

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 October 2014

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APPLICATION REF. NO:	14/00503/FUL
STATUTORY DECISION DATE:	29 October 2014
WARD/PARISH:	NORTH ROAD
LOCATION:	Land At OSGR E429114-N515709 Albert Road DARLINGTON
DESCRIPTION:	Erection of retail units (Use Class A1) and drive-thru restaurant (Use Class A3/A5) with associated access, car parking and landscaping
APPLICANT:	C/o Signet Planning

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for erection of retail units (Use Class A1) and a drive-thru restaurant (Use Class A3/A5) with associated access, car parking and landscaping.

The site is adjacent to North Road District Centre and the development is intended to operate as an extension to the existing district centre.

The proposed buildings would be located around a central surface car park (with 158 parking spaces) accessed from Albert Road. A plaza is proposed in the north west corner which is intended to form the primary pedestrian entrance into the site. The proposal would provide the following:

- Unit 1 retail unit (111m²)
- Unit 2 retail unit (111m²)
- Unit 3 retail unit and substation (464m²)
- Unit 4 retail unit (537m²)
- Unit 5 retail unit (264m²)
- Unit 6 food store unit (624m²) – proposed to be occupied by Iceland
- Unit 7 food Store (1,553m²) – proposed to be occupied by Aldi
- Unit 8 drive through restaurant (250m²) – proposed to be occupied by Kentucky Fried Chicken

The proposal includes the erection of two ‘totem’ sign panels.

The site is located to the south of Albert Road and to the east of North Road. To the east is the River Skerne and the Bishop Auckland to Darlington railway line is to the south. Much of the site is grassed over with some tree planting close to the northern perimeter and more substantial tree planting to the southern perimeter and the eastern part of the site. The site accommodates some existing businesses including a haulage firm and a scrapyards.

The proposal is expected to provide approximately 100 full time jobs and 50 part time jobs.

A request was made on 7 March 2014 pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(SI 2011/1824) for the local planning authority's screening opinion on the matter of whether or not the development proposed is "EIA" development within the meaning of the 2011 Regulations. This process has been undertaken and having taken into account the relevant criteria, the Local Planning Authority has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E3 – Protection of Open Land
- E12 – Trees and Development
- E14 – Landscaping of Development
- E21 – Wildlife Corridors
- S11 – New development in the District and Local Centres

Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS9 – District and Local Centres and Local Shops and Services
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS14 – Promoting Local Character and Distinctiveness
- CS15 - Protecting and Enhancing Biodiversity and Geodiversity
- CS17 – Delivering a Multifunctional Green Infrastructure
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The National Planning Policy Framework 2012 is relevant and the above policies are considered to be compliant with the framework.

The Council's Design of New Development Supplementary Planning Decampment 2011 and Planning Obligations Supplementary Planning Decampment 2010 are also relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted by way of letter and both a press notice and site notice have been displayed.

The occupiers of **20** and **27 George Short Close** commented in favour of the proposal.

An objection has been received from the manager of the **Cornmill Centre** on the grounds that the development will undermine efforts to develop the town centre.

A detailed objection has been received from **Moorfield Group** who own the Cornmill Centre. The main points raised are summarised as follows:

- *The size of the development is such that it cannot be considered to be consistent with the district centre's scale, function and physical capacity to integrate extensions. The scale of development is in excess of that envisaged in Policy CS9.*
- *The proposal would compete directly with Darlington Town Centre and would divert trade away. Existing and planned investment in the town centre would be undermined*
- *The proposal would undermine the North Road District Centre. In this location it should not be viewed as within or on the edge of the existing centre being on the opposite side of the road and largely greenfield in character.*
- *Some of the proposed retailers may close town centre stores.*
- *The applicants have not assessed the potential for the proposed tenants (apart from Aldi) to be located in the Town Centre.*

The **Arboriculture Officer** commented that tree protection measures will be required during construction regarding trees adjacent to the site as the root areas will extend into the site.

The **Highways Engineer** has raised no objection subject to conditions.

The **Environmental Health Officer** advised that conditions are required for contamination, construction management plan, demolition management plan, lighting and piled foundations.

The **Environmental Health Officer (Commercial)** raised no objections but asked for conditions covering delivery hours, refuse storage, ventilation equipment, restriction of permitted development rights, the operation of machinery and regarding the use of amplified music / public address system.

The **County Archaeologist** raised no objections subject to conditions for a programme of archaeological work.

English Heritage raised no objections.

The **Conservation Officer** raised no objections.

The **Ecology Officer** raised no objections and advised on requirements for developer contributions for off-site mitigation works.

The **Environment Agency** raised no objections subject to conditions regarding surface water run-off and contamination.

Planning Policy raised no objections.

Northumbrian Water advised that the Flood Risk Assessment submitted with the application reflects NWL's requirements for discharge from the site and that this document should form part of the approved documents as part of any planning approval. Northumbrian Water also advised that they will contact the developer directly regarding the location of their assets and any necessary diversion or relocation works.

Northern Gas Network raised no objections.

Northern Power Grid raised no objections.

PLANNING ISSUES

Most of the site is allocated under Policy T6 (Safeguarding Major Road Schemes) of the Darlington Local Plan and part of the site is identified for a new car park. The road improvement scheme is now completed however the car park has not been developed. The application site is located within the identified development limits set out in the Policy E2 (Development Limits) of the Local Plan. Development of the site is acceptable in principle subject to other considerations.

The main issues to be taken into consideration are:

- Retail Policy
- Visual Amenity
- Historic Environment
- Residential Amenity
- Ecology
- Sustainability
- Highways Matters
- Flood Risk

Retail Policy

The key retail policy considerations are whether the proposed development would be acceptable in terms of its location and its impact on existing centres.

With regard to comparison (or non-food) retail floorspace, Policy CS8 (Additional Retail Provision) of the Core Strategy states that the need for additional provision by 2016 should be mainly met by the Commercial Street site. This Policy also identifies that future needs for comparison shopping should be met in the town centre.

With regard to convenience (or food) shopping, Policy CS8 states that there is no quantitative need for additional convenience retail floor space before 2021 and that any such provision in the future should be located within existing centres and where it will remedy qualitative local deficiencies in the geographical distribution of food shopping. The recently published Darlington

Retail and Town Centre Study (2014) demonstrates that the Aldi store on Yarm Road is currently 'overtrading' which suggests that there is an underprovision in the discount food sector in the town. The report indicates that this would be evidence in favour of a further discount store which would provide additional customer choice and help meet a qualitative deficiency in this part of Darlington.

The application site is not within North Road District Centre although it is intended to form an extension to it. Policy CS9 (District and Local Centres and Local Shops and Services) of the Core Strategy states that the hierarchy of centres in the Borough will be taken into account in considering the appropriateness of proposals for development. On face value the proposal does not accord with the Core Strategy as the site is not identified as being within a district or local centre and also some of the proposed units would exceed the maximum 400 square metre floorspace area envisaged for retail development outside such areas. However the Retail Impact Assessment and supporting information submitted with the application has regard to customer catchment areas, projected expenditure growth and the potential for trade diversions and taking account of these factors concludes that the proposal would be unlikely to have a significant impact on the main town centre and North Road District centre including existing, planned and committed investment.

There are well developed pedestrian links between the site and the adjacent existing centre which would help to ensure the proposal is well integrated in terms of accessibility between the two areas. The development would expand the range of retail facilities in the North Road area and would improve access to discount shopping.

Consideration has been given to potential alternative vacant sites and buildings within the town centre and the North Road District Centre, however due to factors such as size, configuration and lack of available parking close by were discounted as unsuitable for the needs of the operators the site is being marketed to. In terms of the vacant site at Commercial Street, it is envisaged that a different type of retail and mixed use development will be provided there.

The proposal is therefore considered acceptable in relation to retail policy.

Visual Amenity

Part of the site is identified as open land in the Local Plan and Policy E3 (Protection of Open Land) of the Local Plan states that in considering proposals to develop any area of open land within the development limit, the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interests of the open land system as a whole. Part of the site provides attractive open land that connects to the banks of the River Skerne to the east. However the existing uses on the site (located towards the western part of the site) do not enhance the visual amenity of the area. Hard and soft landscaping is proposed to the development including tree planting, retaining a tree line along Albert Road and the provision of a Plaza next to North Road. The Plaza is intended to help link the development visually with the existing North Road District Centre and to allow views into the site. Two of the units (units 3 and 4) would feature facing brickwork and pitched roofs with parapet gable walls. These buildings are intended to be more traditional in appearance and to reflect the railway heritage of the area. The remainder of the units would be of a more contemporary design with some facing brickwork but mainly comprising composite metal cladding. The centrally located car park would help to reduce the prominence of this part of the proposal. There would be active frontages to the north elevation of unit 1 which would be located next to the proposed plaza and would be relatively visible from North Road. Unit 4 also includes some active frontage facing Albert Road next to the entrance to

the application site. Due to the significant change in levels between the west boundary of the site and the main road as it approaches the railway bridge there are limited opportunities for active frontage on the units adjacent to North Road. Overall the proposal takes account of its setting and is not considered to be harmful to the visual amenity of the area.

Historic Environment

The application site is immediately to the north of Northgate Conservation Area. The listed Railway Bridge over North Road is located to the south west of the site and to the south east is Skerne Bridge which is a Scheduled Ancient Monument. A Heritage Assessment has been submitted with the application and English Heritage has raised no objections to the proposal. The Heritage Assessment identifies that the archaeological potential of the site is most strongly related to remains associated with the Stockton and Darlington Railway. In particular this relates to the former railway building in the south west corner of the site adjacent to the railway and North Road and the former Albert Hill signal box. The County Archaeologist has raised no objections subject to conditions for a programme of archaeological works.

Residential Amenity

The nearest residential properties are at George Short Close to the north of Albert Road. These properties have rear elevations facing the application site. The closest residential property is some 17m from the application site. However the houses face the site at an oblique angle and none of the proposed buildings would be sited directly in front of existing residential properties. Overall given the size and siting of the proposal and its relationship to existing properties, no significant detrimental impacts would be raised in terms of light and outlook. No significant issues regarding noise and disturbance would be raised, however, conditions regarding delivery hours, external lighting and plant are required to protect residential amenity.

Trees and Ecology

There are areas of tree planting on the site most notably to the perimeter and towards the western part of the site. The site is not located within Northgate Conservation Area (although it is adjacent to it) and none of the trees on the site are subject to tree preservation orders. Nevertheless the trees form part of the character of the areas and improve its visual appearance. The proposal would result in the loss of trees on the site but a landscaping scheme is proposed which includes tree planting and this would improve the visual appearance of the proposal.

The site is bounded to the south and east by wildlife corridors which follow the railway lines and the River Skerne. Part of the site also consists of open land with areas of trees and shrubs. An Ecological Appraisal was submitted with the application. This advised that the site is of low ecological value and its development need not impact on protected or otherwise important species, habitats or designated sites. Precautions and recommendations are made in the Ecological Appraisal in relation to avoiding potential impacts on reptiles, riparian mammals and nesting birds. This would include that vegetation clearance works should take place working towards the eastern site boundary, that the Construction Design Management Plan should outline measures put in place to prevent surface water run-off and that vegetation clearance work should not take place outside of the bird breeding season unless a survey is carried out first. Recommendations have also been made for enhancements to the site for wildlife as part of the new development. This would include the provision of artificial habitat along the sites eastern and western boundaries and the incorporation of artificial bird and bat boxes in eaves of newly created buildings.

Furthermore in mitigation of the loss of habitat on the site a contribution of approximately £20,000 would be secured through a planning agreement towards off site bio-diversity measures.

Sustainability

Policy CS3 (Promoting Renewable Energy) of the Core Strategy states that all major developments of more than 1,000m² of non-residential floorspace should secure at least 10% of their energy supply from renewable and decentralised or low carbon sources. Full details of renewable / low carbon energy have not been provided with the application and therefore a condition in this regard would be necessary. Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy states that from 2013 to 2016 non residential development should meet BREEAM 2011 'very good' or 'outstanding' ratings. Again, a condition in this regard would be necessary.

Highways Matters

A transport assessment has been prepared which demonstrates that with minor alterations to the timing of traffic signals on North Road, there is sufficient capacity on the highway network to accommodate the expected traffic levels. The levels of car and cycle parking provision are considered to be sufficient. The proposal would incorporate 6 metre junction radii on the main access junction; two pedestrian / cyclist refuge islands on Albert Road and the relocation of a westbound bus stop to a suitable location adjacent to the site. The details of various highway works including carriageway widening, parking restrictions on Albert Road and the details of cycle access provision into the site would be the subject of planning conditions. The development would incorporate convenient access for pedestrians from the junction crossing directly into the proposed new plaza area in the north west of the site and via the main access from Albert Road. A ramp is incorporated to allow for disabled access to the plaza area where there is marked change in ground levels. The Highway engineer raises no objection to the development.

Flood Risk

A Flood Risk Assessment has been submitted with the application. This concluded that the site is at very little risk of flooding with the only possible source of flooding coming from surface water drainage from the site itself. To prevent impacting on neighbouring land, surface water attenuation is to be provided by below ground storage tanks with restricted discharge into the River Skerne. The Environment Agency raised no objections to the application subject to a condition that the development be carried out in accordance with the Flood Risk Assessment submitted with the application.

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 is located within the identified development limits set out in the Local Plan. The Core Strategy Development Plan Document sets out that retail development should be focused in the potential Commercial Street Development, the Town Centre and existing district centres. The proposal departs from the Core Strategy as it is not located within one of these areas and is of a scale beyond that envisaged for development outside such centres. However, from the information submitted and considered, officers have drawn the following conclusions about the development:-

1. It will address an acknowledged deficiency in discount retail provision within this part of the town.
2. It will act as an extension to the North Road District Centre increasing the choice of shopping on offer there.
3. It would be unlikely to have a significant impact on existing centres or on planned and committed investment.
4. There are considered to be a lack of alternative suitable sites for this development within the town centre or district centre areas.

Taking these material considerations into account the proposal is therefore considered to justify a departure from the Core Strategy retail policy in this case.

The design of the proposal has taken into account its surroundings (including the listed Railway Bridge and Skerne Bridge which is a Scheduled Monument). The proposal would not be harmful to heritage assets. A condition would be sufficient to address archaeology issues. The design of the proposed units is intended to reference the railway heritage of the area and a new public plaza would be provided to help integrate the development with its surroundings. The proposal would result in the loss of existing trees on the site but a landscaping scheme with replacement tree planting is proposed. The proposal is not considered to be harmful to the visual amenity of the area.

The impact of the proposal on the nearest residential properties has been taken into account and would not be significant given the separation distances involved. No significant issues regarding noise and disturbance would be raised, however, conditions regarding delivery hours, external lighting and plant are required to protect residential amenity.

The proposal would result in the loss of an area of open space as well as tree and shrub planting. A landscaping and on site habitat scheme is proposed which would address some of the impacts of the development. A developer contribution regarding off-site ecology mitigation is, however, required to make the proposal acceptable in this regard.

The development is considered to be acceptable in highway terms subject to suitable conditions

RECOMMENDATION

THE DIRECTOR BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE PROVISION OF OFF SITE ECOLOGICAL MITIGATION WORKS.

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

CONDITIONS

1. A3 Implementation Limit (3 years)
2. Details of Materials (Samples)
3. B5 Detailed Application (Accordance with Plans)
4. J2 (Contamination)
5. The use of the premises hereby permitted shall not be commenced until a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor has been submitted to and agreed in writing with the Local Planning Authority. Thereafter the operation of the site shall only be carried out in accordance with the approved details. The lighting impact assessment should include:
 - a) A description of the proposed lighting units including height, type, angling and power output for all lighting
 - b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
 - c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
 - d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
 - e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Reason – In the interests of amenity.

6. If piled foundations are proposed, details of the 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. The development shall not be carried out otherwise than in accordance with the approved details.

Reason - To safeguard the amenities of the area and to prevent possible pollution of controlled waters.

7. Prior to the commencement of the development a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include details of how construction noise will be minimised with

reference to recognised best practice guidance. The proposed hours of operation should also be included. The development shall be carried out in accordance with the approved plan.

Reason – In the interests of amenity

8. Prior to the commencement of the development a Demolition Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Demolition Management Plan shall include details of dust control measures such as those specified in relevant guidance such as that referred to above and BS 6187: Code of Practice for Demolition. The development shall be carried out in accordance with the approved plan.

Reason – In the interests of amenity

9. The details of landscaping submitted with the application including wildlife friendly habitat areas, shall be provided either within the first planting season after the completion of the development or prior to the use of the premises hereby permitted being commenced 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.

10. The use of the premises hereby permitted shall not be commenced until details of means to ensure that no excessive illumination shines over the landscape planting or vegetation areas to the south and east perimeters of the site have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

Reason – In the interests of ecology.

11. The proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Ecological Appraisal (Brooks Ecological December 2013).

Reason – in the interests of ecology.

12. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall achieve a minimum of 10% of its energy needs from decentralised and renewable or low carbon sources.

Reason – In order that the development meets the requirements for decentralised and renewable or low carbon sources of energy.

13. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall meet as a minimum BREEAM 2011 'very good' rating.

Reason – In order that the development meets the requirements for BREEAM 2011 standards.

14. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect existing trees adjacent to the site. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include, where appropriate, fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work. Notwithstanding the above specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erecting of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

Reason – To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by A Wood & Partners ref 34480 of January 2014 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the site to a maximum of 3 l/s as indicated within the FRA, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be agreed, in writing, by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site.

16. No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason – The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses (i.e. a haulage yard, garage & scrap yard). The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

17. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason – The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses (i.e. a haulage yard, garage & scrap yard). The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason – Contamination may be discovered during development that will require further assessment as to the risks it may pose to controlled waters.

19. Deliveries to the commercial premises hereby approved and the collection of waste shall only take place between 7.00 am and 11.00 pm Mondays to Saturdays and between 8.00 am and 6.00 pm on Sundays and Bank Holidays.

Reason – in the interests of the amenities of neighbouring residential properties.

20. Prior to any part of the development being first used or occupied, details of the arrangements for storing of refuse or waste shall be submitted to, and approved by, the Local Planning Authority and the use shall not take place other than in accordance with the approved details.

Reason – In the interests of amenity.

21. D19 Ventilation Equipment (Details Required) (modified to include reference to any heating / cooling units)

22. D24 Restriction of PD Rights (Commercial)

23. Unless otherwise agreed in writing by the Local Planning Authority, no machinery shall be operated on the site or any maintenance or repair work carried out which is external to any building before 7.00 am on weekdays and 8.00 am on Saturdays nor after 7.00 pm on weekdays and 1.00 pm on Saturdays and not at any time on Sundays or Bank Holidays.

Reason – In the interests of amenity.

24. Unless otherwise agreed in writing by the Local Planning Authority, no system shall be installed or used for the amplification of music or speech which is external to any building hereby approved.

Reason – In the interests of amenity.

25. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the SW and SE parts of the application area;
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed

- in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason - To comply with Policy CS14 of the Darlington Core Strategy Document Plan Document 2011 as the site may potentially contain features of local archaeological importance and para. 135 and 141 of the National Planning Policy Framework 2012.

26. Prior to the development being beneficially occupied, 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 Record. This may include full analysis and final publication.

Reason - To comply with para. 141 of National Planning Policy Framework 2012 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

27. Prior to the commencement of the development, precise details showing the offsite highway works including widening of Albert Road carriageway and footways/cycle ways, creation of the site access junctions, relocated bus lay-by, provision of refuge islands and revised signing and lining shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details. Reason: In the interests of highway safety.
28. Prior to the commencement of the development, precise details of secure cycle parking and storage details and cycle access provision shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and suitable access links to Albert Road including signage, and a channel adjacent to one edge of the plaza steps to enable cyclists to wheel their bikes up/down. The development shall not be carried out otherwise than in complete accordance with the approved details. Reason: In order to make satisfactory provision for cyclists..
29. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, signage and phasing. The development shall not be carried out otherwise than in complete accordance with the approved details. Reason: In the interests of highway safety.
30. A Road Safety Audit Stage 3 and 4 shall be carried out for all of the highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit. Reason: In the interests of highway safety.

31. Prior to the commencement of the development the finished floor levels for each of the proposed buildings shall be submitted to agreed with the Local Planning Authority. The development shall be in accordance with the agreed levels. Reason: In order to ensure a satisfactory form of development in relation to its surroundings.

The following polices have been taken into consideration in arriving at this decision.

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E3 – Protection of Open Land
- E12 – Trees and Development
- E14 – Landscaping of Development
- E21 – Wildlife Corridors
- S11 – New development in the District and Local Centres

Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
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- CS16 – Protecting Environmental Resources, Human Health and Safety
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