

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 29 July 2009**

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| <b>APPLICATION REF. NO:</b>     | <b>08/00638/OUT</b>   |
| <b>STATUTORY DECISION DATE:</b> | <b>29 October 2009</b>  |
| <b>WARD/PARISH:</b>             | <b>LINGFIELD</b>  |
| <b>LOCATION:</b>                | <b>Lingfield Point</b>  |
| <b>DESCRIPTION:</b>             | <b>Mixed use regeneration scheme comprising residential development, school, care home, B1 commercial/office space, energy centre, wind turbine, community and arts facilities, local retail facilities, parking, landscaping, sports facilities, allotments and public open space (Outline).</b> |

**APPLICANT: Marchday Group Plc**

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**APPLICATION AND SITE DESCRIPTION**

The application site lies on the eastern edge of the town approximately 2.4 Kilometres (1.5 miles) from the town centre. The site forms part of Lingfield Point originally constructed by Patons and Baldwins and comprises some 50 hectares of previously developed industrial land including 2,000,000 square metres of largely single storey industrial space. It is bounded to the north by the recently constructed Darlington Eastern Transport Corridor (DETC) beyond which is the Red Hall housing estate. To the east is a greenfield site identified in the Borough of Darlington Local Plan for employment related development and another site which is subject of a current planning application for commercial and hotel development which is also on this agenda under reference 07/00041/OUTE. To the south of Lingfield Point is the Magnet factory and other business uses within the Yarm Road employment area. To the West lies McMullen Road and commercial premises which extend along it.

The application site itself is approximately 32 hectares in area. The western part of the site is occupied by former Sports pitches and landscaped areas. The central part by old factory buildings, car parking and servicing areas, and the eastern part by an area mainly undeveloped with the exception of a reservoir.

This is an outline planning application for a comprehensive mixed use redevelopment of Lingfield Point. A number of landmark buildings at Lingfield point have recently been regenerated ( including Lingfield House, The Beehive, Memphis and The Studios) which are not

included within the application site boundary but form part of the proposed overall redevelopment of Lingfield Point.

Other than means of access all other details: - layout, appearance, scale and landscaping, will be the subject of subsequent Reserved Matters applications, although an indicative layout plan is submitted with the application.

The proposed scheme comprises of the following elements:-

- 1,220 dwellings, which includes a range of detached , semi-detached and terraced houses , townhouses and apartments
- A primary school
- A residential care home
- 2,900m<sup>2</sup> of B1 office accommodation
- 2,700m<sup>2</sup> of A1-A5 uses
- An Energy centre
- A wind turbine
- Community and arts facilities
- Sports facilities
- Public open space
- Landscaping
- Allotments
- Car parking

The scheme includes the retention, renovation and re-use of the some of the existing factory buildings whilst the remainder would be demolished.

Vehicular access into the site would be achieved from McMullen Road and from the DETC via a recently constructed link road, at the eastern end of the site.

The supporting documentation with the application states that the aims of the proposed scheme are to regenerate the existing business park into a sustainable mixed use development with the following objectives in mind: -

- An aspiration that new development is carbon and water neutral
- To ensure that environmental responsiveness is embedded throughout the masterplan
- A commitment to excellent design
- A celebration of Lingfield Point's industrial heritage
- To fix a masterplan that respects and enhances the wider setting of Lingfield Point, buildings that have been and will be converted, the landscape within and beyond the site and which creates a unique identity
- To develop a masterplan which emphasises connectivity to the residential areas of Lingfield and Red Hall in particular
- To create highly sustainable new homes to minimum CFSH level 4 and the continued development of viable and innovative additional commercial accommodation to a BREEAM Excellent 2006 rating
- To develop a masterplan which sets leading physical and social sustainability standards for Darlington and the North East
- That regeneration reinforces the overall economic /social renewal of Darlington

- That a complementary and inclusive place for new residents ,commercial occupiers and nearby residents is created
- That the masterplan creates a vibrant new mixed use community, which includes residents taking active ownership and management of community facilities and the public realm.

The following supporting documents are submitted with the application:-

- Design and Access Statement
- Planning, Affordable Housing Statement and Long Term Estate Management
- Transport Assessment
- Sustainable Transport Study
- Flood Risk Assessment and Surface Water Management Report
- Phase 1 Preliminary Assessment and Geoenvironmental Report
- Assessment of Impact of Road Traffic Noise
- Air Quality Report
- Assessment of Noise and Shadow Flicker from the proposed Wind Turbine
- Ecology Report
- Arboricultural Pre-Development Report
- Archaeology Report
- Sustainability Appraisal and Statement
- Art Strategy
- Statement of Community Involvement

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.

In accordance with the guidelines contained in the Council’s Adopted Statement of Community Involvement, the applicants have undertaken an extensive publicity exercise over the last two years regarding the proposals to regenerate the wider Lingfield Point site. Approximately 7,600 residents, 30-40 businesses and other stakeholders were invited to the various consultation events. A number of exhibitions have been held on the site, in addition two newsletters have been issued and a web site created. A total of 850 written responses were received as a result of the public consultation exercise.

The supporting documentation with the application indicates that this engagement with the local communities and business has helped shape the overall master plan through the inclusion of suggestions such as public allotments, public art and outdoor performance space, medical centre and public house.

## **PLANNING HISTORY**

The application site and Lingfield Point in general has a lengthy planning history. The more recent history has seen several approvals for the refurbishment and regeneration of industrial buildings in that part of Lingfield Point adjoining but outside the application site boundary.

## **PLANNING POLICY BACKGROUND**

### **Relevant Planning Policy**

The starting point for considering the proposal is the statutory development plan. The relevant parts in respect of the proposed development are as follows:-

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

Policy 2 - Sustainable Development  
Policy 3 - Climate Change  
Policy 4 - The Sequential Approach to Development  
Policy 6 - Locational Strategy  
Policy 7 - Connectivity and Accessibility  
Policy 8 - Protecting and Enhancing the Environment  
Policy 10- Tees Valley City- Region  
Policy 12 – Sustainable Economic Development  
Policy 13- Brownfield Mixed-Use Locations  
Policy 16 – Culture and Tourism  
Policy 18 – Employment Land Portfolio  
Policy 19 – Office Development Outside of City and Town Centres  
Policy 24 – Delivering Sustainable Communities  
Policy 25- Urban and Rural Centres  
Policy 28- Gross and Net Dwelling Provision  
Policy 29 – Delivering and Managing Housing Supply  
Policy 30 – Improving Inclusivity and Affordability  
Policy 32- Historic Environment  
Policy 33- Biodiversity and Geodiversity  
Policy 35 – Flood Risk  
Policy 38 – Sustainable Construction  
Policy 39 – Renewable Energy Generation  
Policy 54- Parking and Travel Plans

*Saved Policies of the Borough of Darlington Local Plan:*

E1 - Development Limits  
E3 - Protection of Open Land  
E11- Conservation of Trees, Woodlands and Hedgerows  
E12 –Trees and Development  
E14- Landscaping of Development  
E15- Open Land in New Development  
E16- Appearance from Main Travel Routes

E23- Nature and Development  
E24- Conservation of Land and Resources  
E26- Energy from Renewable Sources  
E29 –The Setting of New Development  
E45- Development and Art  
E46- Safety and Security  
E47- Contaminated and Unstable Land and Development  
E48- Noise-Generating / Polluting Development  
E49- Noise Sensitive Development  
H3 – Locations for New Housing Development  
H9 – Meeting Affordable Housing Needs  
H11- Design and Layout of New Housing Development  
H19- Special Care Accommodation  
R1 - Designing for All  
R4 - Open Space Provision  
R8 - Open Space Provision in New Residential Development  
R7 - The Design of Open Space Provision  
R8 - Maintenance of Recreation Facilities  
R9 – Protection of Playing Pitches  
R20- New Sports and Recreation Development  
R24- Leisure Facilities  
R25- Provision of Community Facilities and Services  
EP2- Employment Areas  
EP3 –New Employment Areas  
EP7- Office / Business Park Development  
S2 - Safeguarding the Town Centre  
S16- Small Local Shops  
S18 – Food and Drink Uses outside the Town Centre  
T8 - Access to Main Roads  
T11- Traffic Calming- New Development  
T12- New Development – Road Capacity  
T13- New Development –Standards  
T24- Parking and Servicing Requirements for New Development  
T31- New Development and Public Transport  
T37 –Cycle Routes in New Developments  
T39- Conditions for Pedestrians

### *National Planning Policy*

Parts of the following Planning Policy Statements are material considerations:

PPS1 - Creating Sustainable Communities (2005)  
PPS3 – Housing  
PPS6 - Planning for Town Centres (2005)  
PPS9 – Biodiversity and Geodiversity  
PPS13- Transport (2001)  
PPS23 – Planning and Pollution Control  
PPG24- Planning and Noise  
PPS25- Development and Flood Risk

The following documents are also relevant: -

Darlington Open Space Strategy 2007 -2017

Supplementary Guidance Notes -

- Affordable Housing ;and
- Commuted Sums from New Housing Developments for existing Equipped Play Areas

## RESULTS OF CONSULTATION AND PUBLICITY

One letter of representation has been received from the Campaign to Protect Rural England and the following comments have been made: -

- A mixed use development which includes facilities for residents is refreshing and positive and should make good use of this brownfield site.
- Care will needed to ensure the businesses permitted will be complementary to the residential use and will not cause a nuisance to residents.
- We believe consideration should be given to providing parking for lorries awaiting their “slot” if any of the businesses it is hoped to attract are involved in distribution.
- Satisfactory provision should also be made for the parking of those working within the development to prevent overspill into the residential areas.
- We are not too certain whether the public art is a bit too adventurous
- It is noted that there is a plan for a single wind turbine. Care must be taken to ensure the negative effects will be considered, especially with regards to the residential properties.
- We note this is an outline application so indicative only, but we applaud the holistic consideration shown in the proposals and the imagination to look beyond providing only residential and commercial premises.

**North East Assembly** has provided a detailed response to the proposed development identifying the relevant policies within the Regional Spatial Strategy (RSS) which the development needs to satisfy and conclude that: -

*“The development of this previously developed site will assist in the delivery of a number of the objectives of regional planning policy, and therefore the principle of the development proposal is supported. Development at this location is consistent with the objectives of RSS policies 3, 6, and 10. The site is classified as a ‘suitable previously developed site within an urban area’ and therefore falls into the first category in the sequential approach.*

*The development proposal is deemed to be in general conformity with the RSS, subject to the local authority being satisfied that it will not result in a loss of employment land that is an essential part of Darlington’s employment land portfolio, and that the supporting information and conclusions drawn in the environmental and transport assessments are accurate.”*

**One NorthEast** has commented as follows: -

*“The Planning Affordable Housing and Management Statement submitted to accompanying the application, outlines the Applicant’s aspirations in respect of providing a comprehensive mixed*

*use development for tor Lingfield Point. The Agency is supportive of the proposal which will return dated and ageing industrial facilities to a modern specification.*

*The Agency recognises that Planning Policy Statement 6: Planning for Town Centres, defines B1 office use as town centre use, and states that a sequential approach to site selection should be applied. In assessing the application the Local Planning Authority should be satisfied that there are no sequentially preferable sites located within the town centre.*

*The Sustainability Appraisal and Statement details that the proposals will include a site wide energy centre to generate heat, electricity and cooling, and that the applicant are actively pursuing the implementation of a medium to large diameter wind turbine.*

*Providing a clean, secure and stable energy supply is presently a key challenge and a key opportunity for the region's economy. Efficient use of low carbon energy is the key policy driver that the Agency is promoting through its plans and programmes, such as the Energy Pillar and Connectors, and the Regional Economic Strategy Action Plan, to support businesses and other users to reduce the impacts of a presently volatile energy market and grasp the economic opportunities it presents.*

*Subject to the satisfactory resolution of environmental and visual impact issues, and providing that the installation of the proposed wind turbine has no adverse impacts upon the safe and efficient operation of the region's airports then the Agency welcomes the applicant's sustainability aspirations, and has no objections to the proposed development as a suitable site for wind energy.*

*As you are aware the Regional Economic Strategy promotes the need for quality of place within existing and proposed development. With this in mind, the Agency welcomes the applicant's commitment towards achieving a BREEAM 'Excellent' rating."*

**Sport England** has stated that no objection is raised to the application subject to the imposition of a condition requiring provision for at least 2.6 Ha of playing field to replace the area being lost to the development. They have advised that if the Council decide not to include this condition then the consultation response will need to be considered as a statutory objection.

**Highways Agency** initially issued a holding direction until the matter of providing mitigation measures to the Strategic Road Network associated with this proposed development and that for the Dean and Chapter Land have been satisfactorily addressed. The Agency has been re-consulted on the submission of a Sustainable Transport Study recently undertaken by the applicants setting out such measures. At the time this report was written the Agency's written views had not been received though it has been verbally indicated that it is satisfied with the development. The Agency has indicated that its response will be provided before the Planning committee meets. Officers will therefore update members of the Highway Agency's position at the Planning Committee.

**Durham Tees Valley Airport** has raised concerns over the potential impact of the proposed wind turbine on the safe operation of the airport. However the airport has indicated that an objection would not be raised subject to the imposition of a condition requiring a radar impact assessment being undertaken and approved prior the commencement of any development.

**Northumbrian Water** has requested a condition requiring the submission of surface water disposal details to any approval.

**Environment Agency** has commented that the development and objectives to create a sustainable community and implement generation in the area is broadly supported. In particular the use of Sustainable Drainage Systems (SUDS), the provision of sustainable energy use and renewable energy provision within the residential and commercial developments. Nevertheless the Agency has requested the imposition of conditions relating to the implementation of a surface water regulation system.

**Northern Gas Networks** has no objections to the development.

**CE Electric UK** has raised no objections.

**Durham Constabulary Architectural Liaison Officer** has made a number of detailed observations which are set out below: -

- *The new road between the A66 and McMullen Road obviously provides easy access for legitimate users but also provides an efficient escape route to the bypass for criminals, once on the new road they can be very quickly on the A66 without being seen. This in itself could generate crime.*
- *The mixed use of the site raises issues. In my view the scale and layout of the existing buildings to be retained may not blend successfully with the residential areas and therefore fail to attract the type of people who will be needed to make the scheme work.*
- *To be successful recreational areas must be well used and effectively managed; otherwise they attract graffiti and anti-social behaviour.*
- *Mixed usage of the site attracts a broader spectrum of society and can legitimise the presence of criminals. If the correct balance between the three usages cannot be achieved, I have concerns that the development will generate crime and anti-social behaviour, if not immediately, certainly in the future.*
- *The northeast corner of the site is given over to offices car parking and the performance area. It is possible that after normal office hours the area will be under used and that it will attract young people who will be free to roam with no surveillance. The performance area could be a particular target as it will be something out of the ordinary and attract attention as a result.*
- *The proposed layout of the housing could also be problematical. There appears to be no in- curtilage parking for the terraced housing at the north of the site. As a large proportion of vehicle crime takes place overnight whilst the vehicle is parked near the owner's home, this is a serious issue.*
- *It is also very important to protect the rear of homes, a circular formation of houses creates a continuous boundary preventing easy access to the rear where the majority of burglaries take place.*
- *The vehicle access points at McMullen Road and the new entrance to the east of the site lack natural surveillance, particularly out of office hours; this could be improved by rearranging the layout of the housing.*
- *Vehicle crime could be a serious issue on this site once it is opened to the A66 bypass. All car parks on the site should conform to the Park Mark safer parking scheme.*



- *Designated areas should be provided for motorcycles and bicycles with secure anchor points. These areas should be close to the main entrance of the building, where there is more surveillance.*
- *Because of their high profile new developments may attract attention from terrorists; it is Government policy to take this into account and to build in counter terrorism measures at the design stage. On this site there are four areas of concern, the CHP power plant, the public square (shops and pubs) the performance space and the covered water reservoir. In the case of the first three areas, they need to be protected from the possibility of a hostile vehicle attack (car bomb). This can be achieved by providing a reasonable 'stand off' between the road and the building/public area, using bollards or planters or by rearranging the layout so that the road does not run adjacent to them. Landscaping around these areas should be designed to prevent a vehicle being driven up to them. Service vehicle access should be strictly controlled. The reservoir should already be protected.*

**Durham County Council Archaeology Section** has commented that the supporting archaeological assessment with the application does an excellent job in placing the former Paton and Baldwin's factory in its context and defines its importance to Darlington during the factory's hey-day in the 1950's. A condition has been requested to any grant of planning permission requiring a full and complete archaeological record to be made of the buildings and plant on the site for future research and public knowledge.

**Sadberge Parish Council** has provided comments on the Dean and Chapter Land application on this agenda which are also relevant to this application and have requested the following:-

*“ No proposal for any significant development along the Eastern Transport Corridor should be given any kind of planning permission until and unless (a) there is a link made to the AIM northbound , (b) the transport assessment has been extended to cover traffic through Sadberge, and (c) the relevant developers have proposed suitable mitigation measures to prevent annoyance and harm to Sadberge residents, and (d) the mitigation measures have been agreed and approved by both Darlington Borough Council and Sadberge Parish Council. ”*

## **PLANNING ISSUES**

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Design and Layout
- Residential Amenity
- Ecology
- Flood Risk and Surface Water Management
- Impact on Trees
- Archaeology
- Highway Implications
- Impact on aviation interests

### **Planning Policy**

### Suitability of the Location for Development

As a proposal involving the regeneration of a brownfield site and the development of Darlington as an employment location, the application accords with Policy 10 of the RSS, which gives priority to this type of development. Policy 10 of the RSS also indicates that if the proposal includes housing, this should not undermine existing housing markets. This is considered further under the 'housing numbers' section below.

Regional Spatial Strategy (RSS) Policy 4 indicates that in identifying land for development, priority should be given to previously developed land in the most sustainable locations, and avoid areas at the highest risk of flooding. The RSS identifies suitable previously developed sites and buildings within urban areas, particularly around public transport nodes as the first priority. Also, Policy 29 of the RSS indicates that local planning authorities should consider the re-use of employment sites for housing only where they are not required for long-term employment use.

The application site is previously developed land within the urban area, as it lies within the limits to development as shown on the Local Plan Proposals Map. However, as it is on the edge of the urban area and it currently has poor access by public transport, it can be argued that the site is not in the most sustainable location within the urban area. Nevertheless the public transport proposals included in the submission are enough to ensure a sustainable public transport node will be created within the development to accord with RSS Policy 4.

The majority of the site would accord with the second priority for development set out in RSS Policy 4, i.e. other suitable locations within urban areas not identified as land to be protected for nature conservation or heritage conservation or recreational purposes, and not subject to a high risk of flooding. However the north-west corner of the application site is identified as open land in the adopted Local Plan, and subject to Policy E3 of the Local Plan. Whilst the Council's Open Spaces Strategy identifies the site as a locally important open space, it was surveyed as being low quality and low value, with little public access. Whilst Policy E3 in general discourages the redevelopment of open land, in this instance, as the proposals include an equivalent area of space to be provided elsewhere on the site, its loss is considered acceptable, provided that provision is to a high standard, the space is accessible to the whole community and is fully integrated into the green infrastructure network (OSS Policies 4 and 5). The application indicates that these are the intended objectives of the proposals which are covered in more detail in the following sections of this report.

As regards the adopted Local Plan, whilst the site is not identified in the Local Plan for housing development, Policy H3 states that new housing will normally be approved within the development limits of the urban area of Darlington provided that the site is not specifically proposed or safeguarded for another use, and that the development accords with other plan policies. In this case, the application site is identified in the adopted Local Plan (Policy EP2.6) as an employment area for B1 uses, and for general industrial (B2) and warehousing uses (B8) where the amenity of the area or residents is not harmed. A segment of land at the western end of the site forms most of an allocation for a new employment development or office/business park development (McMullen Road East, Policies EP3.2 and EP7.1). The implications of this are considered below.

### Loss of Employment Land and Buildings

The proposed development appears to provide only 5ha of exclusively B1(a) uses, with no other "B" uses proposed. This equates to an approximate employment provision on the site of 16% of the total site area of 31ha, and would amount to a loss of approximately 26ha of employment

land to other uses. This loss of employment land is, in principle, acceptable because the existing employment land supply across the Borough (as identified by consultants King Sturge for the for the Employment Land Review (ELR) in 2006) exceeds the 360ha prescribed in the RSS, and there is sufficient other employment land available immediately nearby.

The evidence from the ELR suggests that the existing industrial buildings are not what new/current occupiers are looking for, and this view is also held by the Council's Economic Regeneration team who point out that comparable uses/premises of vastly superior quality are available at Faverdale (Easter Development) and at Yarm Road (Evans).

#### Employment Mix Provided

From the information supplied, the employment use proposed is over 25,000sqm of B1(a) offices. Provided these offices are of a high standard, they would contribute to the Borough's offer of "A" grade offices, of which there was an identified shortfall in the Employment Land Review work carried out in 2006.

#### Housing Numbers

In March 2009 the Council completed and published its Strategic Housing Land Availability Assessment (SHLAA). It concluded that taking into account the sites identified as suitable, available and deliverable in the study, there was marginal surplus of land for new housing over the next five years compared with the RSS requirements. At the time of the study, there was not sufficient certainty as to the ability of this site to be delivered, and so the Steering Group took the view that it would not contribute to housing delivery until 2016. The site is not therefore required at this time to provide a five year supply of deliverable sites, but is considered suitable and available.

The 'Planning, Affordable Housing and Management Statement' submitted by the applicants as part of the application indicates that the development of 1220 dwellings would be phased over a 16 year period. This equates to the completion of 75 units every year. This would be a minimum of 15% of the annual RSS housing requirement (2010/11) and a maximum of 28% (2016-2021).

Whilst, ideally, the suitability of this site for the quantity of new housing proposed should have been pursued through the Local Development Framework plan preparation process, in particular, the Strategic Housing Land Availability Assessment that is now underway, PPS3 is clear that planning applications should not be refused solely on the grounds of prematurity. Also, the provision of new housing on this site supports the Council's commitment to accelerate the provision of new housing in the period to 2016, in accordance with the award of Housing Growth Point status to the Tees Valley.

#### Affordable Housing

Policy H9 of the adopted Local Plan provides the framework for seeking affordable housing as part of new housing developments, and further detail on the policy approach is set out in the Council's adopted Affordable Housing SPD. It indicates that 15% of the total number of new dwellings to be provided should be affordable housing; this amounts to 183 affordable houses for this scheme.

However, Policy H9 is clear that affordable housing will be negotiated where a local need has been identified, and given that the scheme is likely to be implemented over a period of 16 years

or so during which the level and type of needs could vary greatly, it would be inappropriate to set the overall percentage of affordable housing at the outset, and targets negotiated for each phase, based on the most up to date local needs assessment data available at the time the details for each phase are submitted.

As this application amounts to the creating of a new neighbourhood all the affordable housing requirement would be expected to be provided on site.

The Council's Housing Strategy and Renewal Manager has commented that the affordable housing strategy accompanying the application is fairly comprehensive in terms of contribution/commitment he would be seeking.

### Care Home

The application includes the provision of a residential care home. Policy H19 of the adopted Local Plan indicates that these should only be permitted in close proximity to public transport, shopping and community facilities, and where a satisfactory residential environment can also be achieved.

### Shopping facilities

The proposal is similar in purpose to that for the permitted 'community retail facilities' at Central Park and to the facilities permitted and now provided at Westpark Village. The scale of A1-A5 facilities proposed here is somewhat greater than at the other locations (1,500 sqm were permitted for these uses at Central Park and 1,060 sqm at West Park for retail uses, plus the pub) but the number of dwellings proposed here is also significantly greater (about the same as the other two locations combined). A combined figure of 2,700 sqm for A1/A2/A3/A4 and A5 uses therefore appears to be appropriate as a ceiling, provided it is distributed between a variety of small-scale local uses as indicated. A condition will need to be attached to the planning permission to ensure that the 2,700 sqm is duly distributed in this way and not concentrated into, say, one large store, which could serve a much wider - even town-wide - catchment, which would be quite unacceptable.

Turning to planning policy, as a proposal for 'main town centre uses' in out-of-centre location, the applicants should, strictly-speaking, be required to demonstrate how it meets the key tests of PPS6 (need, scale, no more central sites, impact on other centres, accessibility). However, that seems unnecessary given the intention of the class A1-A5 proposals, provided that they can be properly conditioned. If that is the case then:

- the A1-A5 uses would be meeting newly-created local need;
- at an appropriate local scale;
- in a location that could not be bettered by central sites elsewhere in town,
- would not have any unacceptable impacts on existing centres; and,
- would be accessible by a range of means of transport to the people they would serve, and should have no detrimental impact on car use, traffic or congestion.

Overall therefore, if the Lingfield Point mixed-use development as a whole is considered acceptable then the proposed A1-A5 uses will not just be acceptable but essential to serve the day-to-day needs of the new community.

### Community and Arts Facilities

The application makes provision for a primary school on the site, which would accord with Policy 24 of the RSS (Delivering Sustainable Communities). Children's services have been

consulted on the application and have advised that it would be too early for any decision to be made as to whether a new school, and in this location would be an option.. Instead a financial contribution is sought towards primary education facilities in the area generally which would provide the opportunity to purchase the site rather than enhance facilities at existing schools in the locality should this eventually be the preferred option. This can be secured through the s106 agreement.

The provision of public art on the site is supported and will need to be considered in detail at the earliest design stage so that it is integrated with the development's architectural elements and/or the surrounding public space.

The application includes a Cultural Strategy, which proposes an outdoor performance space and art gallery/museum. Normally such facilities would be expected to be located within the town centre. However in it can be argued that this component of the scheme should not be considered in isolation but as an important element of a much larger development to create a sustainable mixed use community. Therefore in the circumstance these uses are considered acceptable.

#### Sport and Recreation Facilities

Playing pitches exist on site covering 2.6ha. At present, the pitches have limited community access and value and whilst the spaces are not surplus to requirements, it is considered that relocating alternative equivalent provision elsewhere on the site, with full community access would enhance the provision of sport and recreation facilities for the community in that part of the urban area (LP policy R9). This approach is also consistent with Government Guidance.

It should be noted that the supporting text to policy R20 is out of date and should not be used as the basis to assess need of sports and recreation facilities in the Borough (a playing pitch strategy and sports and recreation facilities strategy is expected to be completed in March 2009). Any provision should consider the views of the community, but this should be balanced against existing provision in the locality and the urban area, the demand for different types of sports and recreation facilities and where possible address deficiencies in provision. Based on available information, the provision of a good quality, well drained, cricket pitch and full size football pitch, marked out to adoptable standards is supported and will help address deficiencies in provision in the urban area.

#### Open Space Provision

The application proposes creating 13.75ha of open space.7.4ha is a linear park running across the site which incorporates a range of different types of open spaces including semi natural space, children's play areas and woodland (OSS policy 19). This will complement and improve connectivity to the wider green infrastructure network and the urban fringe (policy R12 and R13). It will also enhance biodiversity value introducing several BAP species to the site (policy E23). The provision of allotments will help address the deficiency of provision in the urban area.

The northwest corner of the site is identified as open land (policy E3) and is a locally important open space and is classified as being low quality and low value, with little public access. In general the redevelopment of open land is discouraged. However, as the equivalent space is being relocated elsewhere on the site, and to ensure the comprehensive redevelopment of the site, this is acceptable as long as provision is to a high standard, the space is accessible to the whole community and is fully integrated into the green infrastructure network (OSS Policies 4 and 5).

All open space and play area provision must be agreed with the Council prior to implementation. It is essential that the design of the open spaces and public spaces reflect local distinctiveness and are well connected to the surrounding development as well as to Lingfield and Red Hall. The spaces should be accessible to the whole community, in particular by sustainable transport and be functional, accommodating a wide range of activities (OSS Policy 22). Some of these issues would be addressed through the Section 106 Agreement and others at Reserved Matters stage.

The Council will only accept maintenance responsibilities for open space and play provision where it is satisfied that the facility has been suitably laid out, and where appropriate, fully equipped to RoSPA certified (and not to Fields in Trust standards) and maintained to the point of transfer. Where the Council will carry out the future maintenance, contributions equivalent to the cost of 10 years maintenance will be sought and secured through a Section 106 Agreement. This will be based on the type and amount of provision proposed in the reserved matters. Alternatively, the applicant may decide to set up a self managed scheme such as at West Park. Either option can be secured through the Section 106 Agreement.

#### Energy Centre and Wind Turbine

It is essential that this development meets high sustainable building standards which incorporate energy efficiency such as passive solar design and sustainable drainage alongside renewable energy provision, particularly as an aim of the masterplan is to provide for a carbon and water neutral development. The identified mix of a variety of sustainable building measures will help to achieve the 3\* Code for Sustainable Homes and BREEAM 2008 Standards (not 2006 as stated) Very Good-Outstanding. An element of carbon neutral homes is welcomed. However, the Council would encourage developers to incorporate a higher Code/BREEAM standard where possible. The application indicates that the first homes will be constructed Code level 4 rising to level 6 for later phases which can be secured through the s106 agreement.

The proposed mix of renewable energy is supported and the use of a central CHP plant should be the most appropriate technology for a site of this size. Developers should ensure that the level of provision generates at least 10% of on site energy from renewable sources (RSS Policy 39). This can be secured through a condition. The provision of a wind turbine would assist with this matter.

#### **Design and Layout**

The accompanying the Design and Access Statement and indicative master plan identify a number of different character zones within the overall proposal with the principal feature of the scheme, an eco corridor or park extending through the site from east to west.

The western part of the site would be characterised mainly by 2 and 3 storey family dwellings flanked along the boundary with McMullen Road by the existing extensive mature tree planting. A site reserved for a potential primary school is shown to the south of this residential development.

The developed areas to the east of this, essentially the central part of the site, comprises several different elements including a local centre providing community facilities, retail uses, public house and restaurants. The residential character is identified mainly as terraced, town houses and apartments and some live work units.

The built environment on the eastern part of the site would have a major component of office buildings but also includes residential apartment buildings and terraced houses. The proposed wind turbine and allotment gardens are shown to be located towards the south eastern corner of the site.

A number of existing industrial buildings, would be retained and refurbished within the scheme, these include the highly visible former 'power house' near the north eastern corner of Lingfield Point.

The open space extending through the development would provide several functions, including sports pitches, village green, and cricket pitch, play areas, amenity grassland including wild flower areas, wetland areas and ponds. The proposals also incorporate additional landscaped areas throughout the scheme.

In terms of the overall concept of the proposed development the scheme is considered to be imaginative and raises no issues in respect of its layout or design. The Police Liaison Officer has raised a number of detailed concerns, which have been set out in detail earlier in this report. Whilst these are noted the application is in outline and the submitted masterplan is only indicative at this stage.

### **Residential Amenity**

The scheme is in outline only at this stage and therefore no meaningful assessment can be made on this issue until the submission of Reserved Matters for the individual phases, in respect of both the existing adjoining and neighbouring residents, and also future occupiers of any of the proposed residential units. Nevertheless the Council's Principal Environmental Officer (Pollution) has expressed concerns regarding potential noise and odour problems for future residents, which may be associated with some of the proposed commercial activities and possible light pollution in connection with the floodlighting of outdoor games areas. Therefore it would be prudent to attach appropriate conditions to control these issues. Similarly concerns have also been raised over potentially high levels of traffic noise from the DETC and McMullen Road and noise and shadow flicker from the proposed turbine all of which could undermine the provision of a satisfactory living environment for residents. Further conditions are therefore sought by the Principal Environmental Health Officer to ensure that these matters are satisfactorily addressed.

### **Ecology**

An ecology report has been submitted with the application, which assesses the existing ecological interest of the site. The report has identified no significant features of ecological interest and other than a small number of common bird species no legally protected species were found in the site.

The report also sets out initiatives to enhance areas of existing habitat within the site and the creation of new habitat areas of higher quality with the objective being to improve biodiversity across the whole of the site and form part of the overall masterplan for the development. Such measures would include the introduction of biodiverse wetlands, species rich grasslands and wild flower swards within the amenity grassland areas. The Council's Parks and Countryside section have been involved in pre-application discussions with the applicant regarding the green elements of the scheme and are encouraged that most of the suggestions by them have been incorporated within the overall scheme.

Generally it is considered that the proposed green infrastructure within the scheme would provide a high level of quality in both the public and private realm.

### **Flood Risk and Surface Water Management**

The application is accompanied by a Flood Risk Assessment (FRA) for the development in line with Planning Policy Statement Note 25 (Development and Flood Risk). The assessment fully considers the impact of surface water drainage from the site and states that the proposed development will include a number of surface water management features developed in accordance with the principles of sustainable drainage systems (SUDS).

The Environment Agency has stated that the use of SUDS is fully supported but require details of a surface water drainage system to be submitted including means by which run-off will be attenuated. This issue can be covered satisfactorily by condition.

### **Impact on Trees**

The only trees of any significant value are on the western side of the development site. These are mainly situated along the boundary of the site with sporadic groups located within the former sports field. Most of these trees are protected by a Tree Preservation Order. The submitted Arboricultural pre development survey indicates that the vast majority of the trees are in sound and healthy condition but that tree management works are likely to be required in the immediate future in order to safeguard long term high quality tree coverage here. The application indicates that this tree coverage is to be maintained and will provide an important component to the green infrastructure of the development. Nevertheless it will be important to ensure the protection of these trees during construction of the development, which can be secured through a condition.

### **Archaeology**

The County Archaeologist has been consulted on the submitted archaeology assessment and has provided the following comments:

*“ I have had pre-application discussions with the applicant’s agent and archaeological consultant regarding the historical and archaeological importance of the site. The report does an excellent job of placing the Paton and Baldwin’s factory in its context and crucially, it defines its importance to Darlington during the factory hey- day in the 1950’s.*

*The report is correct in identifying that the factory complex is a locally and regionally important industrial archaeological site. It is unfortunate in one way that it is not of listable quality; however, the current owners and occupiers of the site have to date effectively and considerately converted many of the originally factory buildings along the southern side of the site. I believe that the proposed development will offer a long term solution to ensuring that those buildings which formed the “ public” face of the complex are retained and sustainably re-used thus preserving a sense of place of this former factory site”*

A condition has been requested to any grant of planning permission requiring a full and complete archaeological record to be made of the buildings and plant on the site for future research and public knowledge



### **Highway Implications**

The application is supported by a sustainable transport study which has been compiled jointly by transport consultants on behalf both of the applicants for this scheme and for the proposed development on the Dean and Chapter Land (which appears elsewhere on this agenda under ref: 07/00041/OUTE) Land. The study is founded on the principles of evaluating the impact of the two developments on both the local and strategic highway network and then working out what needs to be done to mitigate that impact in terms of reducing dependence on the car and in terms making physical improvements to the highway.

There would therefore be a requirement through a planning agreement for the developer to make payments to help finance the following:-

- i) sustainable transport measures including supporting pedestrian and cycle facilities, supporting bus service improvements and traffic management schemes such as car sharing.
- ii) highway improvements at the following junctions: The Little Burdon roundabout; the Morton Palms roundabout; the DETC McMullen Road cross roads and the DETC / Haughton Road Throughabout.

A planning agreement would be required to ensure the obtaining and spending of money is controlled by the Council. A Steering group consisting of DBC and highway agency officers would be established with view to agreeing precisely how and when the money raised would be spent.

The study explains how the level of payments from the developers are determined according to type and quantity of land use.

In relation to the proposals in this application the required contributions would be £880,820 for sustainable transport measures and £1,102,700 for physical improvement works to the highway.

These payments would be pro-rata according the nature and scale of any particular phase being brought forward as defined within a detailed reserved matter application. The payments would then become due upon commencement of that phase.

The level of contributions required towards highway improvements has been set taking into account a worst case scenario of heavy reliance on the private car. If travel plan measures turn out to be successful in reducing or removing the requirement for highway works then there is scope for the Steering Group to decide that a lesser contribution level is required for future phases.

There would also be scope for the Steering Group to re-invest any surplus highway contribution towards sustainable transport measures. This would need to be kept under review by the Steering Group through the monitoring of the travel plan.

The Highways Agency initially issued a holding direction until the matter of providing mitigation measures to the Strategic Road Network associated with this proposed development and that for the Dean and Chapter Land have been satisfactorily addressed. The Agency has been re-consulted on the submission of the Sustainable Transport Study recently and at the time this report was written the Agency's views had not been received. However the Agency has indicated

that it is satisfied with the proposals and that its response will be provided before the Planning committee meets. Officers will therefore update members of the Highway Agency's position at the Planning Committee.

The Council's Highways Engineer has advised that the basic principles of the Sustainable Transport (STS) Study are accepted and has commented that parking provision (which will be the subject of Reserved Matters applications) is likely to be influenced by sustainable measures introduced as part of the STS. He has also requested conditions / financial contributions by way of the Section 106 Agreement to secure the following: -

- A Travel Plan to include measures to secure covered cycle parking and improvements to public transport facilities i.e. bus shelters, raised up stands at bus stops, real time bus time table displays.
- Provision of a wheelwash and /or other measures to prevent soil and debris being tracked onto the public highway during construction.
- Funding for the provision of a light controlled pedestrian crossing point on the DETC.
- Improvements to the Lingfield Close /McMullen Road access to the development.
- Provision of 20 mph traffic zones in residential areas and financial contribution towards the Council's legal and advertising costs associated with this.
- Details of proposed crossing points on the DETC.

The objections raised by Sadberge Parish Council have been considered. In the opinion of the Highways Engineer the proposed development would not adversely impact on traffic levels in Sadberge such as to warrant refusal of planning permission.

### **Impact on Aviation Interests**

Durham Tees Valley Airport has raised concerns over the potential impact of the proposed wind turbine on the safe operation of the airport. However the airport has indicated that an objection would not be raised subject to the imposition of a condition requiring a radar impact assessment being undertaken and approved prior the commencement of any development.

### **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 development limits and is in a suitable location for the type of development proposed. The proposed development would contribute to the national and regional policy objectives of securing the reuse of previously developed land and accelerating growth in the Tees Valley Growth Point. The proposal will generally assist in delivering sustainable development objectives such as embedded renewable energy, sustainable building measures, biodiversity and public access.

The loss of employment land and existing buildings is acceptable as there is an identified surplus of employment land and the existing buildings are not of a size, type and condition to be attractive to the market.

The development will clearly have an impact on the local and strategic highway network, however compensatory measures set out in the Sustainable Transport Study and also the imposition of conditions to secure additional works to the local road network should ensure that there is unlikely to be any adverse effects on highway safety as a consequence of traffic generated by the development.

Subject to the submission of satisfactory Reserved Matters applications the development should not adversely affect the amenities of neighbouring occupiers and the application satisfactorily addresses issues of contamination and flooding. It is not considered that the proposal, which is in outline only, raises any issues which would compromise safety or crime prevention.

## **RECOMMENDATION**

SUBJECT TO NO OBJECTION FROM THE HIGHWAYS AGENCY TO THE DEVELOPMENT 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:

1. FINANCIAL CONTRIBUTIONS TOWARDS IMPROVEMENTS TO THE HIGHWAY NETWORK IDENTIFIED IN THE SUSTAINABLE TRANSPORT STUDY
2. A FINANCIAL CONTRIBUTION OF £55,000 TOWARDS THE PROVISION OF A LIGHT CONTROLLED PEDESTRIAN CROSSING ON THE DARLINGTON EASTERN TRANSPORT CORRIDOR.
- 3 FINANCIAL CONTRIBUTIONS TOWARDS THE PROVISION OF SUSTAINABLE TRANSPORT/ TRAVEL PLAN MEASURES IDENTIFIED IN THE SUSTAINABILITY TRANSPORT STUDY.
4. AFFORDABLE HOUSING PROVISION.
5. FINANCIAL CONTRIBUTION TOWARDS LOCAL EDUCATIONAL FACILITES.
6. THE PROVISION OF A SCHEME TO SECURE THE LONG TERM MAINTENANCE OF GREEN INFRASTRUCTURE.
7. PROVISION OF EQUIPED PLAY AREAS AND FURTHER MAINTENANCE THEREOF.
8. THE PROVISION OF A SCHEME TO ENSURE THAT EMPLOYMENT AND TRAINING OPORTUNITIES ARE MADE AVAILABLE FOR THE RESIDENTS OF THE BOROUGH DURING THE CONSTRUCTION OF THE DEVELOPMENT.

9. PROVISION OF A SCHEME FOR SUSTAINABLE DEVELOPMENT INITIATIVES.
10. PROVISION OF A SCHEME TO SECURE DESIGN STANDARDS FOR THE DEVELOPMENT.
11. THE PROVISION OF A MANAGEMENT STATEMENT TO SECURE ECOLOGICAL MEASURES.
12. A FINANCIAL CONTRIBUTION TO THE COUNCILS LEGAL AND ADVERTISING COSTS ASSOCIATED WITH THE PROVISION OF 20 MPH ZONES.
12. A FINANCIAL CONTRIBUTION TO THE COUNCIL'S LEGAL COSTS ASSOCIATED WITH THE SECTION 106 AGREEMENT.

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

#### **Scope and Limits of the Permission**

- 1) The Reserved Matters required to be submitted by the conditions of this outline planning permission, and also any other details required to be submitted by a condition of this outline planning permission, shall not depart from the approved masterplan in respect of land use and layout, and the terms and details specified in the July 2008 Planning, Affordable Housing & Management Statement and Design & Access Statement submitted as part of the application. The development shall not be implemented other than in full accordance with all the terms and details set out in those supporting documents unless any variation is specifically agreed in writing by the Local Planning Authority.

REASON – To ensure that the development is carried out in accordance with the details submitted with the planning application.

#### **Timescale for Commencement of Development**

- 2) 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 fourteen years from the date of this permission.

REASON- To comply with Section 92 of the Town and Country Planning Act 1990.

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

REASON- To comply with Section 92 of the Town and Country Planning Act 1990.

### **Community and Environment Infrastructure**

- 4) Prior to the submission of the first Reserved Matters application a community and environment infrastructure strategy plan for the whole site shall be submitted to, and approved by the Local Planning Authority and the development shall not be implemented otherwise than in accordance with the approved scheme.

REASON – To ensure that a structured and organised approach is adopted for the provision of community and environment infrastructure across the site.

### **Land contamination**

- 5) Prior to the commencement of any particular phase the development approved by this planning permission a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority. No development shall commence until the measures approved in that scheme, for that phase of the development, have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

(a) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development.

(b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

- (i) A desk top study has been completed satisfying the requirements of paragraph (a) above.

- (ii) The requirements of the Local Planning Authority for site investigations have been fully established; and
- (iii) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.

(d) Two copies of a completion report ( the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.

(e) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON- The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

### **Traffic Noise**

- 6) Prior to the commencement of any particular phase of the development approved by this planning permission a scheme for the protection of the proposed residential accommodation from excessive traffic noise from the Darlington Eastern Transport Corridor and McMullen Road shall be submitted to and approved by the Local Planning Authority. The scheme shall include predicted noise levels at residential properties, include details of sound attenuation methods to be used and shall achieve internal noise levels of less than 35 db(A) Laeq in living rooms, less than 30 dB(A) Laeq in bedrooms and individual noise events not to exceed 45dB LAFmax in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of that phase of housing development being first occupied or used.

REASON- In order not to prejudice the amenities of future residential occupiers of the development.

### **Noise associated with plant and uses on site**

- 7) No noise emitting fans, louvres, ducts or other external plant associated with non residential 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 building and shall thereafter be retained.

REASON – To protect the amenities of adjoining and neighbouring residents

- 8) The rating level (as defined in BS4142:1997) of noise emitted from activities carried out at class B1 uses shall not exceed the background level at receptor locations to be agreed with the Local Planning Authority. The measurement and assessment shall be made in accordance with BS4142:1997.

REASON- To protect the amenities of adjoining and neighbouring residents

- 9) No deliveries by service vehicles to B1 use class premises shall take place outside the hours of 07.00 - 22.00 Monday - Saturday and at no time on a Sunday unless otherwise agreed in writing by the Local Planning Authority.

REASON- To protect the amenities of adjoining and neighbouring residents

- 10) No deliveries by service vehicles to A class use premises shall take place outside the hours of 06.00 – 22.00 Monday- Saturday and 09.00 – 14.00 Sunday and Bank Holidays.

REASON- To protect the amenities of adjoining and neighbouring residents

- 11) No retail premises shall open for business outside the hours of 06.00 and 23.00 unless otherwise agreed in writing by the Local Planning Authority.

REASON- To protect the amenities of adjoining and neighbouring residents

### **Wind Turbine**

- 12) The development of any wind turbine shall not commence until the Local Planning Authority have approved in writing the methodology and conclusions of a radar impact assessment and reports relating to the height and operation of the proposed wind turbine.

REASON - In order to ensure that the safe operation of Durham Tees Valley Airport and MOD are not adversely impacted.

- 13) A scheme for the protection of the proposed and existing residential accommodation from wind turbine noise shall be submitted to and approved by the Local Planning Authority prior to the commencement of the turbine and the residential properties to the south of the turbine. The scheme shall set with the agreement of the Local Planning Authority noise levels at noise sensitive properties compared against the background level. The scheme shall include predicted noise levels from the wind turbine at the site boundary and the facade of residential properties, include details of sound attenuation methods to be used and shall achieve internal noise levels of

less than 35dB(A) Laeq in living rooms and less than 30dB(A) Laeq in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme.

REASON – To protect the amenities of nearby occupiers

- 14) A scheme for the protection of the proposed and existing residential accommodation from shadow flicker from the wind turbine shall be submitted and approved by the Local Planning Authority. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme.

REASON- To safeguard the amenities of neighbouring residents

### **Dust and piling**

- 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. 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) 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

### **External Lighting**

- 17) Prior to commencement of the development of sport pitches and multi use games area if it is proposed to use lighting, a full lighting impact assessment for the lighting proposals, undertaken by an independent assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:  
A description of the proposed lighting units including height, type, shape for all lighting;  
Hours of operation of any floodlighting;  
The proposed level of lighting (in lumens) and a justification specifying which guidance has been used to choose this;  
Drawing(s) showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of neighbouring properties;  
The direction and aiming angle and upward waste light ratio for each type of light;  
The Environmental Zone which the site falls within, in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution.

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



REASON- In the interests of the residential amenities of the area

### **Refuse and ventilation from commercial premises**

- 18) The commercial uses hereby permitted shall not commence until details of the arrangement for storing refuse or waste has been submitted to, and approved by the Local Planning Authority. The commercial use shall not be carried out otherwise than in accordance with the approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied.

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

- 19) Details of a ventilation and fume extraction system, which is suitable for A3, A4 and A5 class use including a full technical specification by a suitably qualified technical person, specifying the position of the ventilation, fume or flue outlet points together with details of an odour abatement system to be submitted and approved by the Local Planning Authority. The A3, A4 and A5 class use shall not be carried out otherwise than in accordance with the approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied. The ventilation and fume extraction system shall be operated and maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any filters.

REASON- In the interests of the residential amenities of the area.

### ***Replacement Playing Fields***

- 20) Prior to the commencement of any phase of development, a playing field and sports pitch strategy report relating to the masterplan should be submitted to, and approved by , the Local Planning Authority. The strategy shall confirm to the satisfaction of the Local Planning Authority the net effect of the phase of development upon the benchmark quantity/quality of playing field available at the site.

The Reserved Matters applications shall make provision for at least 2.6 Ha of playing field of at least the equivalent quality to that area which is being lost to development.

REASON- To ensure adequate replacement sports pitch provision is provided within the Borough in accordance with national and local planning policy.

### **Drainage**

- 21) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including attenuation rates, has been submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with the approved details. Such scheme shall be implemented before the construction of impermeable surfaces draining this system unless otherwise agreed in writing by the local planning authority.

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

- 22) No development approved by this permission shall be occupied until details of long term maintenance responsibilities for the surface water drainage scheme have been agreed in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved scheme.

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

- 23) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall also include any works required to upgrade the infrastructure sufficiently to provide capacity for the new development, which should be undertaken prior to acceptance of the development's foul sewage. Any new works deemed to be required shall be implemented prior to occupation of the development it is designed to serve unless otherwise agreed in writing by the Local Planning Authority.

REASON – To prevent pollution of the water environment.

- 24) Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON – To prevent pollution of the water environment.

- 25) No development shall commence until a method of controlling drainage at the site during construction has been submitted to, and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

REASON – To prevent pollution of the water environment.

### ***Materials***

- 26) No development shall be carried out on each phase of the development, unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed buildings and surface materials have been 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 visual amenity.

### ***Finished Ground Levels***

- 27) Before work begins on each phase of the development hereby permitted details of finished ground levels and longitudinal and latitudinal sections through the site of the new buildings shall be submitted to, and approved by, the Local Planning Authority to show how the buildings shall be set in the ground. 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.

### ***Landscaping and Tree Protection***

- 28) Before development takes place on each phase of the development full details of both hard and soft landscape works for that phase shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including boundary fences and walls; car parking layouts; other vehicles and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc., indicating lines, manholes, supports etc.) and proposals for restoration, where relevant. Once provided, there shall be no additional fencing, walling or other means of enclosure erected in the approved landscaping/amenity areas, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order). The approved hard and soft landscaping works for each phase of the development shall be completed in the first planting season after the first occupation or use of that part of the development.

REASON- To ensure that the details of the approved masterplan are implemented as the development proceeds and to ensure a high quality appearance to the development.

- 29) If within a period of 5 years from the date of planting of any tree or shrub, in connection with the landscaping works required under condition (26), that tree or shrub or any tree or shrub planted in replacement of it, is removed, uprooted, or destroyed, seriously damaged or dies, another tree or shrub of the same size and species to that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON - To ensure that the details of the approved masterplan are implemented as the development proceeds and to ensure a high quality appearance to the development.

- 30) The areas defined on the approved plans for open space, amenity land and play areas, shall remain undeveloped and retained in perpetuity for those uses and shall not be incorporated into private garden or used for other uses.

REASON - To ensure that the details of the approved masterplan are implemented as the development proceeds and to maintain a high quality appearance to the development.

- 31) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees to be retained ,shown on the

tree constraints plans within the Arboricultural Pre-Development Survey by ElliotconsultancyLtd ,dated 10 July 2008. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work within that part of the site, including demolition operations . The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved 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) Erection 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 well being of the trees on the site and in the interests of the visual amenities of the area.

### **Archaeology**

- 32) No development shall commence until the implementation of an appropriate programme of building recording/analysis ( as per Section 6 of the archaeological assessment by Northern Archaeological Associates Ltd dated July 2008) has been submitted to and agreed in writing with the Local Planning Authority. A copy of an analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority. The works shall not be carried out otherwise than in accordance with the approved written scheme of investigation.

REASON –The factory complex is of architectural/ historical significance and the specified works are required to record features of interest, inform works and mitigate impact.

### **Highway Network**

- 33) No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved 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.

- 34) The Lingfield Close/ McMullen Road junction shall be signalised prior to the occupation of any new building excluding any building that provides for ancillary operations to support existing or

redevelopment of existing buildings. The redevelopment of any existing buildings in the absence of Lingfield Close/McMullen Road junction being signalised would require improvements to the junction, including the provision of ghost island as shown on Colin Buchanan drawing No 15131-K-006.

REASON – In order to ensure that adequate measures are provided to mitigate the effect of traffic generation on the local highway network.

- 35) Notwithstanding anything shown in the submitted application, roads in the residential phases of the development hereby approved shall be subject to a 20mph speed limit, details of which (to include traffic calming measures and appropriate signage) shall be submitted to and approved in writing prior to the commencement of works of any particular residential phase of the development, and the scheme shall not be carried out otherwise than in accordance with the approved details.

REASON- In the interests of highway and pedestrian safety.

- 36) Notwithstanding anything indicated in the application precise details of pedestrian crossing points on the DETC shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of development , unless otherwise agreed in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details including timescale for implementation.

REASON – In the interests of highway safety.

### ***Car Parking***

- 37) No phase of the development hereby permitted shall be brought into use unless the car parking design and provision for that particular phase has been agreed by the Local Planning Authority and has been provided on site. Once provided the parking provision shall be permanently retained and not used for any other purpose.

REASON- In order that adequate on –site-parking provision is available prior to the use of the buildings.

### **Travel Plan**

- 38) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car(to include covered cycle parking and showering and changing facilities), has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and support the measures contained within the approved Sustainable Transport Strategy produced in support of this application. Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

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.

**Retail Uses**

- 39) i) The total floorspace of class A1, A2, A3, A4 and A5 uses combined shall not exceed 2,700sqm gross internal (GIA) and a minimum of 80% of the floorspace provided shall be within the proposed retail centre identified in the submitted masterplan.
- ii) The largest Class A unit to be provided on the application site shall be within this centre and shall be a class A1 supermarket or other shop primarily used for convenience shopping (as defined in Table 3 of PPS6) and shall not exceed 1000sqm GIA. There shall be no amalgamation of any of the units (A1, A2, A3, A4, A5 uses) unless otherwise agreed in writing by the Local Planning Authority.

REASON- To ensure a viable centre providing the development with local shops and services is established while protecting existing centres within the Borough from unacceptable impact from the development.

**Wheel Washing Facility**

- 40) Prior to the commencement of any site works (including demolition and site clearance) details of wheel washing facility and/or measures for construction traffic, shall be submitted to, and approved by, the Local Planning Authority. Such a facility/measures shall be provided, used and maintained on-site until the development is completed.

REASON- To ensure that adequate measures are in place to prevent the depositing of soils and debris on the adjoining public highways in the interests of highway safety.

**Renewable Energy**

- 41) 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.

**Outdoor Drinking Areas**

- 42) There shall be no outdoor drinking areas associated with use classes A3 and A4 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of the amenity of the area.

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

The application site lies within development limits and is in a suitable location for the type of development proposed. The proposed development would contribute to the national and regional policy objectives of securing the reuse of previously developed land and accelerating growth in the Tees Valley Growth Point. The proposal will generally assist in delivering sustainable development objectives such as embedded renewable energy, sustainable building measures, biodiversity and public access.

The loss of employment land and existing buildings is acceptable as there is an identified surplus of employment land and the existing buildings are not of a size, type and condition to be attractive to the market.

The development will clearly have an impact on the local and strategic highway network, however compensatory measures set out in the Sustainable Transport Study and also the imposition of conditions to secure additional works to the local road network should ensure that there is unlikely to be any adverse effects on highway safety as a consequence of traffic generated by the development.

Subject to the submission of satisfactory Reserved Matters applications the development should not adversely affect the amenities of neighbouring occupiers and the application satisfactorily addresses issues of contamination and flooding. It is not considered that the proposal which is in outline only raises any issues which would compromise safety or crime prevention. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

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

- Policy 2 - Sustainable Development
- Policy 3 - Climate Change
- Policy 4 - The Sequential Approach to Development
- Policy 6 - Locational Strategy
- Policy 7 - Connectivity and Accessibility
- Policy 8 - Protecting and Enhancing the Environment
- Policy 10- Tees Valley City- Region
- Policy 12 – Sustainable Economic Development
- Policy 13- Brownfield Mixed-Use Locations
- Policy 16 – Culture and Tourism
- Policy 18 – Employment Land Portfolio
- Policy 19 – Office Development Outside of City and Town Centres
- Policy 24 – Delivering Sustainable Communities
- Policy 25- Urban and Rural Centres
- Policy 28- Gross and Net Dwelling Provision
- Policy 29 – Delivering and Managing Housing Supply
- Policy 30 – Improving Inclusivity and Affordability
- Policy 32- Historic Environment
- Policy 33- Biodiversity and Geodiversity

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

*Saved Policies of the Borough of Darlington Local Plan:*

E1 - Development Limits  
E3 - Protection of Open Land  
E11- Conservation of Trees, Woodlands and Hedgerows  
E12 –Trees and Development  
E14- Landscaping of Development  
E15- Open Land in New Development  
E16- Appearance from Main Travel Routes  
E23- Nature and Development  
E24- Conservation of Land and Resources  
E26- Energy from Renewable Sources  
E29 –The Setting of New Development  
E45- Development and Art  
E46- Safety and Security  
E47- Contaminated and Unstable Land and Development  
E48- Noise-Generating / Polluting Development  
E49- Noise Sensitive Development  
H3 – Locations for New Housing Development  
H9 – Meeting Affordable Housing Needs  
H11- Design and Layout of New Housing Development  
H19- Special Care Accommodation  
R1 - Designing for All  
R4 - Open Space Provision  
R8 - Open Space Provision in New Residential Development  
R7 - The Design of Open Space Provision  
R8 - Maintenance of Recreation Facilities  
R9 – Protection of Playing Pitches  
R20- New Sports and Recreation Development  
R24- Leisure Facilities  
R25- Provision of Community Facilities and Services  
EP2- Employment Areas  
EP3 –New Employment Areas  
EP7- Office / Business Park Development  
S2 - Safeguarding the Town Centre  
S16- Small Local Shops  
S18 – Food and Drink Uses outside the Town Centre  
T8 - Access to Main Roads  
T11- Traffic Calming- New Development  
T12- New Development – Road Capacity  
T13- New Development –Standards  
T24- Parking and Servicing Requirements for New Development  
T31- New Development and Public Transport  
T37 –Cycle Routes in New Developments  
T39- Conditions for Pedestrians



*National Planning Policy*

Parts of the following Planning Policy Statements are material considerations:

PPS1 - Creating Sustainable Communities (2005)

PPS3 – Housing

PPS6 - Planning for Town Centres (2005)

PPS9 – Biodiversity and Geodiversity

PPS13- Transport (2001)

PPS23 – Planning and Pollution Control

PPG24- Planning and Noise

PPS25- Development and Flood Risk

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

The applicant is advised that there are highway works that will be subject to a Sec. 38/278 Agreement (Highways Act 1980) and contact must be made with the Assistant Director: Highways and Engineering (contact Mr. S. Brannan 01325 388755) to discuss this 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 naming and numbering of the development.