus pass purchase to be successful. Therefore, the applicant has been requested to provide financial support for the existing and future bus services, which would be secured within the Section 106 Agreement. Discussions between the applicant and Council officers are continuing over the issue of securing a contribution for the bus services and Members will be updated at the Planning Committee.

With regard to bus stops, the nearest stop is some 510 meters away from the main entrance to the site and this is an 'in bound' bus stop on Faverdale North. As a result, the developer has been asked to contribute to the upgrading of the two stops in Faverdale North to provide shelters and raised kerbs, given that they are in fact the nearest bus stops. Again, this would feature within the Section 106 Agreement.

The Highways Agency have commented on the application and have raised no objections to the proposed development subject to the imposition of planning conditions relating to cycle and pedestrian links and the submission of a Travel Plan,

Noise

There are a number of noise sensitive receptors surrounding the site which are the residential dwellings in the High Grange development to the south of Rotary Way; Whessoe Cottages approximately 100m from the northern boundary of the site; residential dwellings on Ridgeway, Longfield Road approximately 125m from the eastern boundary of the site; Honeypot Lane caravan park approximately 140m to the south of the application site and dwellings on Farnham Drive approximately 470m to the south of the site. An assessment of the noise levels associated with the construction and operation of the proposed development including traffic movements has been carried out as part of the ES, which concludes that the construction of the development is unlikely to give rise to noise impacts and as the layout plan is purely indicative and the future uses of the units has yet to be determined the potential noise impacts of the completed development would be reviewed at the detailed design stage of the proposals. The final design will seek to ensure that noise levels achieve an acceptable standard at any existing and future surrounding dwellings.

The Council's Environmental Health Officer agrees with the findings of the ES and has requested the imposition of conditions relating to noise levels, noise assessments etc.

Air Quality

The ES states that existing conditions within the study area show acceptable air quality, with concentrations all well below the air quality objectives. The operational impacts are principally those associated with road traffic emissions and the ES concludes that such emission will not provide any constraints on the development.

The construction works have the potential to cause dust and it will be necessary to apply a package of mitigation measures to minimise dust emissions. Even with measures in place, there may still be degrees of dust but the effects will be temporary and relatively short-lived. The ES concludes that the overall impacts during construction are judged to be minor adverse.

The Council's Environmental Officer agrees with the findings of the ES and has requested the imposition of a planning condition relating to a Dust Action Plan.

Hydrology, Drainage and Flood Risk

The application site lies within the catchment of the River Skerne, which flows to the east of the site within approximately 1km. In addition there is a ditch running parallel with the north and north west boundary of the site.

The Environment Agency are known to monitor the water quality of the River Skerne at stations approximately 2.5km upstream and 2.5km downstream of the site. The EA's General Quality Assessment of the River Skerne is Good and the River Ecosystem classification is RE3 (Fair Quality suitable for high class coarse fish populations). There is one surface water abstraction within approximately 1947m of the centre of the site, for general use by Darlington Memorial Hospital. There is one surface water discharge license for site drainage within approximately

600m of the site. The principal underlying geology of the site is a non aquifer of negligible permeability overlying a major aquifer. There are also no known discharges to groundwater within 2km of the site, and there are no Source Protection Zones.

The ES confirms the flood risk has been assessed and the site lies entirely within Flood Zone 1. As such the site has a less than 1 in 1000 annual probability of being affected by river or sea flooding in any year. The proposed development would not encroach upon the local floodplains and there would be no increased flood risk as a result of loss of flood plain storage.

SUDS techniques, including a series of ponds and swales, would be used to convey, treat and attenuate storm water run off and off site. Discharge to the ditch to the north of the site would be limited to the existing Greenfield run off rate. The site is therefore not at risk from flooding from surface water and would not increase the risk of flooding elsewhere.

The Environment Agency has raised no objections to the proposed development subject to the imposition of planning conditions and informatives.

Ground Conditions and Geotechnical Issues

A Phase 1 Desk Study has been undertaken together with a brief preliminary intrusive investigation for the site. The study concluded a low risk of contamination within the Greenfield part of the site, and a moderate risk within the Brownfield portion. The Council's Environmental Health Officer has requested the imposition of a planning condition relating to further ground investigations.

The ES states that the development would have no long-term adverse effects on the environment resulting from the proposed development in relation to ground conditions. Any short-term effects on the environment associated with any earthworks required can be mitigated using control measures.

The Council's Environmental Health Officer agrees with the findings of the ES subject to the imposition of conditions relating to piling and the submission of a Construction Environmental Management Plan.

Section 106 Agreement

Discussions between the applicant and Council officers are continuing over the issue of securing a contribution for the bus services and Members will be updated at the Planning Committee. However, the Section 106 Agreement would be required in relation to securing financial contributions towards:

- Upgrading two bus stops located in Faverdale North to upgrade with raised kerbs and shelters;
- Providing financial support for existing and future bus services (current Service Nos 16 and 19)
- Providing a financial contribution towards highway improvements at the A68/Woodlands Road roundabout and A68 Cockerton Green roundabout.

The Travel Plan, which includes financial commitments on behalf of the developer such as an annual budget to be spent by the Travel Plan Coordinator, would also be secured by this Agreement.

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

This outline planning application involves a development of speculative employment and warehousing facilities in use classes B1 (c), B2 and B8 on land within the existing Faverdale Business Park. There would be two vehicular accesses via two new roundabouts linking to the remainder of the internal road network in the surrounding area. A maximum of 850 car parking spaces would be provided within the site. There would be an extensive landscaping scheme and biodiversity enhancements.

The application was accompanied an Environmental Statement and a Transport Statement, which have been taken into consideration when determining the planning application.

It is considered that, subject to the imposition of suitable planning conditions, the proposed development is acceptable in this location and it accords with national guidance and the development strategy established in the Regional Spatial Strategy, and the objectives of the Borough of Darlington Local Plan. The relevant policies have been taken into consideration:

North East of England Plan Regional Spatial Strategy to 2021:

- Policy 4 The Sequential Approach to Development
- Policy 6 Locational Strategy
- Policy 8 Protecting and Enhancing the Environment
- Policy E20 Key Employment Locations
- Policy 24 Delivering Sustainable Communities
- Policy 32 Historic Environment
- Policy 33 Biodiversity and Geodiversity
- Policy 34 The Aquatic & Marine Environment
- Policy 37 Air Quality
- Policy 38 Sustainable Construction
- Policy 54 Parking and Travel Plan

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E7 Landscape Conservation
- E14 Landscaping of Development
- E16 Appearance From Main Travel Routes
- E20 Sites of Nature Conservation Importance

- E23 Nature and Development
- E29 Setting of New Development
- T2 Highway and Transport Management
- T12 New Development – Road Capacity
- T24 Parking and Servicing Requirements for New Development
- T40 New Development and Lorries
- T47 Road/Rail Freight Depot
- T48 Rail Served Industrial Land
- EP2 Employment Areas
- EP3 New Employment Areas
- EP6 Prestige Employment

RECOMMENDATION

THAT THE ASSISTANT CHIEF EXECUTIVE (REGENERATION) BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

- A FINANCIAL CONTRIBUTION TO THE UPGRADING OF TWO BUS STOPS IN FAVERDALE NORTH
- FINANCIAL SUPPORT FOR EXISTING AND FUTURE BUS SERVICES
- HIGHWAY IMPROVEMENTS AT THE A68/WOODLAND ROAD ROUNDABOUT AND A68 COCKERTON GREEN ROUNDABOUT
- A TRAVEL PLAN
- AND SUBJECT TO THE SATISFACTORY COMPLETION OF A 106 AGREEMENT

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Approval of the following details (“the reserved matters”) in respect of each building or phase of development shall be obtained from the Local Planning Authority, in writing, before the commencement of that building or phase of development:
 - Appearance
 - Landscaping
 - Layout
 - Scale
2. The development shall not be carried out otherwise than in accordance with the approved plans. Application(s) for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 (as amended).

3. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990

4. Prior to submission of the reserved matters/full planning application within or involving part of the areas labelled as areas 19 and 66.1 upon the plan entitled "Recorded Archaeological Sites Figure 7.1; Drawing No R.0180_13-1a" the developer must secure the implementation of and undertake an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

REASON: The site is in an area of high archaeological potential as shown by the submitted geophysical survey report. The results of the evaluation will be needed to help determine the future reserved matters/full planning application.

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme will be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To prevent pollution of the water environment.

8. Prior to commencement of development or occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the

verification plan, and for the reporting of this to the local planning authority.

REASON: This is to confirm that the risks to controlled waters are appropriately addressed.

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use [i.e. former fuel tanks on site and a former waste transfer station on site]. The environmental setting of the site is sensitive as it lies on the Magnesium Limestone major aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

10. The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

- (a) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is

commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development.

- (b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
- (i) A desk top study has been completed satisfying the requirements of paragraph (a) above.
 - (ii) The requirements of the Local Planning Authority for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.

- (c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.
- (d) Two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.
- (e) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

11. No development pursuant to this outline consent shall take place until an investigative report assessing the viability of on site renewable energy sources for this particular development including its ability to reduce the CO2 emissions through their use by 10% has been submitted to and approved in writing by the Local Planning Authority. Should it be shown that the use of such initiatives are viable, before the development is occupied the approved renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy and efficiency for the development for as long as the development remains in existence.

12. REASON - To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.”
13. Notwithstanding the details shown on the Illustrative Masterplan submitted with the approved application, an Environmental Masterplan, to include precise details of conservation management plans, landscaping, habitats, ponds, wetland areas, wildlife corridor, drainage systems shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To demonstrate how the development will achieve the enhancement of the biodiversity of the area and to accord with the Regional Spatial Strategy.

14. A Noise Impact Assessment in respect of each building or phase of development shall be submitted to and approved, in writing, by the Local Planning Authority, before the commencement of that building or phase of development. The Assessment should include measurement of the existing background noise levels at the identified noise sensitive properties (to be agreed with the Local Planning Authority). The noise impact assessment shall clearly demonstrate that an acceptable noise climate shall be achieved at the agreed noise sensitive receptors. The details of any noise mitigation measures shown to be necessary shall be submitted to and agreed with the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure that nearby properties and future developments are not adversely affected by noise.

15. The hours of operation of construction activities should be restricted to 08:00-18:00 hours Mon to Fri, 08:00-1300 hours Saturdays and no working on Sundays or Bank Holidays, unless previously agreed with the Local Planning Authority.

REASON: To ensure that nearby properties and future developments are not adversely affected by noise.

16. Noise from the development should not exceed a Rating Level (LAeq, 1 hour) of more than 3 dB (A) above the background noise level during the daytime (07:00-23:00 hours), and a Rating Level (LAeq, 5 minutes) of 2 dB (A) below the background noise level at night (23:00-07:00 hours). The background noise levels shall be measured and agreed with the Local Planning Authority.

REASON: To ensure that nearby properties and future developments are not adversely affected by noise.

17. Notwithstanding the details of the proposed development, a Noise Impact Assessment for all external plant and machinery shall be submitted to and approved, in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure that nearby properties and future developments are not adversely affected by noise.

18. Noise levels due to construction activities shall not exceed 70 dB(A) LAeq, 1 hour, and 80 dB(A) LA Max, at the identified noise sensitive receptors (to be agreed with the Local Planning Authority). Noise levels shall be monitored at a frequency to be agreed with the Local Planning Authority. (Noise monitoring points to be agreed with the Local Planning Authority).

REASON: To ensure that nearby properties and future developments are not adversely affected by noise.

19. Prior to commencement of development, a Dust Action Plan shall be submitted to and agreed by the Local Planning Authority, thereafter the development shall be carried out in accordance with the agreed plan.

REASON - To ensure that nearby residential properties are not adversely affected by dust.

20. Prior to the commencement of any on site works (including demolition and site clearance), details of a wheel washing facility for construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Such a facility shall be provided, used and maintained on-site until the development is completed.

REASON - To ensure that adequate measures are available to prevent the depositing of soils and debris on the adjoining position of the highway and in the interests of road safety.

21. Notwithstanding the details shown on the approved plans, a Lighting Assessment including the details of the location, design and height of any external lighting, shall be submitted to and approved, in writing with the Local Planning Authority prior to the commencement of the development. The approved details shall include the lighting specification, luminance and field of illumination of all external lights. The development and any shall not be carried out otherwise than in complete accordance with the approved details and any mitigation measures.

REASON: In the interest of both the visual amenity of the area and the amenity of the nearby properties.

22. Notwithstanding the details shown on the approved plans, an Odour Assessment for any uses which may create odours shall be submitted to and approved, in writing with the Local Planning Authority prior to the commencement of each phase of the development. The development shall not be carried out otherwise than in complete accordance with the approved details and any mitigation measures.

REASON: In the interest of amenity of the nearby properties.

23. No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to be retained in and adjacent to the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to

the commencement of the development.

REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.

24. Notwithstanding the details shown on the Illustrative Masterplan submitted with the approved application, precise details of all pedestrian footways and cycle ways shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order ensure that the development provides safe and convenient access arrangements for pedestrians and cyclists.

25. Notwithstanding the details submitted with the approved application, a Travel Plan, based on the findings and measures contained within the "Faverdale Business Travel Plan Rev C" dated November 2008 and prepared by Halcrow, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To encourage sustainable means of travel.

26. Notwithstanding the details shown in the approved application the proposed development shall provide 24-hour toilet/washrooms/showering facilities for HGV drivers and secure cycle parking areas with associated showering and changing facilities. Details of which must be submitted to and approved, in writing, prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to achieve a satisfactory form of development

27. Notwithstanding the details shown in the approved application the proposed development shall provide secure cycle parking areas with associated showering and changing facilities. Details of which must be submitted to and approved, in writing, prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to achieve a satisfactory form of development

28. The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure the development is carried out in accordance with the planning permission.

29. Prior to the commencement of the development, details of the highway improvement works for Samson Way and Legion Avenue shall be submitted to and approved by the Local

Planning Authority. The development shall not be carried out otherwise in complete accordance with the approved details.

REASON – In the interest of highway safety

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

This outline planning application involves a development of speculative employment and warehousing facilities in use classes B1 (c), B2 and B8 on land within the existing Faverdale Business Park. There would be two vehicular accesses via two new roundabouts linking to the remainder of the internal road network in the surrounding area. A maximum of 850 car parking spaces would be provided within the site. There would be an extensive landscaping scheme and biodiversity enhancements.

The application was accompanied an Environmental Statement and a Transport Statement, which have been taken into consideration when determining the planning application.

It is considered that, subject to the imposition of suitable planning conditions, the proposed development is acceptable in this location and it accords with national guidance and the development strategy established in the Regional Spatial Strategy, and the objectives of the Borough of Darlington Local Plan. The relevant policies have been taken into consideration:

North East of England Plan Regional Spatial Strategy to 2021:

- Policy 4 The Sequential Approach to Development
- Policy 6 Locational Strategy
- Policy 8 Protecting and Enhancing the Environment
- Policy E20 Key Employment Locations
- Policy 24 Delivering Sustainable Communities
- Policy 32 Historic Environment
- Policy 33 Biodiversity and Geodiversity
- Policy 34 The Aquatic & Marine Environment
- Policy 37 Air Quality
- Policy 38 Sustainable Construction
- Policy 54 Parking and Travel Plan

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E7 Landscape Conservation
- E14 Landscaping of Development
- E16 Appearance From Main Travel Routes
- E20 Sites of Nature Conservation Importance
- E23 Nature and Development
- E29 Setting of New Development
- T2 Highway and Transport Management
- T12 New Development – Road Capacity
- T24 Parking and Servicing Requirements for New Development
- T40 New Development and Lorries

- T47 Road/Rail Freight Depot
- T48 Rail Served Industrial Land
- EP2 Employment Areas
- EP3 New Employment Areas
- EP6 Prestige Employment

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED:

With regards to foul drainage, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires a Waste Management Licence or Pollution Prevention and Control permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- remediation position statements outlining its regulatory position on remediation processes
- guidance on the Definition of Waste: developing Greenfield and Brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- iv.) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The applicant is advised that works will be required that will need to be the subject of a highway agreement and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.S.Brannan 01325 388755) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms.P.Goodwill 01325 388760) to discuss naming and numbering of the development.