

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 18 November 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00648/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>19 November 2009</b>
<b>WARD/PARISH:</b>	<b>FAVERDALE</b>
<b>LOCATION:</b>	<b>Argos Distribution Centre, Roundhouse Road</b>
<b>DESCRIPTION:</b>	<b>Erection of 3 no. stainless steel sculptures</b>
<b>APPLICANT:</b>	<b>DIRECTOR OF CORPORATE SERVICES</b>

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**APPLICATION AND SITE DESCRIPTION**

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992. Planning permission is sought for the erection of 3 stainless steel sculptures on land immediately to the front of the Argos Distribution Centre on the Faverdale East Industrial Estate. The sculptures would comprise three blown stainless steel sculptures occupying an area no larger than 4 metres by 1.5 metres. The sculptures would vary in height between 1.1 metres and 1.9 metres.

A Design and Access Statement has been submitted with the application.

**PLANNING HISTORY**

03/00340/OUTE – Outline planning application for Business Park consisting of a mix of B1 (Business), B2 (General Industry) and B8 (Warehouse) uses with supporting infrastructure. GRANTED 19 November 2003.

03/00340/RM1 – Details of siting, design and external appearance, means of access and landscaping of new distribution centre, associated offices and maintenance facilities pursuant to outline application 03/00340/OUTE. GRANTED SUBJECT TO SECTION 106 AGREEMENT 27 July 2004

05/00010/ADV – Advertisement consent for display of externally illuminated fascia sign, internally illuminated totem sign and non-illuminated bund sign. WITHDRAWN 8 March 2005

05/00019/ADV – Advertisement consent for display of externally illuminated fascia sign and internally illuminated totem sign. GRANTED 18 March 2005

05/00266/FUL – Amendment to approved landscaping of new distribution centre, associated offices and maintenance facilities (03/00340/RM1) to include provision of earth bund on northern boundary. GRANTED 28 April 2005

06/00782/DC – Variation of condition 1 to extend time limit from 3 years to 5 years of planning permission 03/00340/OUTE. GRANTED 25 September 2006

## **PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan 1997 are relevant:

E29 – The Setting of New Development

E45 – Development and Art

EP6 – Prestige Employment

## **RESULTS OF CONSULTATION AND PUBLICITY**

The Council's Highway Engineer has raised no highway objection to the proposal, although requires that the sculptures should be set back at least 500mm from the carriageway edge.

No responses received as a result of neighbour notification exercise.

## **PLANNING ISSUES**

Funding has been secured from Argos through a 'Percent for Art' condition attached to the outline planning permission (03/00740/OUTE) for the Faverdale East Business Park (FEBP) to provide artwork on the site, in accordance with an Arts Strategy, which has been developed for FEBP.

The proposed artwork is to be sited at the front of the distribution centre and is considered to be of an acceptable scale and position within the site that it will not raise any significant issues in respect of its impact on the visual amenities of the locality. The distribution centre is set well back on its plot, obscured in part by a large landscaped mound in the south west corner of the site. The proposed sculptures will not therefore be visible from views outside of the site. Rather they are intended to enhance the entrance to the building providing an interesting focal point for staff and visitors. Furthermore, as the nearest residential properties are located approximately 250 metres away to the south west the proposed sculptures are not considered to have any unacceptable impact on residential amenity.

Subject to a planning condition requiring that the sculptures be set back 500mm from the carriageway edge, the Council's Highway Engineer raises no highway objection to the proposed development.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

## **CONCLUSION**

The proposed development is considered acceptable in this location and will not give rise to any conditions prejudicial to local amenity or highway safety. As such the proposal complies with

Policies E29 (The Setting of New Development) and E45 (Development and Art) of the Borough of Darlington Local Plan 1997.

### **RECOMMENDATION**

THAT PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3
2. Notwithstanding any details of the siting of the sculptures as submitted with the application hereby approved, the sculptures shall be sited at least 500mm back from the carriageway edge and shall thereafter be so maintained.  
REASON – In the interest of highway safety
3. B5

### **SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION**

The proposed development is considered acceptable in this location and will not give rise to any conditions prejudicial to local amenity or highway safety. As such the proposal complies with Policies E29 (The Setting of New Development) and E45 (Development and Art) of the Borough of Darlington Local Plan 1997.