

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 28 September 2011

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APPLICATION REF. NO:	10/00836/FUL
STATUTORY DECISION DATE:	24 March 2011
WARD/PARISH:	LINGFIELD
LOCATION:	Former Torrington's site, Yarm Road.
DESCRIPTION:	Hybrid Application for mixed use development comprising B2 industrial , B8 storage and warehousing (Outline) and B2/B8 industrial/storage and warehousing units, A3 restaurant, A4 public house and 60 bed hotel (revised scheme) (amended plans received 7 March and 22 August 2011 and additional plans received 23 August 2011).
APPLICANT:	Commercial Development Projects Limited

APPLICATION AND SITE DESCRIPTION

The application site, which measures some 8 hectares in area, is located 2.7km east of Darlington town centre and 700m east of Yarm Road local centre. Buildings that had previously occupied the site, associated with the Torrington's engineering company, have since been demolished.

The site is bounded to the west by Darlington Retail Park and to the north and east by a variety of employment uses, including the offices of Orange plc.

Vehicular access would be from Yarm Road B6280, which abuts the south and southeast side of the site.

The application is part detailed and part outline.

The detailed elements consist of the following components: -

- A four storey hotel building containing 60 bedrooms with maximum dimensions of; 15.1m in width;48.88m in length; and 17.54m in height. The building would be of a modern contemporary design.
- A single storey public house again of a design style. This would have maximum dimensions of; 20.4m in width; 20.15m in length; and 4.85m in height.

- A B2 /B8 unit measuring approximately 17.61m in width; 22.6m in length and 8.1m in height.
- A block of three B2/B8 units with maximum dimensions of 55.91m in width; 22.66m in length; and 6.3m in height.

The outline part of the application comprises industrial (B2) and warehousing (B8) uses not exceeding 12m in height.

The proposal also includes a financial contribution of £391,201.22 towards mitigation of the traffic impact on the A66 and £25,000 towards sustainable transport measures.

The following supporting documents are submitted with the application: -

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Travel Framework
- Flood Risk Assessment
- Air Quality Assessment
- Noise Quality Assessment
- Contamination Investigation Report
- Validation Report (Contamination)
- Remediation Method Statement (Contamination)

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 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 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 LPA has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

In the main, the planning history for the site relates to the former factory building and perimeter fencing which is not of any particular relevance to this application.

However an outline planning application (Ref: 05/895) for the redevelopment of the site for retail warehouse park comprising 24,154m³ of class A1 (Retail) and 511m² (class A5) Hot Food Takeaway was refused in January 2006.

Planning permission was refused in February 2009 for a hybrid application for mixed use development comprising B1 office, B8 storage and warehousing (Outline); and B1 office, B2 industrial units, A3 restaurant and A4 public house, builder’s merchants and 57 bed hotel (Ref: 08/00917). A subsequent appeal was dismissed in January 2010.

PLANNING POLICY BACKGROUND

Development Plan

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

- Policy 2 - Sustainable Development
- Policy 7 - Connectivity and Accessibility
- Policy 8 – Protecting and Enhancing the Development
- Policy 10 -Tees Valley City-Region
- Policy 18 -Employment Land Portfolio
- Policy 24 –Delivering Sustainable Communities
- Policy 25 -Urban and Rural Centres
- Policy 35- Flood Risk
- Policy 38- Sustainable Construction
- Policy 39- Renewable Energy Regeneration
- Policy 54- Parking and Travel Plans

Darlington Core Strategy Development Plan Document

- CS1 - Darlington's Sub- Regional Role and Locational Strategy
- CS2 - Achieving High Quality, Sustainable Design
- CS5 – Provision of Land for Employment Purposes
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

Saved Policies of the Borough of Darlington Local Plan:

- E12 – Trees and Development
- EP2 -Employment Areas
- EP6 -Prestige Employment

National Planning Policy

Parts of the following *Planning Policy Statements* are material considerations:

- PPS1 - Creating Sustainable Communities (2005)
- PPS5 – Planning for the Historic Environment
- PPS6 - Planning for Town Centres (2005)
- PPS9 – Biodiversity and Geodiversity
- PPS13- Transport (2001)
- PPS25- Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

One North East has made the following comments: -

“The Agency welcomes the investment potential of the proposed development in employment terms from the Classes B2 and B8 employment uses included in this latest application. Notwithstanding the previous appeal decision and the Inspector’s report, the Local Planning Authority (LPA) should be satisfied that the applicant has provided sufficient justification, as required by national guidance and regional policies, in terms of need for the other uses which fall outside of the site’s employment land allocation. Given the site’s location, approximately 2km from the Town Centre, the LPA should be satisfied that these elements of the proposed development will not have a detrimental impact on the central area”.

In the event of planning permission being granted the Agency urges the Council to encourage the developer to pursue the highest standards of quality in the development of this site.

Environment Agency

The Agency has provided a number of conditions they would wish to be imposed to any approval covering contamination and surface water disposal based on sustainable principles.

English Heritage

The heritage body has advised that they have no comments to make on the application.

Highways Agency

The Agency initially issued a holding direction until the matter of providing mitigation measures to the strategic road network has been satisfactorily addressed. The Agency has since advised that it has now agreed such measures with the applicant and therefore have no objection to the proposals in principle subject to the completion of a Section 106 Agreement to secure the financial contribution mentioned above. In addition the Agency has directed that a condition be attached to any approval to ensure that the Travel Plan prepared by JMP Consultants dated 13 May 2011 be implemented.

The Council's Highways Engineer has commented that in terms of the impact on the local road network the submitted Travel Assessment (TA) indicates that this is likely to be negligible. He has made a number of detailed observations on the proposed alterations to the highway layout and site access which are as follows: -

“Highway Layout - Much of the highway infrastructure is to be submitted for adoption, the layout must therefore comply with our design standards in relation to carriageway width (7.3m.), footway width (2m.on both sides of road), minimum centre line radius (60m.), junction radii (12m.), construction thickness, junction visibility (2.4m.x 70m.) and inscribed circle diameter for roundabouts (minimum ICD 28m.).

Site Access - Though the principle of a signalised junction is acceptable this Council would require design input to the final layout. This junction will be subject to a Sec.278 Agreement (Highways Act 1980) and the apportionment of design and construction elements will be addressed as part of that process. The applicant has indicated that they will be submitting the main spine road for adoption and this would be subject to a Sec.38 Agreement (Highways Act 1980) if progressed. A Grampian Condition will be required to secure improvements to the highway network at the site access (including road widening and signalised junction). No other works will be required on the local highway network other than these junction works and those that will be funded by the Sustainable Transport Contribution”.

Parking provision as set out in the TA for vehicle and cycle parking is considered acceptable. The proposed provision for persons with disabilities and car sharers is also acceptable. The framework travel plan identifies provision for cycle parking and changing/ showering facilities which can be secured by a travel plan condition. Additional conditions are also sought requiring the submission and approval of: - a road safety audit; Travel Plan; construction management /wheel washing; and construction traffic management plan. Additional conditions are also sought relating to the more recent amendments to the scheme, to secure changes to the access to industrial units 2-4, and improvements to the pedestrian access to the proposed industrial units.

The Council's Environmental Health Section has requested the imposition of the standard contamination condition to any approval together with further conditions to control/ secure the following:-

- Noise emissions from fans, louvers , ducts or other external plant and machinery;
- Odours and fumes;
- A scheme to achieve satisfactory protection of hotel bedrooms from excessive external noise;
- A restriction on outside operational hours associated with the proposed B2 and B8 uses.
- A restriction on hours of delivery; and
- A scheme for controlling dust emissions.

The Council's Senior Arboricultural Officer has commented that three poplar trees on the site frontage are worthy of protection and if the development is to be approved then tree protection measures need to be put in place to prevent damage to their roots. He has also requested additional trees to be planted on the grass verges on Yarm Road to improve the street scene.

The Council's Greenspace Manger has commented that the proposals fail to make any provision for or reference to biodiversity or landscape quality.

PLANNING ISSUES

The principal issues to be considered are: -

- Planning Policy
- Design and Layout
- Trees and Landscaping
- Highway Implications

Planning Policy

Policy CS5 (The Provision of Land for Employment Purposes) sets out the strategic policy for employment. It seeks to provide for a continuous and diverse supply of employment land to meet the needs of existing and future economic development, in appropriate locations. It makes provision for 235ha of general employment land and 125ha of land at Key Employment locations, the allocations for which will be made through the Making Places and Accommodating Growth Development Plan Document.

Saved Policy EP2 (Employment Areas) of the Borough of Darlington Local Plan, covers the Yarm Road Industrial Area, within which the application site is situated. It indicates that permission will be granted for Business (Use Class B1) in these areas. General Industrial (B2) and Warehousing (B8) will be permitted where they do not harm the amenity of the area or nearby residential areas.

The site is also covered by saved Policy EP6 (Prestige Employment), which identifies sites that will normally only be developed for prestige employment development. It indicates that development in these areas will be required to achieve a high standard of design and landscaping.

The inspector, in his appeal decision of 18th January 2010, accepted that the inclusion of the hotel, public house (the restaurant has been removed from this proposal), would effectively act as '*enabling development*' that would '*help compensate for the cost of infrastructure and assist*

in making the proposal deliverable'. The principle of this element of the proposal is therefore established. The Council's concern however, has been that the remainder of the site is developed in an appropriate manner both in terms of employment type and design.

The amended plans if permitted, would now commit to the delivery of the B2/B8 units to the rear of the commercial units, together with an adoptable road to industrial specifications to provide the infrastructure for the future delivery of the remainder of the site for employment uses. The applicant has indicated that there is developer interest in employment uses on the site, and that any proposals would be subject to the same design standards as already adopted, although in any event, this can be controlled through the planning application process.

The negotiations regarding this application have reached a stage whereby the result of implementation as proposed would provide an opportunity to facilitate the development of the site for prestige employment, on a site, which has been vacant for many years. Indeed, the Council's Estates Officer, together with recent industry press and publications, have confirmed that speculative developments are generally not undertaken in the way that they were in the economic boom, and developers generally tend not build unless they have occupier interest. This is likely to continue for some time in this challenging economic climate. At this moment in time therefore, the provision of the infrastructure, renders the site ready for occupiers wishing to locate in Darlington, who will have their premises laid out to their company specifications.

Consequently, it is considered that when assessed against the strategic vision and objectives, and saved policies of the Borough of Darlington Local Plan, and taking into account the material planning considerations identified, planning permission could be granted subject to the achievement of a satisfactory standard and to a condition requiring the development of the B8 units, and the adoptable road built to industrial specifications, to be implemented concurrently with the commercial units.

Design and Layout

The proposed hotel and public house which form part of the detailed scheme are located close to the Yarm Road frontage of the site opposite the Grade II* former Cummins engine factory and would be highly visible due to their prominent location.

As mentioned earlier in this report the subsequent appeal in respect of the previous scheme was refused solely on design grounds and its resultant impact on setting of the listed building and the character and appearance of the surrounding area. In his decision letter the planning inspector noted, *'I consider that any scheme would need to demonstrate a high quality of design commensurate with the Prestige Employment Land designation to prevent any loss of confidence in the area'*. The proposed hotel and public house would be of contemporary designs which are considered to be more in keeping with the general character of the area. Similarly the design of the B8 Units and indicative facing materials are of a reasonably high standard. Consequently the proposal as it now stands is acceptable in design terms.

Trees and Landscaping

Most of the trees and vegetation within the site has been removed during the demolition of the former Torrington's factory. However three mature Poplar trees remain on the Yarm Road frontage outside the existing fencing which encloses most of the site. The Council's Senior Arboricultural Officer has advised that in his opinion the trees may be worthy of retention. However the proposed development makes provision for a new cycle route along this frontage of Yarm Road, which is likely to damage the root plates of these trees and inevitably their long

term health. Notwithstanding this officers are of the view that the loss of the trees could be more than compensated by the provision of additional tree planting along the yarm Road frontage.

Following negotiations with the applicant landscaping amendments have been made to the detailed element of the scheme to address concerns raised by the Council's Greenspace Manager by way of more habitat creation and tree planting.

Highway Implications

In terms of the likely impact on the strategic highway network the Highways Agency has been consulted on the application and they have stated that the proposed development will have a material impact at the Morton Palms, the new A66/DETC and Great Burdon Roundabout junctions. The Agency initially issued a holding direction until the matter of providing mitigation measures to the strategic associated with the proposed development were satisfactorily addressed. Agreement has now been reached with the applicant for a contribution of £391,201.22 for the mitigation of traffic impact on the A66 by way of a Section 106 Agreement. In addition a Travel Plan for the site has also been agreed with the Agency to secure sustainable transport measures which would need to be conditioned.

The Council's Highways Engineer has no objection to the development subject to the conditions outlined earlier in this report.

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 application site lies within a part of the Yarm Road Employment Area identified for prestige employment purposes. Consequently the hotel/restaurant and public house elements of the scheme in themselves would not normally be accepted in this location. However, the recent appeal decision for a scheme including similar uses on the site has established that they would effectively act as enabling development to help compensate for the cost of infrastructure and assist in delivering employment use for the major part of the site. Consequently the principle of these elements of the proposal is therefore established. The principle of the overall development is considered acceptable. The design of the various elements of the scheme is in keeping with the character and appearance of neighbouring prestige employment uses and respects the wider setting of the Grade II* listed buildings nearby. The development will have an impact on the strategic highway network, however the proposed mitigation measures should ensure that there is unlikely to be any adverse effects on highway safety as a consequence of traffic generated by the development. The development is not considered to raise any issues in relation to car parking provision, or highway safety in respect of the local road network. Consequently it is considered that there are no material reasons to withhold a grant of planning permission.

RECOMMENDATION

THE DIRECTOR OF PLACE BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. A FINANCIAL CONTRIBUTION OF £391,201.22 TOWARDS THE MITIGATION OF TRAFFIC IMPACT ON THE A66 TRUNK ROAD.
2. A FINANCIAL CONTRIBUTION OF £25,000 TOWARDS SUSTAINABLE TRANSPORT MEASURES.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Detailed Development

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials
3. B5 – Detailed Drawings
4. E3 – Landscaping Implementation
5. J2 – Contamination
6. J5 - Wheel Washing Facility (Details)
7. The hotel/restaurant and public house shall not be brought into use until: -
 - a) the B2/B8 units have been constructed and ready for occupation;
 - b) the completion of the internal road up to the northern boundary of the B2/B8 units; and
 - c) the construction, to base course level, of the remainder of the internal road (shown on drawing no. M2701-01 RevA) north of the B2/B8 units.

REASON – To ensure that the site which is allocated for prestige employment purposes within the Borough of Darlington Local Plan Policy EP6 (Prestige Employment) is comprehensively built out in accordance with the approved plans.

8. Prior to the commencement of development, details of any boundary walls/ fences shall be submitted to, and approved by, the Local Planning Authority and such walls/fences shall be erected in accordance with the approved details prior to any part of the development being occupied (or any such later time as may be agreed in writing with the Local Planning Authority).

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

9. Details of any extract ventilation and fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment, to be installed and used in the pursuance of this permission shall be first approved by the Local Planning Authority and installed before the development hereby permitted commences and thereafter retained in full accordance with the approved details. The ventilation and extraction system shall be operated and maintained in accordance with the manufactures recommendations including the replacement of any filters.

REASON – In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.

10. No noise emitting fans, louvres, ducts or other external plant and machinery associated with the uses shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the buildings and shall thereafter be retained

REASON – To protect the amenities of neighbouring properties

11. The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with the development shall be at least 5 dB(A) LAeq below the background noise level at the noise monitoring positions (Positions 1,2,3 and 4) shown in Figure2,of the report by Waterman Environmental entitled Noise Assessment Proposed Commercial Development, Yarm Road, Darlington and dated November 2010.The background noise levels to be used shall be those specified in the report by Waterman Environmental, as detailed above, or if it is the opinion of the Local Planning Authority that these noise levels are no longer applicable, the background noise level shall be measured and agreed with the Local Planning Authority.

REASON – To prevent noise disturbance to adjoining properties

12. Prior to the commencement of the hotel development, a scheme for the protection of the proposed hotel bedrooms shall be submitted and this shall achieve internal noise levels of less than 30dB(A) LAeq in bedrooms, with individual noise events not to exceed 45dB LAFmax in bedrooms. Any works forming part of this scheme shall be carried out in accordance with the approved scheme and prior to any part of the hotel being occupied.

REASON – To protect occupiers of the rooms from noise attributable to the use of the adjoining highway and nearby business units.

13. No outside operations associated with the Class B2 or B8 Uses shall take place between 2300 hours and 0700 hours, unless otherwise agreed in writing by the Local Planning Authority.

REASON – To prevent noise and disturbance to adjoining properties

14. No deliveries despatched or received to any of the premises shall take place between 2300 hours and 0700 hours, unless otherwise agreed in writing by the LPA.

REASON – To prevent noise and disturbance to adjoining properties

15. Before the commencement of any works on site, a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints and relevant contact details. The scheme shall not be implemented otherwise than in accordance with the approved details and shall be reviewed at the request of the Local Planning Authority.

REASON – To safeguard the amenities of the area

16. Notwithstanding anything shown in the application precise details of the internal highway layout shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The submitted details should include the following: -

- a) carriageway width of 7.3m
- b) footway width of 2m on both sides of the carriageway
- c) minimum centre line radius (60m)
- d) junction radii (12m)
- e) construction thickness
- f) junction visibility of 2.4m x 70m, and
- g) inscribed circle diameter for roundabouts (minimum ICD 28m)

The development shall not be carried out otherwise than accordance with the approved details.

REASON- In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

17. Prior to the commencement of development the following details shall be submitted to and approved by the Local Planning Authority:

- a) relocation of existing bus stops, including shelters and to include raised kerbs
- b) provision of a new off road cycle path on the north side of Yarm Road linking existing off road paths (McMullen Road to West of Lingfield Way) and entering the site. To include dropped kerbs.

The approved details shall be implemented prior to the uses being brought into operation.

REASON - In order to promote more sustainable forms of transport.

18. Notwithstanding anything indicated in the application a scheme to secure improvements to the highway network at the site access (including road widening and signalised junction) shall be submitted to, and approved in writing, prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

19. All works within the public highway shall be subject to a Road Safety Audit at both design and completion stages. The Audit shall be carried out in accordance with Road Safety Audit Standard (HD19/03) in the Design Manual for Roads and Bridges (DMRB) and shall be submitted to and approved in writing by the Local Planning Authority.

REASON- In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

20. Prior to the commencement of development a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include designating and signing construction vehicle and plant routes, warning signage, construction phasing proposals, road maintenance, and keeping public roads clear of all construction debris.

REASON – In the interests of highway safety.

21. Notwithstanding anything shown on the approved drawings precise details of the position of the vehicular access gate to units 2-4 shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of highway safety.

22. Notwithstanding anything shown on the approved plans precise details of pedestrian access to units 2-4 shall be submitted to, and approved by the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved plans.

REASON – In the interests of pedestrian safety.

23. Prior to the first occupation of any part of the development the approved Final Travel Plan (as set out in document NEA11124 prepared by JMP Consultants dated 13th May 2011) shall be implemented to the reasonable satisfaction of the Local Planning Authority.

REASON - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

24. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of maintenance and management after completion. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON – To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

REASON – To prevent pollution of the water environment.

26. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

REASON: In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

Outline Development

1. Approval of the following details (“the reserved matters “) in respect of each building/s or phase of the development shall be obtained from the local planning authority in writing before development of the building/s or phase of the development is commenced:

- (i) layout
- (ii) scale
- (iii) appearance
- (iv) landscaping

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

2. The development of any building/s and phase of development hereby permitted must be commenced before the expiry of five years from the date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters, which ever is the later.

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

3. B4 – Details of Materials

4. J2 – Contamination
5. J5 – Wheel Washing Facility (Details)
6. Prior to the commencement of development, details of any boundary walls/ fences shall be submitted to, and approved by, the Local Planning Authority and such walls/fences shall be erected in accordance with the approved details prior to any part of the development being occupied (or any such later time as may be agreed in writing with the Local Planning Authority).

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

7. Details of any extract ventilation and fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment, to be installed and used in the pursuance of this permission shall be first approved by the Local Planning Authority and installed before the development hereby permitted commences and thereafter retained in full accordance with the approved details. The ventilation and extraction system shall be operated and maintained in accordance with the manufactures recommendations including the replacement of any filters.

REASON – In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells.

8. No noise emitting fans, louvers, ducts or other external plant and machinery associated with the uses shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the buildings and shall thereafter be retained

REASON – To protect the amenities of neighbouring properties

9. The Rating Level (as defined in BS 4142:1997) as a result of site operations associated with the development shall be at least 5 Db(A) Laeq below the background noise level at the noise monitoring positions (Positions 1,2,3 and 4) shown in Figure2,of the report by Waterman Environmental entitled Noise Assessment Proposed Commercial Development, Yarm Road, Darlington and dated November 2010.The background noise levels to be used shall be those specified in the report by Waterman Environmental, as detailed above, or if it is the opinion of the Local Planning Authority that these noise levels are no longer applicable, the background noise level shall be measured and agreed with the Local Planning Authority.

REASON – To prevent noise disturbance to adjoining properties

10. No outside operations associated with the Class B2 or B8 Uses shall take place between 2300 hours and 0700 hours, unless otherwise agreed in writing by the Local Planning Authority.

REASON – To prevent noise and disturbance to adjoining properties

11. No deliveries despatched or received to any of the premises shall take place between 2300 hours and 0700 hours, unless otherwise agreed in writing by the LPA.

REASON – To prevent noise and disturbance to adjoining properties

12. Before the commencement of any works on site, a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints and relevant contact details. The scheme shall not be implemented otherwise than in accordance with the approved details and shall be reviewed at the request of the Local Planning Authority.

REASON – To safeguard the amenities of the area

13. All works within the public highway shall be subject to a Road Safety Audit at both design and completion stages. The Audit shall be carried out in accordance with Road Safety Audit Standard (HD19/03) in the Design Manual for Roads and Bridges (DMRB) and shall be submitted to and approved in writing by the Local Planning Authority.

REASON- In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

14. Prior to the commencement of development a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include designating and signing construction vehicle and plant routes, warning signage, construction phasing proposals, road maintenance, and keeping public roads clear of all construction debris.

REASON – In the interests of highway safety.

15. Prior to the first occupation of any part of the development the approved Final Travel Plan (as set out in document NEA11124 prepared by JMP Consultants dated 13th May 2011) shall be implemented to the reasonable satisfaction of the Local Planning Authority.

REASON – To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of maintenance and management after completion. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON – To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be passed through an oil

interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

REASON – To prevent pollution of the water environment.

18. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

REASON - In order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

19. Details of landscaping, to include wildlife friendly habitat areas, shall be submitted to, and approved by, the Local, Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

REASON - To create biodiversity and ensure a satisfactory appearance of the site and to improve the visual amenities of the locality

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within a part of the Yarm Road Employment Area identified for prestige employment purposes. Consequently the hotel/restaurant and public house elements of the scheme in themselves would not normally be accepted in this location. However, the recent appeal decision for a scheme including similar uses on the site has established that they would effectively act as enabling development to help compensate for the cost of infrastructure and assist in delivering employment use for the major part of the site. Consequently the principle of these elements of the proposal is therefore established. The principle of the overall development is considered acceptable. The design of the various elements of the scheme is in keeping with the character and appearance of neighbouring prestige employment uses and respects the wider setting of the Grade II* listed buildings nearby. The development will have an impact on the strategic highway network, however the proposed mitigation measures should ensure that there is unlikely to be any adverse effects on highway safety as a consequence of traffic generated by the development. The development is not considered to raise any issues in relation to car parking provision, or highway safety in respect of the local road network. The development raises no issues in respect of crime prevention. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

Development Plan

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

Policy 2 - Sustainable Development
 Policy 7 - Connectivity and Accessibility
 Policy 8 – Protecting and Enhancing the Development
 Policy 10 – Tees Valley City-Region
 Policy 18 – Employment Land Portfolio
 Policy 24 – Delivering Sustainable Communities
 Policy 25 – Urban and Rural Centres
 Policy 35- Flood Risk
 Policy 38- Sustainable Construction
 Policy 39- Renewable Energy Regeneration
 Policy 54- Parking and Travel Plans

Darlington Core Strategy Development Plan Document

CS1 - Darlington's Sub- Regional Role and Locational Strategy
 CS2 - Achieving High Quality, Sustainable Design
 CS5 – Provision of Land for Employment Purposes
 CS16 – Protecting Environmental Resources, Human Health and Safety
 CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

Saved Policies of the Borough of Darlington Local Plan:

E12 – Trees and Development
 EP2 – Employment Areas
 EP6 – Prestige Employment

National Planning Policy

Parts of the following *Planning Policy Statements* are material considerations:

PPS1 – Creating Sustainable Communities (2005)
 PPS5 – Planning for the Historic Environment
 PPS6 – Planning for Town Centres (2005)
 PPS9 – Biodiversity and Geodiversity
 PPS13- Transport (2001)
 PPS25- Development and Flood Risk

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- *The applicant is advised that highway works at the access will be the subject of a 278 Agreement (Highways Act 1980) and an agreement under Sec.38 of the Highways Act 1980 is likely to be progressed for internal access roads. Contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr.S.Brannan 01325 388755) to discuss this matter.*
- *The applicant is advised that contact must be made with the Assistant Director : Highways, Design and Projects (contact Ms.P.Goodwill 01325 388760) to discuss naming and numbering of the development.*