

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 22 September 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00487/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>7 October 2010</b>
<b>WARD/PARISH:</b>	<b>FAVERDALE</b>
<b>LOCATION:</b>	<b>Land adjoining Faverdale West</b>
<b>DESCRIPTION:</b>	<b>Extension of time limit for implementation of planning permission 06/00812/FUL dated 12.9.08 for erection of 15 no. Industrial units for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses with associated service yard, access and car parking.</b>
<b>APPLICANT:</b>	<b>ARGON FAVERDALE LTD</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission was granted, subject to a Section 106 Agreement, for the erection of 15 no. Industrial units for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses with associated service yard, access and car parking on a 1.58 hectare parcel of vacant land off Faverdale West on Faverdale Industrial Estate in September 2008. This is an application for the extension of the time limit for the implementation of the planning permission for a further three years.

There is no change proposed to the approved development, which comprises the following:

- 5 two-storey office units, located in three blocks at the eastern end of the site, providing between 279 square metres (3,000 sq ft), 372 sq m (4,000 sq ft) and 557 sq m (6,000 sq ft) of accommodation.
- A terrace of 4 single storey industrial units along the west boundary facing into the site providing between 418 sq m (4,500 sq ft) and 743 sq m (8,000 sq ft) of floorspace per unit.
- A pair of single storey industrial units adjacent to the northern boundary providing 465 sq m (5,000 sq ft) and 557 sq m (6,000 sq ft) of floorspace respectively.
- A short terrace of four single storey industrial units on the southern boundary facing into the site providing between 279 sq m (3,000 sq ft) and 418 sq m (4,500 sq ft) of floorspace.
- A total of 137 parking spaces are to be provided, 70 for the industrial units (including 9 disabled bays) and 55 for the office units (including 5 disabled bays). An overspill car park for the site as a whole providing 12 spaces is to be provided to the west of the site entrance.
- 8 cycle spaces are to be provided to serve the office accommodation and cycle brackets are also to be fitted to the western gable wall of industrial units B7.

- A three-metre wide strip of land along the northern boundary of the site is to be dedicated to the Council as a public right of way linking Faverdale Road with Faverdale West.

The Section 106 Agreement that accompanied the permission required the applicant to make financial contributions totalling £82,500 towards off-site highway improvements and habitat creation.

The application site is roughly rectangular in shape and is presently covered in grass. There are a number of mature trees and bushes on the site, some of which would be removed to accommodate the proposed development; however four oak trees adjacent to the northern boundary are to be retained as part of the development. The application site is surrounded by other industrial buildings on its north, east and south sides, including the former Savers storage and distribution depot and service yard, now operated by Clipper Logistics, to the north, and by a 25 metre deep wooded area along its western boundary, which runs parallel to Faverdale Road. To the west side of Faverdale Road are semi-detached dwellings the nearest of which would be 40 metres away from the application site boundary. Faverdale Road marks the western boundary of Faverdale Industrial Estate beyond which is relatively densely developed residential areas, including the fairly recently built properties at Tower Grange to the north of the Savers site.

## **PLANNING HISTORY**

98/00090/OUT – Erection of a Christian meeting hall (in outline). WITHDRAWN 18 April 1998.

06/00812/FUL - Erection of 15 No. Industrial units for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage And Distribution) uses with associated service yard, access and car parking (amended plan and additional noise report received 15 January 2007, amended Green Travel Plan received 18 January 2007 and ecological report received 24 January 2007, amended plans received 08 May 2007). GRANTED SUBJECT TO SECTION 106 AGREEMENT 12 September 2008.

## **PLANNING POLICY BACKGROUND**

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

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- E23 – Nature and Development
- E29 – The Setting of New Development
- E48 – Noise-Generating/Polluting Development
- H15 – The Amenity of Residential Areas
- R13 – Recreation Routes and New Development
- EP2.7 – Employment Areas – Faverdale Industrial Estate
- T12 – New Development – Road Capacity
- T13 – New Development – Standards
- T24 – Parking and Servicing Requirements for New Development
- T37 – Cycle Routes in New Developments

## RESULTS OF CONSULTATION AND PUBLICITY

### Highway Engineer

Given that the Transport Assessment demonstrated that the traffic generated would not have a significant impact it is unlikely that an extension of time would change this even though traffic flows have increased on the surrounding highway network. Raise no highway objection to the proposal provided the original conditions, obligations and informatives still apply.

### Senior Arboricultural Officer

Recommends that the original conditions be reimposed.

### Environmental Health Officer

Assume that the same planning conditions attached to the original permission will be attached to any permission granted.

### Northumbrian Water

No objections to the extension of time application.

Seven letters of objection have also been received which raise the following issues:

- *Wish to maintain our strong objection to the original application based on traffic generation, noise pollution, 24 hour working at the units, disturbance from external lighting, need for additional business units and office space when there are currently many empty units, loss of green space and the flora and fauna it supports, cumulative impact of development of this part of the town on the residents of Faverdale, impact of the development on the residential amenities of nearby properties, disturbance to residents during the construction phase and the potential for flooding;*
- *Strongly reiterate previous concerns that the additional noise the 15 units and their associated traffic movements will make. There is sufficient noise from the existing sites on the industrial estate;*
- *Hope there will be further investigations into the increase of traffic which will be generated. Since 2008/2009 there has been a marked increase in traffic using the industrial site roads, and double parking is normal now which creates a serious hazard to HGV and other users;*
- *At peak travel times, getting out of Faverdale Road, into Faverdale North traffic can be very difficult especially at 'shift' change times. Joining the A68 at peak times is also difficult. Hope that further traffic usage on the A68 and the industrial roads will be looked into before any consideration is given to this application;*
- *Object on the grounds of the disturbance to the residential area surrounding this site. There are existing issues with excessive noise emanating from the industrial estate which has increased of late with the arrival of Clipper Logistics and other businesses. The existing noise both during the day and night is unacceptable, intrusive and uncontrollable by the Council and at times makes life quite unbearable.*
- *Concerned regarding the increase in noise and the height of the proposed buildings in close proximity to residents;*
- *Unless these units are for let they are a temptation for groups of youngsters to meet and drink their alcohol;*
- *The site is too close to residential properties;*
- *Disturbance to flora and fauna.*

## **PLANNING ISSUES**

This application seeks to extend the time limit for the implementation of the original planning permission by a further three years. The principle of this development site has been established by the currently extant permission (06/00812/FUL), which was granted on 12 September 2008. The main issues for consideration in this instance are whether there has been any change in planning policy or other relevant material considerations since the original permission was granted.

There has been no change in planning policy since permission was granted in September 2008. The concerns raised by objectors to this application are noted however these same concerns were also raised in connection with the original application. No new comments have been received in respect of this current application.

The Highway Engineer has advised that as the Transport Assessment submitted with the original application demonstrated that the traffic generated would not have a significant impact; it is unlikely that an extension of time would change this even though traffic flows have increased on the surrounding highway network. Subject to conditions regarding car parking, cycle parking and the compliance with the recommendations of the Travel Plan being re-imposed and the securing of a financial contribution towards off-site highway improvements via a Section 106 Agreement, he raises no highway objection to the extension of time of this permission.

A number of conditions were attached to the original permission to protect the amenities of the surrounding residential properties in terms of noise, construction activities, odour, external lighting etc and will be attached once more to this permission. These conditions are set out in full at the end of the report.

The Section 106 Agreement will also be reassigned to this new permission; to secure the financial contributions towards the off-site highway works referred to above and for the off-site habitat improvements to mitigate against the loss of the application site as before.

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

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

## **CONCLUSION**

There has been no change in planning policy or other relevant material considerations since the original permission was granted in September 2008. The same conditions will be attached to the new permission and the Section 106 Agreement to secure financial contributions towards off-site highway and habitat improvements will also be reassigned to the new permission.

## **RECOMMENDATION**

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

(A) A FINANCIAL CONTRIBUTION OF £1500 TO MEET THE COUNCIL'S REASONABLE COSTS IN THE MAKING OF A TRAFFIC REGULATION ORDER AT THE JUNCTION OF FAVERDALE WEST AND FAVERDALE NORTH TO REMOVE UNCONTROLLED PARKING ON THE APPROACH TO THE ACCESS TO THE SITE;

(B) A FINANCIAL CONTRIBUTION OF £1000 TOWARDS THE PROVISION OF OFF-SITE HIGHWAY IMPROVEMENTS IN THE FORM OF DROPPED KERBS AND TACTILE PAVING TO FORM A CROSSING POINT FOR WHEELCHAIR USERS AT THE ENTRANCE TO THE SITE AS SHOWN ON DRAWING NUMBER A5073/AD (00) 02 REV. E RECEIVED 8 MAY 2007.

(C) A FINANCIAL CONTRIBUTION OF £80,000 TOWARDS OFF-SITE HABITAT CREATION TO MITIGATE FOR THE LOSS OF HABITAT AT THE APPLICATION SITE.

AND THAT ON THE COMPLETION OF THE AGREEMENT THE DIRECTOR IS GRANTED DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION FOR THE DEVELOPMENT APPLIED FOR SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) B9 Fencing, Walls, Enclosure
- 5) E2 Landscaping (Submission)
- 6) G2 Parking (Provision)
- 7) J5 Wheel Washing Facility (Details)
- 8) Prior to the commencement of the development, details of protective barriers around all existing trees to be retained on the site, including the four mature oaks to the north of the site, and existing trees adjacent to the western boundary of the site, in order to protect the trees and their root areas from damage by compaction, severance and material spillage, in accordance with BS5837: 2005, shall be submitted to, and approved in writing by the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place throughout the carrying out of development.

REASON – In the interests of the visual amenities of the area and to safeguard the well being of the trees.

- 9) Prior to the commencement of the development, or other such timescale as may be agreed with the Local Planning Authority details of a scheme to show how the car parking and other hardstanding areas are to be constructed so as to avoid damage to the root areas of trees to be retained on the site shall be submitted to and approved in writing

by the Local Planning Authority. Thereafter the car parking and hardstanding areas shall be constructed in accordance with the approved details.

REASON - In the interests of the visual amenities of the area and to safeguard the well being of the trees.

- 10) Construction activities shall be restricted to between the hours of 7.30am to 6.30pm Monday to Friday, 8am and 2pm on a Saturday and not at all on a Sunday or Bank Holiday unless otherwise agreed in writing with the Local Planning Authority.

REASON – To protect the amenities of nearby residential properties.

- 11) Prior to the commencement of the development hereby approved, or other such timescale as may be agreed by the Local Planning Authority, details of all external lighting to be provided within the development, including during the construction period and once operational, shall be submitted to an approved in writing by the Local Planning Authority. Such details shall include the location; specification and a Lux contour plan to show the impact of the lighting on any surrounding residential properties. Thereafter the lighting shall be provided in accordance with the approved details and thereafter so maintained.

REASON – To minimise any adverse impact upon the amenities of adjacent residential properties.

- 12) Prior to the commencement of development hereby approved, or other such timescale as may be agreed by the Local Planning Authority, a scheme for the piling of foundations (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, such a scheme shall include the following:
- An assessment of the likely vibration levels and details of any necessary mitigation measures;
  - Details for the monitoring of vibration levels and details of any necessary mitigation measures;
  - If necessary, a risk assessment for the protection of groundwater from any contamination which may be present on site.

REASON - To minimise any adverse impact on surrounding properties due to vibration and to protect groundwater resources.

- 13) Prior to the commencement of the development, or other such timescale as may be agreed by the Local Planning Authority, a Dust Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The Action Plan should set out dust control measures to be implemented, any necessary dust monitoring procedures and detail who is responsible for implementation of the plan. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To protect the amenities of the nearby dwellings.

- 14) Prior to each unit first being occupied, each individual occupier shall provide an odour impact assessment, including a full description of their intended activities and any

necessary odour mitigation measures. Details of any extract ventilation or 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 shall be submitted to the Local Planning Authority for approval. Such equipment should thereafter be maintained in accordance with the approved details.

REASON - To protect the amenities of the nearby dwellings.

- 15) No external plant or machinery shall be installed at the development without the prior approval of the Local Planning Authority. Full details of any proposed plant or machinery shall be submitted prior to installation and such details shall provide full details of noise emissions and any necessary noise attenuation measures.

REASON – To protect the amenities of nearby dwellings.

- 16) All external doors, including roller shutter doors shall be kept closed between the hours of 10pm and 7am, Monday to Friday and 6pm to 7am Saturday and Sunday. (The doors may be opened temporarily for operational reasons, for health and safety reasons or in an emergency).

REASON – To protect the amenities of nearby dwellings.

- 17) No occupation of the development hereby approved shall take place until the Travel Plan prepared by Sanderson Associates, dated November 2006 and amendment dated January 2007, submitted as part of this planning application has been implemented in full.

REASON – To encourage the use of more sustainable and integrated modes of transport in accordance with adopted planning policy.

- 18) No occupation of the development hereby approved shall take place until the cycle parking as shown on drawing number A5073/AD (00) 02 Rev. E received 8 May 2007 and shower and changing facilities within units A1 – A5 have been provided to the satisfaction of the Local Planning Authority.

REASON – To encourage the use of more sustainable and integrated modes of transport in accordance with adopted planning policy.

- 19) The service yard and car parks forming part of the development hereby approved shall not be used by any motor vehicle, other than motorcars, between the hours of 10pm and 7am. The specified areas shall not be used for any purposes other than the parking of motorcars between these hours.

REASON – In the interest of safeguarding the amenities of nearby residential properties.

- 20) Noise emissions from the development shall not exceed the following limits, when measured on the footpath adjacent to 43 – 49 Faverdale Road, Darlington (in accordance with measurement practices specified in BS 4142:1997)

(a) Day time (7.00am to 10.00pm Monday to Friday, 7.00am to 6pm Saturday and Sunday)  
Laeq (1 hour) = 42 dB (A)

(b) Night time (10.00pm to 7.00am Monday to Friday, 6.00pm to 7.00am Saturday and Sunday)  
Laeq (5 minute) = 38 dB (A)  
LAMax (Fast) = 55 dB (A)

Compliance with the specified noise limits shall be demonstrated within 10 working days of the operator being notified of a complaint.

REASON – In the interest of safeguarding the amenities of nearby residential properties

- 21) Prior to the commencement of the development, or other such timescale as may be agreed by the Local Planning Authority, details of the proposed acoustic fencing to be erected on the north and south boundaries of the site, as shown on drawing number A5073/AD (00) 02 Rev. E received 8 May 2007 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the acoustic fencing shall be provided in accordance with the approved details prior to any of the units first being occupied and thereafter be so maintained.

REASON – In the interest of safeguarding the amenities of nearby residential properties.

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

There has been no change in planning policy or other relevant material considerations since the original permission was granted in September 2008. The same conditions will be attached to the new permission and the Section 106 Agreement to secure financial contributions towards off-site highway and habitat improvements will also be reassigned to the new permission. The development is therefore considered to comply, once more, with the following policies of the Borough of Darlington Local Plan 1997:

E2 – Development Limits  
E12 – Trees and Development  
E14 – Landscaping of Development  
E23 – Nature and Development  
E29 – The Setting of New Development  
E48 – Noise-Generating/Polluting Development  
H15 – The Amenity of Residential Areas  
R13 – Recreation Routes and New Development  
EP2.7 – Employment Areas – Faverdale Industrial Estate  
T12 – New Development – Road Capacity  
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T37 – Cycle Routes in New Developments

### **INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

The applicant is advised that works are required within the public highway, these works will need to be the subject of a highway agreement and contact must be made with the Assistant Director: Highways and Engineering (contact Mr S Brennan 01325 3887545) to discuss the matter.



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

The applicant should discuss with the Building Control Section how it is proposed to protect the Development from landfill gas which may arise from the former pond at the northern part of the site. Contact Building Control Manager 01325 370820.

## **Northumbrian Water**

### **Water Supply**

The developer should make early contact with G Telford Tel 0191 419 6509 for details regarding water supply and the cost involved.

### **Production**

New discharges of foul and surface water must be on separate systems.

Surface water discharges must be prevented from entering public surface water or combined sewers. Surface water must be discharged to soakaways, suitable infiltration systems, streams, watercourses, and the sea and at a last resort the public sewer. If the surface water or combined sewer is the only possible means of discharge, Northumbrian Water must be consulted. Contact Mr L Hope Tel 0191 419 6533.

All connections to public sewers must be carried out by Northumbrian Water. The developer must contact Mr D Greenwood at out Pity Me Office Tel 0191 301 6696 to discuss details of any new connections to the sewerage system.

### **Trade Effluent**

Large car parks (i.e. over 60 spaces) and areas subject to oil or petrol spillages must be drained through an oil interceptor of suitable capacity to treat wet weather run-off from the drainage area, before discharging to the public sewer, river or watercourse. Such discharges may also require the approval of local Fire Authority's Petroleum Regulations Officer.

In accordance with the Water Industry Act 1991 the applicant must obtain the prior consent of Northumbrian Water for the discharge into the public foul sewer of any trade effluent that may arise from this development. Such consent would be subject to appropriate conditions, which may necessitate the provision of plant to treat the trade effluent. The applicant must contact Mr D W Allan Tel 0191 419 6547 for full details of N W requirements.