

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 23 September 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00471/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>9 October 2009</b>
<b>WARD/PARISH:</b>	<b>CENTRAL</b>
<b>LOCATION:</b>	<b>East Beaumont Street Car Park</b>
<b>DESCRIPTION:</b>	<b>Erection of a five storey office building</b>
<b>APPLICANT:</b>	<b>Department for Children, Schools and Families</b>

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**APPLICATION AND SITE DESCRIPTION**

This planning application is for the erection of a five storey office block for use by Department for Children, Schools and Families (DSCF). DCSF wish to relocate from their current office accommodation at Mowden Hall to the Feethams/Beaumont Street part of the town centre. Relocation is required as the Mowden Hall accommodation is no longer fit-for-purpose. The vast majority of the office space provided at Mowden Hall dates from the 1960s and provides poor quality staff accommodation. The proposed gross internal floor area of the proposed office building is 5,984sqm and the main building materials will be glass, stone and slate (at ground floor level only). The pedestrian entrance to the building will be located to the west, so that it faces onto an area of land earmarked for a new public square. The Council are currently designing the proposed public square and a planning application will be submitted in the forthcoming months.

The application site is currently used as a surface level car park. The site slopes gently rising by 3.7 metres from the south-east corner to the north-west corner.

Adjoining the site to the north is a plot of cleared land owned by Tesco; part of which is also in car park use. Further north, on the opposite side of Houndgate, is the Dolphin Centre. To the west of the site is further surface level car parking. To the east of the site is a recently opened public car park that was the former bus depot; and to the north east is the Town Hall. There is a service yard and car parking associated with the Barker & Stonehouse retail unit to the south of the site. Extending westwards adjacent to this retail unit is the yards, service areas and parking for a terraced row of buildings along Victoria Road; these buildings are in various residential and commercial uses.

The application site is close to the south-east boundary of the Darlington Town Centre Conservation Area; within which are two Grade II listed buildings that front Houndgate (No's 11 & 12 Houndgate)

The applicant carried out a pre application consultation exercise in accordance with the Council's Statement of Community Involvement document. A public exhibition was held in the Dolphin Centre in June 2009 and twenty one people attended it. Two 'Comment Forms' were filled in at the exhibition. The first form, indicated that they liked the environmental aspects of the new building, but were not keen on the design. The second form had the following comments:

1. The stonework on the higher elevations should be warmer;
2. A lighter shade of slate should be used;
3. There should be a design or artwork on the bronze wall;
4. Plane trees should be introduced on the boulevard – not 'lollipop' trees;
5. The glazing should be 'anti-glare'; and
6. There should be artwork/design panels, instead of opalescent glazing, on the panels that protrude from the face of the building.

The applicant responded to the comments as follows, *"Of the detailed points raised by the second person, No's 1, 2 & 5 are all matters that will be dealt with via the discharge of planning conditions. Therefore, the stonework may be warmer in colour, the slate may be lighter and the glazing is likely to be anti-glare. With regard to point no.3, it is unlikely that a design or artwork will be included on the bronze wall [at ground floor level]; but cannot be ruled out. With regard to point no.4, no trees are proposed on the application site. The final point raised by the second person is the one area that will not change (ie introducing artwork/designs onto the protruding opalescent glazing). However, images may be projected onto these panels."*

The development is one that falls within the thresholds set out in Schedule II, Part 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999 (SI/1999/293) (the "1999 Regulations). As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether or not an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the Local Planning Authority has determined that the proposal does not constitute EIA development.

## **PLANNING HISTORY**

The application site has a long planning history. The most recent entries are

97/00644/OUT      Outline application for construction of a multiplex cinema dev & other leisure development (class D2) food & drink dev (class A3), multi-storey car park, relocation of area for storage of market stalls, bus and coach lay-by facilities,etc. – APPROVED

97/00800/FUL      Construction of multiplex cinema development and other leisure development (class D2) food & drink Development (class A3) multi storey carpark, relocation of area for storage of market stalls bus & coach lay-by facility with servicing etc – REFUSED

00/00697/OUT      Outline application for mixed use leisure development and multi storey car park, i.e. use classes A1 (shops) A3 (Food and Drink) D2 (Cinema and other assembly and leisure uses) – WITHDRAWN

02/00764/FUL Erection of a five storey office block with associated parking and use of land for extension to local authority car park (amended and additional plans received 23 October and 1 November 2002) – WITHDRAWN

## **PLANNING POLICY BACKGROUND**

The following policy documents are considered relevant:

### **National Planning Policy**

- PPS1 Delivering Sustainable Development
- PPS6 Planning for Town Centres
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG 15 Planning and the Historic Environment
- PPG16 Planning and Archaeology
- PPS25 Planning and Flood Risk

### **North East of England Plan Regional Spatial Strategy to 2021 (July 2008)**

- Policy 2 Sustainable Development
- Policy 3 Climate Change
- Policy 4 The Sequential Approach to Development
- Policy 8 Protecting and Enhancing the Environment
- Policy 10 Tees Valley City-Region
- Policy 12 Sustainable Economic Development
- Policy 13 Brownfield Mixed-Use Locations
- Policy 19 Office Development
- Policy 24 Delivering Sustainable Communities
- Policy 25 Urban and Rural Centres
- Policy 35 Flood Risk
- Policy 38 Sustainable Construction
- Policy 39 Renewable Energy Generation
- Policy 54 Parking and Travel Plans

### **Borough of Darlington Local Plan**

- Policy E1 General Principles of Environmental Protection
- Policy E2 Development Limits
- Policy E10 Protection of Key Townscape and Landscape Features
- Policy E16 Appearance From Main Travel Routes
- Policy 24 Conservation of Land and Other Resources
- Policy E25 Energy Conservation
- Policy E26 Energy from Renewable Resources
- Policy E27 Flooding and Development
- Policy E29 The Setting of New Development
- Policy E34 Archaeological Sites of Local Importance
- Policy E46 Safety and Security

- Policy EP1 Land Supply for Employment
- Policy EP11 Central Area Development Sites
- Policy EP12 Office Development Limits
- Policy T12 New Development – Road Capacity
- Policy T19 Multi Storey Car Parks
- Policy T25 Parking and Servicing Requirements for New Development in the Town Centre

Other relevant policy documents are:

- Town Centre Development Strategy, “Adding to Quality”,
- The Feethams Planning & Development Brief
- Supplementary Planning Document on Design of New Development

## RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received raising the following issues:

- *I studied the Transport Document, which I consider to be seriously flawed, as, despite the scheme being town centre and handy for bus/train travel, the reality is that 75% of the workforce will be female, on the school run, then to work, in a car;*
- *I am aware of the parking aggravation at Mowden, and feel that this problem is being shifted from there to the town centre, thereby making parking in the town even worse, especially since one of the car parks is being used from this development. I see that the cleared bus station is being laid out for parking – will this be allocated for DCSF staff cars?*
- *I myself, am experiencing difficulties in the back lane behind my property (on Victoria Road), with parking on a “no waiting” yellow lined area, which is seriously affecting my right to use my off street parking facility, but no one (council/police) will do anything about it, and the moving of approximately 300 plus cars to the town will only make this worse.*

A letter of representation has also been submitted from the occupiers of Houndgate House, 12 Houndgate. The letter states:

- *Should the proposal go ahead, please make the relevant parties aware that the sewers from our property run underneath along the full length of the block paved one way narrow road, which dissects east to west through the middle of the existing car park. We will, of course, require our sewers to continue to function normally during any building works.*

### **English Heritage**

English Heritage do not wish to comment and recommend that the application is determined in accordance with national and local policy guidance, and on the basis of the Council’s specialist advice.

### **Durham Constabulary Architect Liaison Officer (ALO)**

The ALO has made observations in relation to Anti Terrorism advice

**CE Electric UK**

CE Electric UK have raised no objections

**Environment Agency**

The proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the Agency did not have to be consulted on the application.

**North East Planning Body**

The North East Planning Body's response concludes that the proposal to erect a five storey office (B1a) building in Darlington is in general conformity with the Regional Spatial Strategy. They seek to ensure the Council will look to confirm that the proposal incorporates measures to secure 10% of its energy supply from decentralised and renewable energy or low carbon sources unless this is not feasible or viable.

**Tees Valley Joint Strategy Unit**

The TVJSU has stated that the development does not raise any significant sub regional planning issues and they broadly support the proposed development. The development is considered to complement the Darlington Gateway initiative.

**Northern Gas Networks**

Northern Gas Networks have no objections to the proposed developments

**Durham Archaeology Section**

No objections have been raised subject to the imposition of a planning condition relating to archaeological mitigation works

**One North East**

One North East considers that the development represents an important investment and will act as a catalyst for further investment and renewal in the Feethams area. As such, subject to the proposal conforming to the Feethams Planning and Development Brief, One North East fully supports the application. However, they have stated that the Council should seek to increase the renewable regeneration of the development to at least 10% in line with government guidance.

**Northumbrian Water**

A public sewer and water main crosses the site and they are shown to be built over. Diversion or relocation of the apparatus may be possible at the applicant's full cost. Northumbrian Water have requested the imposition of a planning condition requesting the details of any diversion works.

**CCTV**

The Council's CCTV section has stated that the development will affect two cameras and have requested that either a new camera is sited on the building or the existing cameras are relocated.

**PLANNING ISSUES**

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

- Planning Policy
- Impact on the Visual Appearance and Character of the Area
- Highway Matters

- Flood Risk
- Archaeology
- Noise
- Sustainability
- Ecology
- Contaminated Land

### **Planning Policy**

National planning policies for town centres are set out in PPS6, Planning for Town Centres (2005). This aims to redress the trend of previous years, when considerable development took place away from centres. It applies a ‘town centres first’ approach, to bring about their renaissance, in line with the principles of sustainable development. Development should be focused within town centres to provide a wide range of services in a good environment, accessible to all. The uses identified to be focused there include offices, “both commercial and those of public bodies”. One of PPS6’s indicators of the health of a centre is its diversity, measured by the amount of space used for different functions, including offices.

PPS6 policies are echoed in the North East of England Plan, Regional Spatial Strategy to 2021 (RSS, 2008). Part of the RSS’s vision is that the majority of high trip-generating uses will be focused within town and city centres and other sustainable locations. Policy 25 states that planning proposals should ensure that development of high trip-generating uses, including business and public services, are focused within urban centres: “town centres are generally the most sustainable locations capable of access by public transport and the development of offices in such locations can help to support the local economy such as retailing”.

The site is identified in the Borough of Darlington Local Plan (1997) as part of the Beaumont Street central area development site, on which Proposal EP11 (Central Area Development Sites) states “office development will be permitted”. (Other travel-intensive town centre uses may also be permitted.) A caveat is that development “will be undertaken in conjunction with construction of multi-storey car parking”, and Proposal T19 (Multi Storey Car Parks) safeguards the land for such combined use. These policies proposals were first adopted in the Central Area Local Plan of 1984.

The Council adopted a more detailed town centre development strategy, “Adding to Quality”, as supplementary planning guidance in 2001. Its aim was to positively promote significant development and other improvements (such as the Pedestrian Heart) in the town centre. The strategy stressed the importance of the centre as a key asset of the Borough. The challenge was: “To use the opportunities the development sites provide to raise substantially the level of attractions in the town centre, whilst at the same time cherishing its environmental quality.” The objectives of the strategy relevant to the present proposal include:

- to diversify uses in the town centre;
- to use the land available to address gaps in what the centre offers;
- to repair damaged parts of the centre, reintroducing appropriate uses, built form and design quality;
- to expand the availability of modern office space.

The strategy saw leisure as the most appropriate lead component of a mixed-use development on the wider site, possibly with offices on upper floors. It restated the requirement for the wider site

also to provide a multi-storey car park. It also emphasised that a high standard of design was essential to help create a strong gateway to the town centre, acknowledging the site's prominence and its proximity to the town centre conservation area and to listed buildings. The strategy's leaning towards a leisure use reflected commercial interest at the time and was not prescriptive; the strategy remained subservient to the policies of the adopted Local Plan.

Last October, the Council adopted a planning and development brief for sites to the east and west of Feethams "to help inform planning decisions for the area and the disposal of Council land" (Min. C69/Oct/08 refers). Its status in respect of this application is as a 'material consideration'. The application site is identified as part of Area 1 (extending from Feethams to Beaumont Street West). Here, the appropriate development responses are specified as: "Predominantly office use capturing demand for Grade A accommodation. Other uses that would be encouraged on the ground floor would be cafés, bars and restaurants as well as small-scale retail. There will also be a public open space in this area requiring active frontages." The brief sees the sites on the opposite (east) side of Feethams to the application site as being more appropriate sites for a multi-storey car park.

The Council's Planning Policy Section have commented "*The proposed use as offices for the DCSF, bringing some 480 staff into the town centre, accords with national, regional and local planning policies. The principle of the proposal is to be encouraged and welcomed, making good use as it does of a prominent but long-undeveloped site and bringing greater vitality and viability to the town centre. The relocation of the offices from the present, less-accessible, out-of-centre site at Mowden should promote greater use by staff of more sustainable means of transport than the car, and could open up employment opportunities to a wider section of the community.*

*Ideally, one or more other uses, such as a café or small shop, should be incorporated into the main frontages, in line with the planning and development brief, to add further vitality and diversity to the streets but the reasons for not doing so are explained with the application (The main reason for having no other uses, such as cafes and shops, at ground floor level is to maintain of high level of security for the building.)*

*It is for others to come to a view on whether the details of the proposal meet the design requirements expected on the site.*

*In respect of the Council's long-standing wishes to see multi-storey car parking on the wider site to the west of Feethams, the more recent planning and development brief envisages that any such provision, if still desired, will be more appropriately made to the east of Feethams."*

### **Visual Appearance and Character of the Area**

A Design and Access Statement has been submitted with the planning application. The building comprises five floors of offices; of differing floor plate size and configuration. The proposed gross internal floor area is 5,984sqm. The main building materials will be glass, stone and slate (at ground floor level only).

The proposed building will have a glass atrium, which will rise four metres above the roof of the office accommodation; 25 metres above ground level. The atrium is located on the north side of the building. At certain points, the office floor plates will 'punch' into and through the atrium space.

When viewed from the north, the building will appear to be constructed of glass, with five small opalescent glass squares ‘punched’ out of the clear glass face and one large opalescent rectangle also protruding from the glass (behind which are the cafe and conference facilities). The opalescent glass is not ‘see through’, but allows movement (eg a person’s shadow) and light to be seen through the glass.

From the west the building will appear to be stepped; dropping from five, to three, to one storey, from right to left. The glass atrium will divide the ‘steps’. The stone facade on this elevation will not be ‘punched’ through with opalescent glass squares.

When viewed from the south, the building will appear to be constructed of stone, with eight opalescent glass squares ‘punched’ out of the stone face. At ground floor level, the slate facade is interrupted by curtain wall glazing and louvers. In addition, there are 44 windows on the upper floors of this elevation.

From the east, the building will appear to be stepped; dropping from five, to three, to one storey, from left to right. The glass atrium will divide the ‘steps’. Two opalescent glass panels are ‘punched’ into the stone facade. Vehicular access to the building is from the east off Feethams; providing access to a service yard and eight disabled car parking bays.

With regard to design matters, meetings have taken place with officers on a bi-monthly basis for the past 12 months. The Council’s Urban Design Officer has commented, *“a five storey development is an appropriate response, particularly on this corner. Servicing is accessed from Feethams but will remain discrete (and also that the DCSF have specific security requirements to be met). The pavement edge development is appropriate. Materials are of a high quality and elevationally the ground floor has a distinctive character, meeting the ground appropriately. The atrium level provides a degree of roofline interest. I am pleased that green roofs have been incorporated. The entrance, although not to Feethams addresses the lane and proposed new public square, complying with the Feethams Planning and Development brief.”*

In terms of the Design of New Development SPD, the Urban Design Officer commented, *“A building of five storeys, filling the bulk of the site and with full width built out complies with the SPD. Parking in the basement is a suitable response for Zone 1. This building constitutes a block and is therefore appropriate due to having public realm, or potential public realm, all around. The entrance will provide natural surveillance over the lane and new public square and both the windows and atrium across the site.*

*The corner of Feethams has sufficient architectural expression to provide interest and the frontage treatment to the pavement development is as described for Zone 1. The entrance is well detailed, of an appropriate scale for the building. The window shapes and proportions have been designed to respond to the context.*

*Green roofs contribute to sustainable drainage and are a welcome addition as well as on some parts of the building providing visual interest from vantage points, as well as contributing to biodiversity.*

*Materials are high quality and will be a good fit with the area, stone being particularly appropriate for a building of this scale, stature and importance, allied to contemporary glass.”*



The proposed development would accord with the relevant policies of the Local Plan relating to design of new developments and also the Feethams Planning and Development Brief and the Supplementary Planning Document of Design of New Development.

The Council's Conservation Officer has commented, *"This proposal to make use of what is currently car park is welcomed as a much better use of prominent town centre land in the setting of two Grade II Listed Buildings on Houndgate and at one of the gateways to the Conservation Area. The proposed building is a contemporary design using high quality natural materials. It should successfully blend traditional materials such as sandstone and natural slate with contemporary materials such as glass. From a conservation perspective I feel the proposed building will be of benefit to the town centre, will not negatively impact the setting of the Listed Buildings and will preserve and enhance one of the gateways to the Conservation Area."*

The proposed development would be in accordance with guidance in Planning Guidance Note 15- Planning and the Historic Environment

In terms of the request from the Council's CCTV Section, the applicant is willing to work with the Council and the Police to manage CCTV coverage in the Feethams area. They have no objections to having CCTV cameras on the building, as long as operating protocols can be achieved. A planning condition can be imposed to deal with this issue.

### **Highway Matters**

The application has been accompanied by a Transport Assessment and a Framework Travel Plan.

It is anticipated that 480 employees would be based at the site. However, initiatives used by DCSF, such as desk sharing, job sharing and home working will mean that there would be a maximum capacity of 430 employees at any one time. Vehicular access to the development would be via a new access onto Feethams to the rear of the building. This would provide access to eight disabled parking spaces situated at ground level below the building, and to the service area for all other vehicular access. The Transport Assessment (TA) states that demand for car parking associated with the development will be met by public car parks in the area. A Travel Plan has also been developed, which contains a number of measures to encourage travel by sustainable modes of transport and to limit the use of private vehicles, especially for commuting. The development contains 24 cycle parking spaces, located close to the main entrance to the building.

The development will be serviced from a service area to the rear of the building, accessed from Feethams. A new vehicular access will be built to allow vehicles to cross into the service area. The access will have gates and a barrier set back 6m from the back of the footway. These gates will be controlled by security personnel and will normally be open during working hours. During periods of heightened Government security levels, the gates will be closed. It is intended that small vehicles only will service the building and this would be controlled by DCSF. A loading bay is also provided on Feethams adjacent to the building to allow for servicing by refuse vehicles.

As part of the proposals for a public square to the west of the site, Back Lane would be closed to through traffic. At the northern end of Back Lane, vehicular access will be maintained at its junction with Houndgate in order to retain the existing access to the parking area to the rear of No 12 Houndgate. At the southern end and the junction with Beaumont Street, it is proposed to

provide moveable bollards so that infrequent vehicular access to the front of the building and to the public open space is maintained.

The Transport Assessment considers the impact of the proposed development on three roundabouts on the Inner Ring Road, namely Stonebridge, Feethams and Grange Road. The TA concludes that;

- With Travel Plan targets realised, the Stonebridge roundabout will still operate within acceptable limits. If the targets are not realised, a minor improvement to the entry to the roundabout would have to be carried out in order to mitigate the effects of the additional traffic from the proposed development;
- The Feethams roundabout in its existing form will be able to cater for the proposed development traffic and no mitigation measures would be required;
- The Grange Road roundabout currently operates over capacity on the Grange Road arm during both peak periods and on the Victoria Road arm during the evening peak period. Although the increase in traffic on the roundabout from the development will be moderate, it will exacerbate the existing problems. Improvements to the flare lengths on each of the arms would need to be accommodated by making some minor alterations to the nearside kerb lines on the approaches to the junction. These changes would be within the existing verges and footways and will not affect the existing highway boundary

Whilst the TA recommends these works, the Council's Highways Engineer considers that the actual gains would be minimal and insufficient to justify carrying out the proposed works. As a result he does not consider it necessary to implement these recommendations.

As the pedestrian entrance of the office building will be onto the existing Back Lane, the Highways Engineer has requested a planning condition be imposed to secure improvements to this Lane, to create a safe pedestrian entrance and exit area. The Back Lane would be improved as part of the Council's plans for a Public Square, but it is appropriate to attach this condition if the construction of the proposed development and the Public Square are not carried out at the same time.

The Council are proposing to carry out some improvements to the Feethams/Beaumont Street junction adjacent to the southeast corner of the development site. It is considered by the TA that the proposed development will have minimal impacts upon this junction and the proposals have been redesigned to take account of the office building.

The Council Transport Policy Team have confirmed that the details contained within the Travel Plan are acceptable and a suitable condition can be imposed to ensure that the development is carried out in accordance with the measures outlined in the Plan.

### **Flood Risk**

The accompanying Flood Risk Assessment (FRA) notes that the application site lies predominately within Flood Zone 1 with the south-east corner Flood Zone 2 'Medium Probability'. This means that the south-east corner of the site may be subjected to flooding from the River Skerne less frequently than once every 100 years, but more frequently than once every 1,000 years. In order to mitigate this risk it is proposed to raise the ground floor level of the development to 38.0m AOD. In addition, it is important to note that car parking, refuse storage and stairs are proposed in this corner of the site. The FRA concludes that based on all

considerations, calculations, information and mitigation, the flood risk to and from the proposed development is considered to be low.

The Environment Agency have directed the applicant to their Standing Advice on Flood Risk. The applicant is also fully aware of the location of the Northumbrian Water apparatus mentioned in their consultation response

### **Archaeology**

The pre application site works were undertaken in June 2009 in accordance with a written scheme of investigation provided by Archaeological Services and approved by Durham County Council Archaeology Section

*The resulting Archaeological Report revealed, “a sizeable east-west orientated ditch was identified in Trench 4 towards the northern end of the proposed development area. This is the ditch that was originally found in 1913 and at the time identified as a town defence of Saxon date. While the current evaluation could not positively date the feature, it is of at least medieval date, and could potentially be earlier. It is a find of high archaeological significance, and as such it is likely that the planning authorities will require a scheme of excavation and recording.*

*A number of features of post-medieval date were identified in Trench 2 in the southwest corner of the proposed development area. These probably relate to the use of the area as ornamental gardens for wealthy residences during the 18<sup>th</sup> and 19<sup>th</sup> centuries, and are of low archaeological significance. The natural subsoil was not reached in much of this trench and there is the potential that earlier remains still survive beneath the features exposed by the evaluation.*

*In Trench 1 in the southeast corner of the proposed development area medieval and post-medieval soil horizons were present but no features were identified.*

*No evidence was found for medieval tenement plots within the proposed development area. The large ditch, whatever its exact date and function, is likely to have inhibited the development of such plots to its south, and therefore there is only the potential for such plots to have been formed in a very small area at the extreme northern end of the proposed development area. This area lies to the north of the proposed building foundations and is buried under 1m of modern overburden, but the proposed development will impact on the resource, as internal floor levels will be c.3m below existing ground level.*

*It is recommended that the significant archaeological deposits at the northern end of the proposed development area be subject to a scheme of archaeological excavation and recording, where these are likely to be impacted upon by ground works associated with the development.*

*An archaeological watching brief should be carried out during ground clearance operations across the remainder of the site to record any archaeological features disturbed by construction works.”*

The Archaeology Officer from Durham County Council has raised no objections to the proposal subject to the imposition of a staged negative planning condition to secure mitigation measures during the construction of the development.

**Noise**

The accompanying Noise Impact Assessment identifies road traffic as being the predominant source of noise in the area due mainly to the proximity of the A167 Ring Road. The BREAAAM criterion for external noise emissions from a new development is that the Rating Level (BS4142) of the noise from the development shall be less than or equal to the measured Background Noise Level at the nearest residential dwelling Bases on the BS4142 methodology, the Noise Impact Assessment concludes that noise emissions from the development should be limited to a Rating Level of 34 dB at the nearest residential property during the night time period (2300 to 0700).

The Environmental Health Officer has recommended the imposition of a planning condition to ensure that any noise from any roof top plant does not exceed the background noise level at the nearest noise sensitive receptor, when measured in accordance with BS4142:1997.

**Sustainability**

Policy 38 – Sustainable Construction of the RSS states that major new developments of more than 1000m<sup>2</sup> of non residential floor space should secure at least 10% of their energy supply from decentralized and renewable or low carbon sources, unless having regard to the type of development involved and its design, this is not feasible or viable.

Policy 39 – Renewable Energy Generation of the RSS states that planning proposals should facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 and aspire to further increase renewable electricity to achieve 20% of regional consumption by 2020.

Policies E24 (Conservation of Land and Other Resources), E25 (Energy Conservation) and E26 (Energy from Renewable Sources) are the relevant policies within the Borough of Darlington Local Plan 1997, which relate to sustainable development.

The Council's SPD on Design of New Development outlines sustainable building standards relating to sustainable building design. The SPD seeks to ensure:

- Non residential developments (2010 2016) are required to achieve BREAAAM 2008 standards "very good – outstanding"; and
- All major developments are required to obtain at least 10% of energy from on site renewable sources.

BREAAAM is the world's longest established and most widely used environmental assessment method for buildings. It gives recognition for implementing design and technological solutions, which reduce the environmental impact of building projects during the construction phase and throughout the lifetime of the building, whilst promoting healthy indoor conditions for the occupants. The proposed development is likely to achieve a BREAAAM 2008 rating of Excellent with an aspirational target rating of Outstanding.

Both the North East Planning Body and One North East have highlighted that the planning submission indicates the proposed development would not create 10% of energy from on site renewable sources as requested by the RSS and the Council's SPD on Design for New Development.

The applicant's Sustainability Statement confirms that based on the projected energy requirements, a feasibility study was undertaken to examine the potential application of a wide

range of low zero carbon energy technologies and inform decisions with regard to a number of considerations including percentage energy and CO2 emissions reductions, capital costs, payback period, planning requirements and noise generation. For example, the use of wind turbines on the building was thoroughly considered by the applicant but they were discounted for design reasons and having such measures, as well as biomass boilers, in this town centre location would have been contrary to the SPD on Design for New Development.

The proposal does involve the use of solar thermal hot water collectors and photovoltaic panels, which produce electricity directly from sunlight, and 7.1% of the buildings projected energy is expected to be met on an annual basis through these two technologies. Also, the Carbon Trust is working with Darlington Borough Council to develop a district Combined Heat and Power (CHP) network for Darlington town centre. If and when this is developed the DCSF office accommodation is expected to be served by the CHP network and this would provide well in excess of 10% of energy from renewable and low carbon energy sources. In the light of the fact that the district CHP proposals are still in the early stages, the office building will incorporate additional low/zero carbon energy technologies, which do not compete for the heat demand that would be met by the CHP network. This will help the development meet the renewable energy targets outlined in the SPD for Design of New Development and the RSS should the proposals for the district CHP network not be realised.

The applicant has considered all options to ensure that the development fully complies with the 10% target contained policies with the RSS and the SPD on Design for New Development, however, the type, design and location of the development has not made this target achievable at the outset. Officers are satisfied that the applicant has given thorough consideration to the objectives of policies and consider that the other benefits that this development will bring to this town centre location outweighs the need to comply with the renewable energy target

The Sustainability Statement also confirms how the building has been designed in order to reach its BREAMM rating of Excellent and how it would be energy efficient once in operation.

### **Ecology**

The application site is a surface level car park. An Ecological Assessment states that the identified habitats contained within the site have a low ecological value and no rare or protected species or floral species were identified. Overall the site is considered to have a negligible nature conservation value. The Council's Senior Arboricultural Officer has raised no concerns over the impact of the development on any existing trees.

However, the development has been designed to include a number of habitat enhancement measures, which is in accordance with the Council's SPD on Design for New Development. These measures are as follows and their precise details can be secured by planning conditions:

- **Green Roof** – The construction of a green roof on the proposed building is proposed to provide habitat for wildlife;
- **Additional Planting** – Trees could be planted around the development
- **Bat and Bird Boxes** – The installation of bat boxes provide a choice of roosting opportunities. The boxes are usually positioned four to five metres above ground and they can be discrete. The use of bird boxes would be considered in order to encourage a range of different species to nest at the site.

### **Contaminated Land**

The submitted Geo-Environmental Appraisal indicates that the site may be contaminated due to its previous uses and its location near the bus depot, garages and car park. The Appraisal recommends that further exploratory ground investigations be carried out to establish a better understanding of actual ground conditions and to identify ground contaminants. This is supported by the Council's Environmental Health Officer, who has recommended the imposition of a planning condition to ensure that these further investigations are carried out.

### **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 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 involves the erection of a five storey office building for use by Department for Children, Schools and Families (DSCF). The application site is currently used as a surface level car park. The site is located in an area of existing commercial and employment related uses. The design and layout of the development is considered to be of high quality and the development will not give rise to conditions prejudicial to amenity or highway safety. The proposal is to be encouraged and welcomed, making good use as it does of a prominent but long-undeveloped site and bringing greater vitality and viability to the town centre. The relocation of the offices from the present, less-accessible, out-of-centre site at Mowden should promote greater use by staff of more sustainable means of transport than the car, and could open up employment opportunities to a wider section of the community. The following national, regional and local planning policies and documents have been taken into consideration:

#### **National Planning Policy**

- PPS1 Delivering Sustainable Development
- PPS6 Planning for Town Centres
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG 15 Planning and the Historic Environment
- PPG16 Planning and Archaeology
- PPS25 Planning and Flood Risk

#### **North East of England Plan Regional Spatial Strategy to 2021 (July 2008)**

- Policy 2 Sustainable Development
- Policy 3 Climate Change
- Policy 4 The Sequential Approach to Development
- Policy 8 Protecting and Enhancing the Environment
- Policy 10 Tees Valley City-Region
- Policy 12 Sustainable Economic Development
- Policy 13 Brownfield Mixed-Use Locations
- Policy 19 Office Development
- Policy 24 Delivering Sustainable Communities
- Policy 25 Urban and Rural Centres

- Policy 35 Flood Risk
- Policy 38 Sustainable Construction
- Policy 39 Renewable Energy Generation
- Policy 54 Parking and Travel Plans

### **Borough of Darlington Local Plan**

- Policy E1 General Principles of Environmental Protection
- Policy E2 Development Limits
- Policy E10 Protection of Key Townscape and Landscape Features
- Policy E16 Appearance From Main Travel Routes
- Policy 24 Conservation of Land and Other Resources
- Policy E25 Energy Conservation
- Policy E26 Energy from Renewable Resources
- Policy E27 Flooding and Development
- Policy E29 The Setting of New Development
- Policy E34 Archaeological Sites of Local Importance
- Policy E46 Safety and Security
- Policy EP1 Land Supply for Employment
- Policy EP11 Central Area Development Sites
- Policy EP12 Office Development Limits
- Policy T12 New Development – Road Capacity
- Policy T19 Multi Storey Car Parks
- Policy T25 Parking and Servicing Requirements for New Development in the Town Centre

Other relevant policy documents are:

- Town Centre Development Strategy, “Adding to Quality”,
- The Feethams Planning & Development Brief
- Supplementary Planning Document on Design of New Development

### **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A3 – Implementation (Three Years)
- B4 – Details of Materials (Samples)
- No development shall commence until an archaeological mitigation strategy, has been submitted to and approved in writing by the local planning authority. The strategy shall include:

Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;

Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;

Post field work methodologies for assessment and analyses;

Report content and arrangements for dissemination, and publication proposals

Archive preparation and desposition with recognised repositories;

A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;

Monitoring arrangements, including the notification in writing to the County Durham, Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;

A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

- The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local 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 Records within six months of the date of completion of the development hereby approved by this permission or such period as may be agreed in writing by the local planning authority

REASON: In order to comply with Policy E34 (Archaeological Sites of Local Importance) of the Borough of Darlington Local Plan as the site is of archaeological interest

- No development shall commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: A public sewer and water main crosses the site and are shown to be built over. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost

- Prior to the commencement of the development, a Dust Action Plan, including information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved Plan.

REASON: In the interests of the amenity of the area.

- J2 – Contaminated Land

- The Rating Level (as defined in BS4142:1997) as a result of noise from the four roof mounted air handling units shall not exceed the background noise level at the nearest noise sensitive receptor, when measured in accordance with BS4142:1997.

REASON: In the interests of the amenity of the area

- Details of any piling method, including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the amenity of the area.

- The proposed development shall be carried out in accordance with the measures and targets set out in the approved "DCSF Darlington Framework Travel Plan" by AECOM dated June 2009.

REASON: In the interests of highway safety and to encourage the use of sustainable modes of transport



- Notwithstanding the details shown on the approved drawings details of any bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The details shall include their number, size, type and location. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of habitat enhancement for the surrounding area.
- Notwithstanding the details shown on the approved drawings, precise details of tree planting shall be submitted to and approved by the Local Planning Authority, prior to the commencement of development. The details shall include the number of trees, the species of the trees, their location and plans for future management. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON: In the interests of the visual appearance of the area
- Notwithstanding the details shown on the approved plans, details of improvement works to the Back Lane shall be submitted to and approved by the Local Planning Authority, prior to development commencing and the development shall be carried out in accordance with the approved details, unless otherwise by the Local Planning Authority.  
REASON: In the interests of pedestrian safety
- Notwithstanding the details shown on the approved plans, a scheme for the provision of a CCTV surveillance scheme to be integrated with the Council's CCTV network shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of achieving a safe and secure environment in this town centre location
- B5 – Detailed Drawings (Accordance with Plan)

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

The proposal involves the erection of a five storey office building for use by Department for Children, Schools and Families (DSCF). The application site is currently used as a surface level car park. The site is located in an area of existing commercial and employment related uses. The design and layout of the development is considered to be of high quality and the development will not give rise to conditions prejudicial to amenity or highway safety. The proposal is to be encouraged and welcomed, making good use as it does of a prominent but long-undeveloped site and bringing greater vitality and viability to the town centre. The relocation of the offices from the present, less-accessible, out-of-centre site at Mowden should promote greater use by staff of more sustainable means of transport than the car, and could open up employment opportunities to a wider section of the community. The following national, regional and local planning policies and documents have been taken into consideration

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Other relevant policy documents are:

- Town Centre Development Strategy, “Adding to Quality”,
- The Feethams Planning & Development Brief
- Supplementary Planning Document on Design of New Development

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

The applicant is advised that there is a requirement to amend/introduce Traffic Regulation Orders, on Feethams, Beaumont Street and on the back lane between Beaumont Street and

Houndgate, and contact must be made with the Assistant Director: Highways and Engineering (contact Mrs.B.Bowles 01325 388774) to discuss this matter.

The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.A.Hush 01325 388757) in relation to Sec.278 Agreement (Highways Act 1980)

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.