

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24 September 2014

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APPLICATION REF. NO:	14/00507/FUL
STATUTORY DECISION DATE:	3 October 2014
WARD/PARISH:	EASTBOURNE
LOCATION:	Field at OSGR E430367 N512578 Neasham Road
DESCRIPTION:	Erection of hotel incorporating associated vehicular access, parking and servicing arrangements (amended plans and additional Ground Investigation information received 22 July 2014 and 5 August 2014) (Flood Risk Assessment received 13 August 2014)
APPLICANT:	Mr Phillip Scott

APPLICATION AND SITE DESCRIPTION

The application site is located adjacent to the former Darlington Football Stadium, (the Arena) currently occupied by Darlington Mowden Park Rugby Football Club. The site is currently unused and triangular in shape with an overall area of 0.46 hectares.

The Arena and its associated car parking areas form the boundary on the north western and north eastern sides of the application site. The south eastern boundary is formed by the A66 Trunk Road.

The site has mature hedgerows on the northern sides while the boundary with the A66 (T) is open but has metal security fencing to its frontage. To the east is a large pond, which forms part of the stadium's storm water attenuation system.

The surrounding area is predominately characterised by open fields but there are residential properties interspersed to the south and the west of the application site. The Neasham Road Caravan Site and the edge of the urban area lie to the north, beyond the Arena.

The proposal involves the erection of a five storey "T" shaped hotel comprising sixty eight bedrooms, with reception, dining and service areas on the ground floor. The standard of the proposed hotel would fall within the 3* plus category. A basement would accommodate the plant and equipment associated with the building. The site would be accessed by the existing access into the stadium off Neasham Road with the route leading around the Arena before looping and

entering the application site at the northern end. A total of 69 parking spaces, together with four disabled parking bays would be created within a landscaped car park area. Service arrangements would also be made within the site. A pedestrian access would be created in the south west corner of the site alongside the A66 (T).

The planning application states that the proposed development could result in the creation of 30 full time job and 28 part time job opportunities.

PLANNING HISTORY

The most relevant entry is:

99/00496/FUL In September 2000 planning permission was GRANTED, subject to a Section 106 Agreement, for the construction of a 25,000 capacity all seater stadium

07/01124/FUL A hybrid application for outline planning permission for a 100 bed hotel, 1 No. public house, 1 No. coffee shop, 929 m2 office block ancillary to the football club , educational building with internal leisure facilities, football academy, new car parking and internal access provision. Full planning permission for 3 No. training pitches (1 floodlit all weather artificial turf pitches to act as relief car parking), 10 No. indoor six a side pitches, Darlington FC training building, infrastructure, access + car parking and an increased area + volume balancing pond was submitted in November 2007.

This application was put before the Members of the Planning Application Committee in April 2008 and it was approved subject to a Section 106 Agreement and planning conditions. The Section 106 has not been signed and therefore this application is currently UNDETERMINED.

PLANNING POLICY BACKGROUND

The relevant planning policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 – Development Limits
- E4 – New Buildings in the Countryside
- E12 – Trees and Development
- E14 – Landscaping of Development
- T8 – Access to Main Roads

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub Regional Role and Locational Strategy
- CS2 – Achieving High Quality Sustainable Design
- CS6 – Vibrant Cultural and Tourism Offer
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received from local residents and the concerns can be summarised as follows:

- *We are very concerned about the amount of surface run off water which will be created by a development such as this, and where it will be going? It is mentioned that a "soak away" will be used, but no further details are given, we would like more information about this and other drainage to be used by the proposed development. The "small Beck" that runs alongside our property (Creebeck Cottage) is already overly used to its full capacity and definitely could not cope with any more water flowing down it. Several properties along the route of the Beck have been subject to flooding, as has our own, since other developments in the area have used this "small beck" for surface run off water. We are very concerned about who will be responsible for the damage that will be caused if this development is allowed to go ahead.*
- *The proposed building will impact on the character and appearance of the surrounding countryside. In the autumn and winter months the proposed landscaping scheme will not shield the development from being highly visible from the roadside and surrounding properties*
- *The development will have a high visual impact from the A66 Bypass and will cause distraction to drivers along the busy main road*
- *People working at the development will not have access to local transport, as the bus service past the development is very infrequent and will rely on using vehicles which will impact on the environment and cause unnecessary pollution. Also increased traffic movement to and from the development will impact on local traffic movement in the area*
- *Noise and light pollution from the proposed development will impact upon neighbouring properties in the area, causing unnecessary adverse effects, also the screening around the site will take years to mature and will not be visible in the autumn and winter*
- *The development conflicts with the proposed development plan. If passed it would give other developers the opportunity to attempt the same scenario.*
- *Darlington already has sufficient beds available to satisfy all requirements. There are established, recently built, hotels and an 80 bed hotel proposed at Feethams. There are good quality guest houses and Walworth Castle, Blackwell Grange, Rockcliffe Hall, Mercure, Bannatyne offer high quality standard of service. The range of hotels offer a variety of prices to suit everybody's pocket*
- *The proposed access via the car park would be dangerous. The area is used by the other "in – house" organisations, including a nursery, a Sunday Market, fairs, displays as well as match day use. Pedestrians use the area to reach their activity, including many children*
- *The location is not suitable for a five storey building and could be a distraction for motorists. The loss of habitat for birds and small mammals by the removal of, or reduction of hedgerows could not be justified*

Three letters of objection were received from other hoteliers and the concerns can be summarised as follows:

- *There are currently 1338 beds available in Darlington per night, not including the newly planned 80 bedroom hotel in the town centre and speaking to other hoteliers in the area this is currently over and above what the accommodation requirements are for our town.*

The application for further 68 bedroom hotel will only dilute the current business available in the area.

- *There have been numerous hotels which have gone into administration in recent years, which I believe is due to the large increase in the number of beds available on a nightly basis. Since 2009, 3 hotels have opened in Darlington giving an additional 129 room nights plus the 80 bedroom hotel recently given planning permission in the town centre. There is currently a good mix of hotels in terms of quality and budgets to provide a good and varied choice for tourists, business customers including the corporate and contract market. The addition of yet another hotel would not add anything new to the area. Having read the demands and needs section of the application, I fail to see the benefits of building another hotel in Darlington. The document states that the council requires evidence from the developers to interview managers of existing hotels to gain information on current performances. I am sure once it is completed, this will re-enforce the point that the demand is just not there*
- *No demand for another hotel, new 80 bedroom hotel already proposed and passed for the town centre.*
- *Over provision of beds is as deleterious to the town as not enough.*
- *Standards will drop*
- *Hotels will cut back on workforce. Unsustainable will mean cutting employment standards and cutting corners.*
- *We (Hall Garth Hotel) have invested hugely in an area desperate for investment to and with further improvements already in pipeline. In our case we have a listed building which has been neglected because of lack of business and demand in the past. The Local Conservation Officer knows that this is already in rectification to a large extent. Two hotels (which we do not wish to name) have suffered to such an extent, each been forced into administration on a least two occasions which confirms the points above.*
- *Darlington has suffered considerably from a lack of inward investment in the town, to the extent that all businesses are suffering. The new 80 bedroomed hotel which is not only proposed, but is in course of erection in the town centre itself, part of The Vue development, will already cater for any immediate increased need for hotel users.*
- *Competition is welcomed, but the number of new hotel venues is making an over provision and seriously affects the long term standards set out above. It is new businesses and attractions that are needed in the town to attract hotel users rather than increasing hotel spaces when there is no likelihood of need. Occupancy rates of all the hotels are available to demonstrate this. Our objection is not about competition but is about the inevitable consequences of over provision which will lead to labour redundancies and empty properties. Under used hotels add a greater threat to the stability of the town.*
- *Further closures of hotels within Darlington because of lack of need must be avoided otherwise Darlington will become a derelict town.*
- *The Northern Echo is understood to have financial interest in this matter; they recently ran an article on 16th June 2014 indicating that "The hotel would provide a level of accommodation not currently available in Darlington." This is factually wrong as accommodation of all types including a 5* in the case of Rockcliffe Hall Hotel is available and all are under used.*
- *The hotels in Darlington have suffered through the depression this new hotel proposal is simply jumping on the band wagon of 'hoped for' regeneration which all the hoteliers in the area have had to withstand during that period.*

- *Adding another new building adjacent to the stadium in a green belt area is not going to be an attraction to tourists, but will add to the unattractive landscaping of that area. Tourists will not come to Darlington simply because of a new hotel. They will need other attractions to cause them to come in the first place. Sadly those attractions are precious few within the town.*
- *Work is already started on a new Hotel in the centre of town and a future Hotel on Central Park which will be an opportunity for more jobs and bringing more tourism to the area etc. Granting another application for another Hotel will have a detrimental effect and jeopardise jobs in other already established Hotels that have already seen a drop in occupancy and business levels with several new Hotels opening up over the past couple of years Travel Inn, Houndgate House etc. Also parking and volume of traffic will have an impact on this already busy bypass and a build-up of traffic into residential areas. I wish to object strongly to this development due to the impact it is going to have on the area, highway safety, traffic generation, noise and disturbance resulting from use and adverse impact to other Hotels in the area. Demand is not there for another Hotel in Darlington.*

No objections have been received following the submission of the additional plans and information received in July and August 2014.

Consultee Responses

The following internal and external consultees have all raised no objection to the proposal:-

The Council's Transport Policy Officer

The Council's Environmental Health Officer

The Council's Highways Engineer

The Council's Senior Arboricultural Officer

The Council's Ecology Officer

The Senior Engineer of the Flood Risk Management Team of Stockton on Tees Borough Council

The Environment Agency

Northern Gas Networks

The Durham Constabulary Architectural Liaison Officer

Northumbrian Water

Northern Powergrid

The Highways Agency

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

Planning Policy

Development Limits

Demand and Need for a Hotel

Residential Amenity

Highway Safety

Impact upon the Character and Appearance of the Surrounding Area

Landscaping
Drainage
Ecology
Contaminated Land
Noise Assessment

Planning Policy

The application site lies outside of the development limits for the urban area as defined by the Borough of Darlington Local Plan 1997. Saved Policy E2 of the Local Plan indicates that most new development should take place within the limits to development and identifies the types of development that may be permitted outside of them such as development for agricultural or forestry operations and small scale development beneficial to the rural economy. The reasoned justification to the policy explains that the limits to development are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled.

Policy CS1 of the Core Strategy 2011 states that outside development limits, development will be limited to that required to meet identified rural needs.

Policy CS6 (Vibrant Cultural and Tourism Offer) of the Darlington Core Strategy Development Plan Document 2011 states that to support the sustainable growth of tourism in Darlington, a range of visitor accommodation, including the provision to meet the needs of disabled people, will be encouraged in appropriate locations, easily accessible by a choice of means of transport. These locations will include the town centre, Town Centre Fringe, Central Park, Morton Palms, Morton Park and Durham Tees Valley Airport.

The proposal therefore conflicts with the approved development plan and it has been advertised as such.

In 2012 the Government published the National Planning Policy Framework which establishes a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point of decision making and proposals which accord with an up to date local plan should be approved and developments that conflict with the plan should be refused unless other material considerations indicate otherwise.

Section 38 (6) of the Town and Country Planning Compulsory Purchase Act 2004 also states that if regard is to be had to the development for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

It is acknowledged that the proposal would not accord with Saved Policy E2 of the Local Plan or Policy CS2 of the Core Strategy and the default position for this proposal in general planning policy terms is that it should be recommended for refusal. However, the Council is being asked to consider the application against the wider planning principles as set out in the NPPF. This approach enables Officers to consider all material planning considerations and to decide whether on balance it would justify setting aside the policy position.

In terms of what can be considered a sustainable development the NPPF considers there are three key components namely an economic role, a social role and an environmental role. So it is acknowledged that the sustainability of a proposal should not solely be determined by its location

however local plan policies have been devised to guide development into the most sustainable locations first.

The proposal must therefore be assessed against the three key sustainability factors outlined in the NPPF, along with other material planning considerations to see whether this would justify a departure from adopted policy in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004

Development Limits

As the site is outside development limits, it would be contrary to Saved Policy E2 of the Borough of Darlington Local Plan and Policy CS1 of the Darlington Core Strategy Development Plan Document 2011. However, it is recognised that the site is adjacent to the extensive Arena and its associated car parking areas and it is on the very edge of the built up urban area. The application site and surroundings cannot be considered as being an open countryside site.

The visual appearance, spatial relationship and context of the application site with its existing immediate surroundings are a material planning consideration which Officers believe is sufficient justification to depart from the development limit policy position in this case.

Also, there is an undetermined planning application for, amongst other proposals, a 100 bed hotel, in this location. The application site forms part of this wider extant planning application.

Demand and Need for a Hotel

The application site is not included within the list of priority locations for hotel development identified within Policy CS6 of the Core Strategy and therefore the application has been supported by a Demands and Needs Assessment which provides up to date evidence of market conditions as well as how the proposal might impact on the local market and other potential sites. The Assessment concludes as follows:

“This assessment is set against the backdrop of a number of changes that have taken place in the last 5 years since the publication of the Tees Valley Hotel Futures Report, which informed the preparation of the local development plan. These changes have been driven by the effects of the recession that have impacted upon both the local economy and hotel market conditions, leading to more limited growth than was envisaged at the time of the 2008 report. The fall back in the hotel market since 2008 has been felt nationally as well as locally, and together with the addition of new supply in the Darlington area has resulted in lower average occupancies being achieved.

However, closer analysis shows that the overall size of the Darlington hotel market – in terms of number of rooms sold - increased by over 4.9% between 2008 and 2013. In addition, and perhaps contributing to this increase, there has been investment in existing hotels, including some up-grading and re-positioning, which has improved the offer and increased the representation of national and international brands, boosting profile and driving sales.

In terms of sites and future potential supply, our research has confirmed that there are significantly fewer hotel proposals now than in 2008. Market conditions have also altered the attractiveness of central locations now that the town centre is relatively well supplied.

Our assessment has concluded that the impact of a small out of centre hotel development adjacent to Darlington Arena would have very limited impact on the performance of existing

hotels and on the likelihood of hotel development coming forward on other priority sites, and in addition would create employment and economic benefits.”

The Assessment has been considered by Officers, and it appears to show that there is a potential demand for a “rooms driven”, limited service hotel in this location which would appeal to transient business relating to the A1 and A66, coach groups looking for hotels easily accessible to the A1 visiting the wider area, business related to the Arena itself, room night demand linked to the Airport and east of Darlington business parks and overspill business from hotels to the south of Darlington catering for weddings and functions.

However, the Assessment highlights that it is difficult to demonstrate that there is a need for another hotel in the Darlington area as the occupancy rates are already below the national average, room rates have had to be reduced and the hotel on the cinema site will add to supply and reduce the occupancy rates even further.

The Assessment highlights that there are some positives such as new hotels have recently opened despite the difficult economic conditions, other hotels have refurbished and improved their standards and the economic climate is showing signs of slight improvement which should lead to slight increases in either room rates or occupancy rates. It concludes the proposal is too small to significantly affect other potential proposals on sites which are in accordance with Policy CS6 and too small to affect the market as a whole including existing hotels.

It advises that in economic terms, there will be some increased local employment resulting from the proposed development and direct and indirect economic benefits from spending in the local area.

The type and size of hotel being considered in this location will largely appeal to people arriving by car or on a coach trip, staying one or two nights and moving on. However, the proposal does include secure cycle stores, a pedestrian link directly onto Neasham Road/A66 (T) junction and there are bus stops in the locality. It is considered that the site is in a sustainable location.

The proposal would result in some economic benefits and it would provide services and accommodation complementary to the operations that are carried out at the Arena. This arrangement could apply to teams and supporters visiting the Arena and businesses and conferences held there.

There would appear to be a potential demand for a hotel in this location but in terms of existing supply, there appears to be a slight over-provision, especially when the hotel on the cinema site opens. The case to support the need for another hotel is hard to make on the basis of achieved occupancy and rate levels, which show some space capacity in the market, although market growth rates achieved over the recession provide some basis for being optimistic.

In arriving at a decision it will be necessary to balance the factors weighing against this proposal i.e. the policy position and the lack of demonstrable need for the development against positive factors including the job creation, the relative sustainability of the location, the likely demand for various types of short term use and the predicted limited impact in terms of the existing market and the future development of more preferable sites.

Residential Amenity

The nearest residential properties are on the junction of Roundhill Road and Neasham Road, approximately 178m to the south of the application site. The proposed hotel would be visible from these properties, as is the Arena, but the view is across open fields and the separation

distance is such, that the Hotel would not be a visually dominant structure, especially with the Arena as a backdrop.

The Neasham Road Caravan site lies approximately 215m to the north but again, the Arena would significantly screen the proposed hotel building when viewed from this direction.

The plant room for the hotel would be located in the basement level, which is below ground. The Council's Environmental Health Officer considers that the residential properties are a sufficient distance from the development to not be adversely affected by any plant or machinery related noise associated with the proposed development.

It is considered that the lighting scheme for the development will not result in the loss of any amenity to nearby residents due to the separation distances and the fact that there is already street lighting on the surrounding road network.

The Durham Constabulary Architectural Liaison Officer (ALO) has advised that he can see no issues with the design and layout from the point of view of "Designing out Crime". The crime risk assessment for the completed development is low and he does not consider there to be any issues in relation to residential amenity. Also, from a "Designing out Crime" point of view the site is sufficiently remote so as to not impact on the neighbouring dwellings. In terms of site security, having the access restricted to being through the Arena site is welcomed. The ALO has raised no objections to the scheme.

Highway Safety

The proposed access into the site should cater for the expected levels of traffic generated by the development and other uses within the Arena complex. The existing access junction off Neasham Road would remain unaltered and the access through the site is to be directed on private access roads.

A pedestrian access has been provided off the Neasham Road/A66 (T) junction which is acceptable and gives much needed pedestrian access from the adjacent highway network.

The parking provided within the site is appropriate for the development of this size and use and has been discussed during the design process with the applicant. The parking numbers are based on 1 space per 2 bedrooms (68 beds – 34 spaces) and 1 space per 2 seats in the restaurant area (56 seats – 28 spaces) with additional spaces to allow for the bar area (which would not be envisaged to be a destination drinking area and would cater for residents only), totaling 69 spaces plus 4 widened disabled bays. The car parking spaces should be reserved solely for the hotel use only and not open to use during larger events as overspill parking should the need arise.

Cycle parking would be provided within the site but the precise design and location of the areas would need to be secured by an appropriate planning condition

There would be a need to provide raised curbs at the Bus Stops on Neasham Road and dropped curbs to provide an accessible crossing facility from the development to the North Bound bus service on Neasham Road. These works can be secured by a planning condition and also by entering into a Section 278 agreement.

Impact upon the Character and Appearance of the Surrounding Area

The site is on a very prominent junction with Neasham Road and the A66(T). The hotel has been designed and positioned within the site to take advantage of the shape of the site and to give the hotel an attractive, prominent and identifiable frontage when viewed from the highway network. The parking areas are located in small parking courts around the site, interspersed with areas of landscaping, which improves the visual appearance of the layout.

The overall height of the building is approximately 17.5m, which is lower than the Arena structure, at approximately 20m in height. The overall hotel building is well designed with a shallow pitched roof located behind a parapet wall, staggered roof levels and a mix of materials comprising glazed areas, render and high pressure laminate.

Whilst the proposed building has been designed to complement the adjacent Arena structure, it does not seek to replicate the design of this neighbouring building apart from the usage of glazing and panelling.

The precise choice of materials will be secured by a planning condition but it is considered that the proposed hotel is well designed and of an appropriate scale to complement the existing Arena building. The building would be a welcomed addition to the street scape creating a prominent entrance building to the urban area.

Landscaping

A landscaping scheme has been submitted with the application and considered by the Council's Senior Arboricultural Officer. The scheme consists of the planting of trees and hedges within and around the perimeter of the site along with areas of shrub planting around the parking areas. The scheme is generally accepted but Officers consider that there should be more variety of tree species and they should be containerised or air potted. As a result, there is a need to impose a suitable condition requesting the submission of a revised landscaping scheme for the development.

Flood Risk and Drainage

The application site is within Flood Zone 1 and therefore at low risk of fluvial flooding. The proposed development is not considered to be at risk from flooding from ground water, overland flow or local surface water runoff.

A Flood Risk Assessment (FRA), in support of the application, deals mainly with surface water management. It is anticipated that the development will lead to an increase in the rate and volume of surface water runoff when compared to the current greenfield conditions. Surface water generated on the site would ultimately drain to the Cree Beck, either directly or via existing intervening storm water drainage infrastructure. The FRA gives consideration to a number of options such as the installation of new discharge pipework and a new outfall to the beck, discharging via the existing storm water attenuation pond adjacent to the Arena or discharging to existing storm water sewer systems. Storm water attenuation capacity could also be incorporated into the site design by either:

- Construction of an additional balancing pond within the site boundary;
- Installation of underground modular geocellular storage units beneath the road and car parking areas;
- Over-design of site drainage pipework; or
- Use of permeable paving with porous sub-base

There may be a combination of all of the above proposals and it should be entirely feasible to provide the required storage capacity within the site without adverse impact on site design or layout. Alternatively, it may be possible to accommodate the additional runoff within the existing Arena attenuation pond without adversely impacting upon the pond performance but this would be subject to further discussions with the landowners.

Northumbrian Water has agreed discharge rates and connection points for foul flows from the site and as surface water flows would be discharged to Cree Beck, and not the existing public sewerage system they have no objections to the proposed surface water management systems.

As the site is within Flood Zone 1 and less than 1 hectare, the Environment Agency does not comment upon the FRA or the potential surface water drainage proposals. The Environment Agency has raised no objections to the application.

The Senior Engineer of the Flood Risk Management Section of Stockton on Tees Borough Council, provides the Local Planning Authority with advice relating to the impacts of development on “ordinary watercourses” such as Cree Beck and has raised no objections to the proposal subject to the imposition of a planning condition requesting the submission of the final details of a surface water drainage scheme.

Ecology

There are no statutorily designated areas or records of protected or rare habitats or species at the site. However, Brankin Moor Local Nature Reserve and a large balancing pond are located in close proximity. An Ecological Assessment considers that the impacts upon the conservation status of the local populations of the ecological features of the site are largely neutral or minor however impacts may occur during the construction and operation phases. These impacts are associated with the removal of vegetation at critical times of the year for breeding birds and other hibernating species.

The mitigation measures contained within the Assessment includes vegetation clearance outside the critical periods for the aforementioned species, the provision of escape ramps during open trench excavations, the construction of two standard hibernaculae close to the balancing pond and the lighting scheme being designed to prevent light spillage across the pond. The Council’s Ecology Officer considers that the Assessment is very thorough and accepts the proposed mitigation measures. It is appropriate to impose a condition to ensure that the development is carried out in accordance with the mitigation measures outlined in the Assessment.

Contaminated Land

The application has been supported by a Phase 1 Desk Top Study Report which has been considered by Environmental Health. It is considered appropriate to impose the standard contaminated land condition to secure the carrying out of further studies.

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considers issues relating to controlled waters. The site is located on a Principal Aquifer which is a sensitive controlled waters receptor which could be impacted by any contamination at the site. The Environment Agency has advised the developer to address any risks to controlled waters from contamination at the site by following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Noise Assessment

The application has been supported by a report which assessed the impact of road traffic noise from the adjacent A66 (T) on the development. The report measured road traffic noise at the development site and then compared these levels to acceptable levels required to avoid sleep disturbance. The minimum façade sound insulation required to achieve these acceptable levels has been specified in the report. The Council's Environmental Health Officer is satisfied with the conclusions of this report has advised to ensure its recommendations are acted upon a planning condition should be attached to any approval relating to glazing and ventilation levels.

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 proposal is contrary to development plan policy but it has also been assessed in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004 in terms of how much weight should be given to other material planning considerations.

Whilst it has not been established that there is a need for a hotel, there is likely to be demand for such a development from short term user groups and the development would lead to the creation of jobs with likely benefits to the local economy. The supporting information suggests that if the hotel were to go ahead it would not have a significantly adverse impact upon market conditions or prevent the submission of proposals for hotels in more preferable locations within the town. It should be noted that any concerns about loss of competition for business would not be a material consideration in reaching a decision.

The site lies outside of the defined development limits but it is on the edge of the urban area and, visually, will form part of the existing Arena and associated facilities and car parking areas. The overall scale, design and layout of the hotel are considered to be acceptable and the development would not result in conditions prejudicial to residential amenity or highway safety.

On balance the aforementioned economic factors together with the visual and spatial relationship of the development with the existing built up area are considered to provide sufficient justification to depart from the development limit policy position in this case.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. J2 - Contamination

4. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway safety

5. Notwithstanding the details shown on the approved plans and prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and 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 to promote sustainable nodes of transport.

6. Prior to the commencement of the development, precise details of works within the public highway on Neasham Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include provision of raised curbs at the bus stops on Neasham Road directly opposite the arena, provision of tactile paving at the existing dropped crossing to the south of the existing bus stops and extension of the footway from the roundabout of Neasham Road/A66 to the car park at the Southern access to the hotel. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway and pedestrian safety

7. Prior to the commencement of the development, a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Surface water drainage from the site to the watercourse shall be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required as part of the details to be submitted to the Local Planning Authority for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event are also required as part of the details to be submitted to the Local Planning Authority for approval. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area.

8. E2 – Landscaping (Submission)

9. Glazing and ventilation levels at the specification, or equivalent level, as set out in Apex Acoustics Report Number 3713.2 (which accompanied the application) shall be completed prior to any part of the development being first occupied or used. Mechanical services noise should be limited to no more than 26dB(A) in bedrooms as specified in the report.

REASON: To protect the amenities of the occupiers of the development

10. The development hereby approved shall be carried out in complete accordance with the mitigation and compensation measures outlined in “Ecological Assessment: Proposed Hotel, Darlington Arena, Neasham Road, Darlington, Co. Durham” dated May 2014 and produced by Barrett Environmental Limited unless otherwise agreed in writing by the Local Planning Authority

REASON: To preserve protected species and their habitats.

11. B5 – Detailed Drawings (Accordance with Plan)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

E12 – Trees and Development

E14 – Landscaping of Development

T8 – Access to Main Roads

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington’s Sub Regional Role and Locational Strategy

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CS6 – Vibrant Cultural and Tourism Offer

CS14 – Promoting Local Character and Distinctiveness

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 – Protecting Environmental Resources, Human Health and Safety

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highway Matters

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Ms. P. Goodwill 01325 406651) to discuss naming and numbering of the development

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278 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. Further contact in relation to the footway extension should be made with Mr Chris Bell, Highways Agency Asset Manager (0113 283 774) to discuss this matter.

The applicant is advised that the footway extension is located on land owned and maintained by the Highways Agency and therefore additional approvals should be sought from the Highways Agency (contact Mr C Bell - Tel No 0113 2834774)