

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 18 November 2009

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APPLICATION REF. NO:	09/00240/DCE
STATUTORY DECISION DATE:	6 August 2009
WARD/PARISH:	EASTBOURNE
LOCATION:	Salters Lane
DESCRIPTION:	Erection of community services depot comprising two storey office, single garage space, garage workshop, joinery workshop and storage for council fleet vehicles. External space and waste storage, salt storage, fuel storage and vehicle wash/service facilities.
APPLICANT:	Director of Corporate Services.

APPLICATION AND SITE DESCRIPTION

The application site lies on the eastern edge of the town approximately 2.6 Kilometres (1.6 miles) from the town centre. It is bounded to the north by the Cummins engine factory and to the east and south by open fields. Salters Lane, which is a Bridleway (No.38) extends along the western boundary of the site beyond this is the Maidendale local nature reserve. Residential development is situated further west, approximately 120m from the site.

The application site is approximately 7.1 hectares in area. It is a greenfield site comprising mainly of grassland with some intermittent hedgerows and small number of trees. The site is generally flat and level.

This is a full application for the relocation of the Council Depot from Vicarage Road. The present depot forms part of the Central Park development proposals to regenerate the area of the town adjoining the East Coast main railway line between Yarm Road and Haughton Road. The Central Park scheme which comprises a mixed use development including residential, office, hotel and community facilities extends to some 30 hectares in area and is identified as a key strategic site for the regeneration of Darlington and the Tees Valley. The scheme necessitates the relocation of existing uses from this site including the depot. The supporting information with the application states that a number of possible alternative locations for the depot have been explored. However the Salters Lane site has been identified as providing sufficient space to

accommodate the existing depot facilities with the capability of offering additional space if required during the design process of the scheme.

The proposed scheme would comprise the following elements: -

- A two storey office building providing 1,950m² of floor space which would measure approximately 36m by 35m with a height of 7.5m. It is envisaged that a maximum of 200 staff would use the building.
- The provision of a building for the garaging of council fleet vehicles with associated garage workshop facilities and joinery workshop. The building would measure approximately 135m in length by 25m in width and would have a maximum height of 10.4m.
- External storage areas for the storage of waste materials, salt, and fuel and vehicle wash/service facilities.
- Hard standing areas for service vehicles
- Parking provision for 151 vehicles for staff and visitors.
- Provision of a landscape bund around the site.

Vehicular access would be via Salters Lane and the proposals include upgrading of the Lane to accommodate a cycleway and footpath to the site and works to the Yarm Road/ McMullen Road/Salters Lane junction.

It is intended that the office building would be an exemplar project for sustainable design with an aim to achieve a BREEAM excellent rating. It is proposed for the scheme to use an energy hub, located in the office car park to generate renewable energy from solar thermal panels and a biomass boiler. The office would be of a contemporary design using a modcell prefabricated panel construction (timber frame with straw bales as insulation) that has a natural lime render finish. A number of different external elements are incorporated into the design of the office building to provide architectural relief.

The garage building, incorporating workshops is of a functional design constructed of grey coloured metal sheeting/panels.

The application is one that falls to be considered under the Environmental Assessment Regulations. An Environmental Assessment (EA) has been undertaken and submitted with the application. The ES considers the impact of the development under the following headings;

- Traffic
- Noise
- Air Quality
- Landscape Visual Impact Assessment
- Lighting Impact
- Ecology
- Soil Conditions, Groundwater and Contamination
- Archaeology and Cultural Heritage
- Flood Risk and Drainage
- Sustainability/ Energy

These matters, together with other relevant planning issues, will be considered within the main body of this report.

Other supporting documents with the application include:-

- Design and Access Statement
- Geotechnical and Geoenvironmental Assessment
- Transport Statement and Addendum
- Framework Travel Plan

In accordance with the guidelines contained in the Council's Adopted Statement of Community Involvement, extensive public consultation has been undertaken. The exercise included two public meetings, a letter drop to 324 residents 10 local companies and ward councillors. Internal consultations with council employees have also been held. A total of 13 people attended the public meetings. The main concern raised was that the development may result in an increase in traffic in the area.

PLANNING HISTORY

None of any relevance.

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 3 - Climate Change
- Policy 4 - The Sequential Approach to Development
- Policy 6 - Locational Strategy
- Policy 8 - Protecting and Enhancing the Environment
- Policy 18 – Employment Land Portfolio
- Policy 24 – Delivering Sustainable Communities
- Policy 29 – Delivering and Managing Housing Supply
- 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:

- E2 - Development Limits
- E11- Conservation of Trees, Woodlands and Hedgerows
- E12 –Trees and Development
- E14- Landscaping of Development
- E23- Nature and Development
- E25- Energy Conservation
- E26- Energy from Renewable Sources

E29 –The Setting of New Development
E46- Safety and Security
E47- Contaminated and Unstable Land and Development
E48- Noise-Generating / Polluting Development
R1 - Designing for All
EP3 –New Employment Areas
EP7- Office / Business Park Development
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 Guidance /Statements are material considerations:

PPS1 - Creating Sustainable Communities (2005)
PPS – Planning and Climate Change – Supplement to PPS1
PPS9 – Biodiversity and Geodiversity
PPS13- Transport (2001)
PPG15-Planning and the Historic Environment
PPS23 – Planning and Pollution Control
PPG24- Planning and Noise
PPS25- Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

One letter has been received from a local resident objecting to the proposed development on the following grounds: -

- It is built too near the local nature reserve which holds the endangered /protected spotted newt.
- It would destroy the eco-system and environment of many species that live around the nature spot.
- Noise pollution will double therefore no peace and quiet during the daylight hours and night time
- Waste pollution will double, as more people will drop rubbish plus the waste from the wash down area if not controlled.
- Diesel leakage along the road and spillage destroying the surrounding land
- Operations associated with storage and spreading of salt will be in unsociable hours causing disturbance among wildlife and nearby housing again increasing noise and waste pollution.
- Potential danger to local children who play in the fields and local playground, as a consequence of increase in traffic.
- As a Labour Council you are breaking your party policy about the environment making England a greener country.

Association of North East Councils has provided a detailed response to the proposed development identifying the relevant policies within the Regional Spatial Strategy (RSS) that the development needs to satisfy and conclude that the development is in general conformity with the RSS.

One NorthEast has commented as follows: -

“ One North East supports the relocation of the depot functions since this will release land within Central Park thereby enabling the necessary site assembly to be undertaken to allow regeneration proposals there to proceed. The Agency recognises the importance of Central Park as a regeneration flagship project for Tees Valley to be developed over the next few years.”

CE Electric UK has raised no objections.

Durham County Council Archaeology Section has advised that if the Council is minded to grant planning permission then it is recommended that two conditions be imposed. The first to cover the requirement to evaluate the archaeological potential and the second to cover the requirement to mitigate the impact of the development should any archaeological remains be discovered.

Environment Agency has raised no objection to the proposed development but request a condition to control surface water run off from parking and hardstanding areas. The Agency has also advised that a sustainable drainage approach to surface water management (SUDS) be encouraged.

Northumbrian Water has advised that a water main crosses the site from north to south, close to the western boundary and had initially commented that the development is shown to be built over this and therefore requested a condition requiring the diversion of the water main. Following the provision of additional information to Northumbrian Water they are satisfied that the proposed buildings would not effect the mains but state that the pond and mounding along the western boundary would still affect the water main and therefore would still require its diversion.

English Heritage have been consulted on the application in respect of the impact on the setting of the Grade II* listed Cummins buildings to the north east of the site and have replied that they do not wish to make any comment on the application.

Highways Agency initially responded stating that the proposed development is predicted to cause an increase in traffic on the A66 but they would not require physical mitigation works to mitigate against this impact. Rather they would seek the development to reduce overall traffic as much as possible through the production and implementation of a Travel Plan (TP). A TP has been provided with the application however the Agency had requested a number of amendments to this and issued a holding direction until the outstanding matters were resolved. The Agency has been re-consulted on the revised TP and is now satisfied that these have been satisfactorily addressed and require any permission to be subject to a condition necessitating the implementation and monitoring of the Travel Plan.

Natural England initially commented that insufficient information had been provided for them to come to a considered view as to whether the development would have any adverse effects on protected species. Further information has been provided and they are now satisfied that their

concerns have been addressed. However conditions are sought to safeguard protected species and their habitats and also to ensure that the proposed off site mitigation works to provide additional wildlife habitat areas are undertaken.

The Council's Principal Environmental Health Officer has raised a number of concerns regarding potential noise impact on the properties to the west of the site from operations and associated plant and equipment within the connected with the use of the development and has therefore requested appropriate conditions to address these. Conditions are also sought for the following: -

- A scheme to control dust emissions during construction work;
- Full specification and technical details to be submits of any biomass boiler;
- A full lighting impact assessment for the lighting proposals; and
- Construction work to be restricted to the hours of 07:30 – 1800 Mondays to Friday, 08:00 – 14:00 Saturday and no working on Sunday or Bank Holidays.

The Council's Highways Engineer has raised no objection to the proposal. He has stated that mitigation works will be necessary to the local road network, namely the McMullen Road/Yarm Road/Salters Lane Roundabout and minor adjustments to the configuration of the signals at the Yarm Road/Geneva Road junction. Improvements to the access road to the development, Salters Lane, would also be required, including improvements to street lighting and adjoining footpaths. Consequently he has requested conditions to any approval to secure these highway works and a condition requiring a road safety audit to be carried out at design and completion stages for the works.

The site layout this is generally considered satisfactory but a modification would be required at the turning head of the access to the site from the extension of Salters Lane. Accessibility to the site by public transport, cycle and by foot is satisfactory. In the case of the latter two modes of transport improvements to the footways alongside salters Lane (mentioned above), and improved links to the cycleway network will be required. The level of car parking provision is acceptable but would be dependant on a robust Travel Plan being in place, which again can be conditional to any approval.

The Council's Transport Section has made a number of detailed points on the content of the initial Travel Plan which have been addressed in the subsequent revisions.

The Council's Countryside Section have been involved in the formation of the ecological mitigation measures which are included in the application and are satisfied that the development will not adversely affect protected species and their habitats.

The Council's Senior Arboricultural Officer has commented that most of the trees within the site are of a low standard but that bands of trees to the north are worthy of retention.

PLANNING ISSUES

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

- Planning Policy
- Landscape and Visual Effects
- Residential Amenity

- Ecology and Nature Conservation
- Flood Risk and Surface Water Management
- Ground Conditions
- Archaeology
- Highway Implications
- Other Matters

Planning Policy

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. The development is therefore consistent with RSS policies 4 and 6.

The site is situated in an area allocated as a new employment area under Policy EP3.3 of Darlington Local Plan. For the purposes of this policy new employment development consists of Classes B1 (Business) B2 (General Industry) and B8 (Storage and Distribution) under the Use Classes Order. The individual elements of the proposed development fall within one of these use classes and therefore the development complies with Policy EP3 of the Local Plan.

Landscape and Visual Effects

The Environmental Statement (ES) provides a comprehensive analysis of the visual impact of the proposed development on the landscape character and visual amenity of the surrounding area. The assessment is based on a study area within a 2km radius of the site. The study sets out the context for the site in terms of its setting, physical characteristics and the main views into the site for key “receptors”.

Turning first to the landscape character the ES identifies the existing landscape as semi rural mainly because of the mainly agricultural land use but is influenced by the presence of the urban fringe with employment uses lying to the north and east. The landscape quality is generally considered to be low, although it is recognised that there are several valuable landscape elements which contribute to the character of the area, namely the local nature reserve to the east, the vegetation along Salters Lane and the woodland between the railway and A66.

The ES considers that the scale and form of the development will integrate well with the existing employment uses nearby and officers agree with this view.

The ES identifies that the scheme would result in the loss of a number of intermittent hedgerows and a number of small trees which are considered to be of relatively low value. Nevertheless the proposals would ensure the retention of much of the existing vegetation along its western boundary with Salters Lane. Furthermore the proposed landscaping scheme which accompanies the application should ensure that the development integrates reasonably well with the existing landscape here and would also provide screening for the built form. The landscaping would involve mounding to the south, east and west of the proposed workshops and garaging, and associated hardstanding areas and external storage areas, which would be planted with native trees and shrubs.

As to the visual effects the ES contains a detailed assessment of the visual impact of the development by way of a viewpoint analysis. Eight principal viewpoints were chosen from publicly accessible locations from varying distances and directions. In the case of all the viewpoints the ES provides an analysis based on both the sensitivity of the affected landscape

and the degree of visual impact ranging from negligible to high. The ES concludes that in the main the visual effects will be either negligible to moderate. The site would not be particularly visible from the A66 Trunk road to the south and east due to the topography of the land and vegetation. Views from the railway to the south would also be restricted by a cutting or dense vegetation. The site would be largely screened to the north by the factory buildings fronting onto Yarm Road. The ES considers the most significant impact to be from viewpoints to the west from the Salters Lane bridleway, the local nature reserve and the upper rear windows of dwellings further west. Nevertheless it is considered in the ES that the proposed landscaped mound would provide satisfactory mitigation measures to ensure that the visual effects would be eventually reduced once the landscaping is established.

Overall officers agree with the findings of the ES and are of the view that subject to the implementation of the mitigation measures set out in the application the impact of the development both in terms of its effects on the character of surrounding area and its visual impact would not result in any material harm.

Residential Amenity

There are a number of aspects of the development that have the potential to affect nearby residential properties, which are explored in detail below.

Noise

The Environmental Statement has identified a number of operational noise sources associated with the development, which have the potential to affect dwellings in the vicinity of the site. The key noise sources have been identified as air conditioning condenser units, heat pump, biomass boiler and roof mounted extract fan, power equipment in the garage workshops and waste management plant. In addition the ES also considers the impact of noise associated with additional traffic movements along Salters Lane. The ES includes details of noise measurements that have been carried out to establish background noise levels at the nearest noise sensitive receptors the nearest being the new residential development at Richmond Way. The measurements were taken both during the day and at night. Predicted noise levels at the nearest noise sensitive receptor have then been based on information provided by the Council on the fixed plant and equipment to be used on site and mobile plant noise associated with the waste management activities. The ES concludes that the quietest plant possible shall be installed and that noise mitigation measures will be required in the form of acoustic enclosures for plant noise and an acoustic barrier to protect against noise from the waste management area. The ES also recommends that power equipment to be used within the garage and workshops should only be operated with the doors to the eastern façade of the garage block closed to control noise breakout during maintenance operations. The Councils' principal environmental health officer has requested appropriate conditions to address these matters. In addition she has made the following comments: -

"I would also like to control the times activities are undertaken on site in particular with regard to waste management activities and the use of the garage and workshop. However I am aware that some activities such as vehicle movements in particular the gritting of roads during the winter and refuse collections will take place during the evening, early morning and do not want to unduly restrict these vehicle movements."

Again this can be made conditional to any approval.

Air Quality

The Environmental Statement includes a section on air quality which has considered the impact of the increase in traffic associated with the proposed depot as well as the impact construction work has on air quality. The principal environmental officer has commented: -

“The assessment of road traffic impacts has demonstrated that the proposed Council depot would not cause any exceedances of current air quality objectives. Using criteria set out in ‘Development Control Planning for Air Quality’ NSCA 2008 (now Environmental Protection UK) air quality is a low quality consideration for the Planning Authority and the assessment concludes it will only result in a very small increase in nitrogen dioxide for receptors close to the Salters Lane, Yarm Road roundabout.”

She has also commented that construction works have the potential to cause dust emissions, which may have an impact of site and therefore recommends a condition requiring mitigation measures to be put in place to control this.

The application indicates the possibility of a biomass boiler being installed on site to provide energy to the office accommodation although its impact on air quality has not been considered in the Air Quality Assessment. Nevertheless in the opinion of the principal Environmental Health the biomass boiler is likely to be of such a small scale that there will be very little risk to air quality. Consequently, a more detailed air quality assessment is unlikely to be required. However the site is within a smoke control area and therefore she has advised that it would be prudent to attach a condition requiring full specifications of any proposed boiler to be submitted.

Lighting

The Lighting Impact Assessment in the Environmental Statement concludes that the building of the depot and the proposed lighting scheme will have an impact on the local environment in terms of light spill to the residential development and nature reserve to the west of the site resulting in increased sky glow from reflective light. In order to control the impact of the associated lighting with the depot a condition requiring the submission of a full lighting impact assessment setting out measures to control light spillage outside the site will be necessary.

Ecology and Nature Conservation

An ecological impact assessment has been undertaken for the scheme and forms part of the Environmental Statement. The assessment covers the impacts on flora and fauna within the habitats associated within the application site and also the impact on the Great Crested Newt population in the adjacent local nature reserve.

The assessment indicates that the habitats within the site are mainly of low conservation value, comprising large areas of species poor semi-improved grassland, an arable field, species poor hedgerows and predominantly immature broadleaved woodland. Some habitats of higher ecological value are present within the site but are not of such a quality worth retaining. A hedgerow along the western boundary of the site which is considered to be of higher ecological value than most on the site and this is shown to be retained.

In terms of fauna a number of trees within the site are considered to be of moderate to high potential for supporting roosting bats, which would be retained. Nevertheless in order to compensate for the loss of other mature trees within the site bat boxes are to be provided for breeding and hibernation.

Great Crested Newt surveys were undertaken in March to June 2008 and the spring of 2009 to establish any presence of newts on the site and adjoining land. The results of the survey work and the Environmental Statement have identified that none of the wetland areas within the development site support Great Crested Newts. The ES states that terrestrial habitat within the site is predominantly of poor quality for amphibians. However smaller areas of woodland, dense scrub, hedgerows and coarse grassland habitat, which are largely located to the site's field boundaries are considered to be of good quality for amphibians during the terrestrial phase. Great Crested Newts are known to occur in the adjacent local nature reserve less than 100m from the site. In view of this there is a moderate to high risk that Great Crested Newts may use the site's good quality terrestrial habitat. Although it is considered that the species are more likely to use the superior quality habitats within the local nature reserve immediately adjacent to the ponds within it. Overall the effects on Great Crested Newts are considered to be fairly minor with habitat loss being small scale in relation to the resources available at the local nature reserve and no breeding ponds would be lost.

The ES has also assessed impacts on other species. Namely; Otter, Water Vole, Badger and bird species. Of the first three there was no evidence to indicate their presence within the site. Bird species that were recorded within the site during the survey included robin, song thrush, blackbird, dunnoek, great tit wood pigeon and magpie. These species are all likely to breed within the site. Whilst there will be some loss of trees together with established grassland and wetland habitats the impact on foraging and nesting habitat for birds is considered to be of minor significance.

Overall the ES finds that the ecological impacts are generally not deemed to be significant in terms of the Environmental Impact Assessment Regulations but are important when considering the conservation of biodiversity. In view of this the application includes mitigation measure in order to seek to minimise impacts on habitats and protected species and also the creation of new habitat areas. Most of the woodland and hedgerows along the western boundary of the site, recognised in the ES as good quality habitat, is retained, and the proposed development incorporates new on site habitat as part of the landscaping proposals, including ponds. Off-site mitigation measure are also provided on land to the south of the site along the bridleway and the Darlington to Saltburn railway line, and incorporates native shrub planting, ponds and ditches. The land is within the ownership of the Council and therefore the measures can be secured by way of a Grampian condition. Much of the proposed mitigation works have been agreed with the Council's Countryside Section prior to the submission of the application.

Natural England initially commented that insufficient information had been provided for them to come to a considered view as to whether the development would have any adverse effects on protected species. Further information has been provided and they are now satisfied that their concerns have been addressed. However conditions are sought to safeguard protected species and their habitats and also to ensure that the proposed off site mitigation works to provide additional wildlife habitat areas are undertaken.

Flood Risk and Surface Water Management

A flood risk and drainage assessment is submitted with the ES. The site is situated within Flood Risk Zone 1 and is therefore at low risk of flooding. The assessment identifies a number of mitigation measures to be incorporated into the design of the depot to ensure that the risk of flooding elsewhere as a consequence of the development is minimised. The assessment recommends that the use of sustainable drainage should be considered.

The Environment Agency has raised no objection to the proposed development but request a condition to control surface water run off from parking and hard standing areas. The Agency has also advised that a sustainable drainage approach to surface water management (SUDS) be encouraged which can again be made conditional to any approval.

Ground Conditions

The ES includes a Geotechnical and Geoenvironmental assessment which includes a desk top study, walkover and appropriate risk assessment. The findings indicate that the site has not been the subject to any previous historical development and no made ground has been found. The report has indicated no pollution linkages and concludes that the overall risk to human health and the environment as a result of the proposed development is considered negligible. The Council's Principal Environment Health Officer is in agreement with this conclusion and therefore the imposition of the standard contaminated land condition would not be required to any approval.

Archaeology

An archaeological desk based assessment has been carried out to review the impacts of the development on archaeological and cultural heritage (built heritage and historic landscapes) and is included within the ES.

The cultural heritage assessment has established that no statutory protected archaeological or heritage site will be directly affected by the proposed development. Three grade II* listed buildings lie to the north east of the site (The Cummins engine factory, kerbstones surrounding the pool at the front of the factory, and the security fence around the building) between 0.3km and 0.4km from the site. In view of this and the modern nature of the buildings the assessment finds that there is unlikely to be any significant impact on their setting. English Heritage have been consulted on the application in respect of the impact on the setting of the Grade II* listed Cummins buildings and have replied that they do not wish to make any comment on the application. Officers therefore consider such a response to concur with the assessment.

An outline archaeological mitigation strategy has been proposed with the recommendation that archaeological evaluation by geophysical survey and/or trial trenching be carried out in the first instance within areas of proposed development impact. The report recommends that the Durham County Council Archaeology Section should be consulted in advance of the commencement of development in order to agree an appropriate mitigation strategy.

It is recommended that two conditions be imposed. The first to cover the requirement to evaluate the archaeological potential, and the second to cover the requirement to mitigate the impact of the development should any archaeological remains be discovered.

Highway Implications

A Transport Assessment (TA), an Addendum to the Transport Assessment and a Framework Travel Plan have all been submitted with the application.

The TA addresses a number of transport issues arising from the proposed development, including sustainable transport, traffic generation and impact on the strategic and local highway network.

In considering traffic impact an assessment was made of the following junctions: -

- Hundens Lane
- Broadway/Genevea Road
- McMullen Road/Salters Lane/Darlington Retail Park
- Lingfield Road
- Morton Park/Morton Palms
- A66/A67

The TA recommends that mitigation works would be necessary to the Yarm Road/ McMullen Road Roundabout and minor modifications to the configuration of the light controlled Genva Road/ Broadway junction. The Council's Highways Engineer has commented that latter mitigation can be carried out as part of normal routine maintenance, however a condition would be required to secure the improvement works at the McMullen Road/Yarm Road/Salters Lane Roundabout. Improvements to the access road to the development, Salters Lane, would also be required, including improvements to street lighting and adjoining footpaths. Consequently he has requested conditions to any approval to secure these highway works and a condition is required for a road safety audit to be carried out at design and completion stages for the works.

The Highways Agency has been consulted regarding possible impact on the strategic road network. They initially responded stating that the proposed development is predicted to cause an increase in traffic on the A66, but they would not require physical mitigation works to mitigate against this impact. Rather they would seek the development to reduce overall traffic as much as possible through the production and implementation of a Travel Plan (TP). A TP has been provided with the application however the Agency had requested a number of amendments to this and issued a holding direction until the outstanding matters were resolved. The Agency has been re-consulted on the revised TP and is now satisfied that these have been satisfactorily addressed and require any permission to be subject to a condition necessitating the implementation and monitoring of the Travel Plan. The Travel Plan establishes a range of measures designed to enhance green travel to and from the site and includes the appointment of a Travel Plan Co-ordinator.

In terms of the site layout this is generally considered satisfactory by the Council's Highways Engineer but a modification would be required at the turning head of the access to the site from the extension of Salters Lane. Accessibility to the site by public transport, cycle and by foot is satisfactory. In the case of the latter two modes of transport improvements to the footways alongside Salters Lane (mentioned above), and improved links to the cycleway network will be required. The level of car parking provision is acceptable.

Other Matters

Northumbrian Water has advised that a water main crosses the site from north to south, close to the western boundary and had initially commented that the development is shown to be built over. They therefore requested a condition requiring the diversion of the water main. Following the provision of additional information to Northumbrian Water they are now satisfied that the proposed buildings would not effect the mains but state that the pond and mounding along the western boundary would still affect the water main and therefore would still require its diversion. The applicant's consultant engineers have acknowledged that there may need to be an adjustment to the pond outline once the precise location of the main is established after trial holes have been dug. Similarly it is possible that the proposed landscape mound may also require alterations to avoid encroaching onto the easement area of the water main. Consequently it is considered that it

would be more appropriate to condition any approval requiring the submission of a revised landscaping scheme, which would address Northumbrian Water's concern.

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

In terms of the local impact the EA is considered to be a robust and comprehensive analysis of the impacts of the proposed development. The principal of the development is considered acceptable in this location. The layout and scale, and the design and appearance of the proposed development are considered acceptable and would not result in any material harm to the setting of nearby listed buildings or the visual amenities of the area generally. Nor would the development adversely affect the amenities of neighbouring occupiers. The development incorporates ecological mitigation measures to ensure that protected species and their habitats are conserved. The development is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. Consequently it is considered that there are no material reasons to withhold a grant of planning permission

RECOMMENDATION

THAT PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 A3 – Implementation Limit (Seven Years).
2. B4 - Details of Materials (Samples).
3. B5 - Detailed Application
4. E11- Tree Protection
5. The Rating Level (as defined in BS4142:1997) as a result of site operations and plant noise shall not exceed the background noise level at the receptor locations as indicated on Appendix C.2: "Noise Sensitive Receptor Monitoring Location Plan" of the Environmental Statement Report Ref N7192, when measured in accordance with BS4142:1997."

REASON- To protect the amenities of nearby occupiers

6. Operations shall not commence on site until a scheme to reduce noise levels from any plant, machinery and equipment which is audible at the site boundary has been submitted and approved by the Local Planning Authority. The scheme shall include full details of noise attenuation measures to be carried out such as the selection of quieter plant, acoustic enclosures and noise barriers as recommended by the Noise Impact Assessment included

within Section 6.0 of the Environmental Statement Report Ref N7192. The development shall not be carried out otherwise in accordance with the approved scheme.

REASON- To safeguard the amenities of nearby occupiers

7. Any equipment and or machinery used within the garage and workshop area shall only be operated with the doors to the western facade of the garage and workshop being closed, unless with the doors open the noise emissions are not audible at the site boundary, unless otherwise agreed in writing by the Local Planning Authority.

REASON- To prevent noise and disturbance to nearby properties.

8. The waste management activities and use of the workshop and garage shall not be carried out outside the hours of 07.00am - 10.00 pm Monday to Friday, 08.00am - 6.00pm Saturday, Sunday and Bank Holidays

REASON- To prevent noise and disturbance to nearby properties.

9. Construction work shall not take place outside the hours of 07:30 – 18:00 Monday to Friday, and 08:00 - 14:00 on Saturday, with no working on a Sunday or Bank Holiday.

REASON- In the interests of Residential Amenity.

10. In the event of a biomass boiler being installed on site, prior to installation a full specification and technical details of the biomass boiler including plant size, fuel to be used and maintenance schedule shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be implemented otherwise than in accordance with the approved details.

REASON- To prevent noise and disturbance to nearby properties.

11. 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 be implemented in accordance with the approved details and reviewed at the request of the Local Planning Authority.

REASON - To safeguard the amenities of the area

12. Prior to commencement of the development, 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:
 - i) A description of the proposed lighting units including height, type, shape for all lighting;
 - ii) Hours of operation;
 - iii) The proposed level of lighting (in lumens) and a justification specifying which guidance has been used to choose this;

- iv) Drawing(s) 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;
- v) The direction and aiming angle and upward waste light ratio for each type of light;
- vi) The Environmental Zone, which the site falls within, in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution

REASON – In order to safeguard the amenities of nearby residential properties and to protect the adjoining local nature reserve from light pollution.

13. 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.

14. No development or groundworks shall take place until the applicant has secured the implementation of an agreed programme of archaeological evaluation works (including publication if required) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment 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.

REASON – The site is an area of high archaeological potential, which must be evaluated. No development or groundworks

15. No development or groundworks shall take place until an archaeological mitigation strategy (including publication if required) has been submitted to, and approved by, the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment 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.

REASON- In order to mitigate the impact of the development on archaeological features identified in the evaluation carried out in condition 12.

16. The development hereby approved shall be implemented and monitored in accordance with the Travel Plan prepared by RPS Planning & Development (Issue5) dated 14 August 2009.

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.

17. Notwithstanding anything indicated on the submitted drawings the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development: -
- i) Improvement works at the McMullen Road/Yarm Road/Salters Lane Roundabout.
 - ii) Improvements to the road surface of Salters Lane South between the McMullen Roundabout and the site, together with improvements to street lighting and footways along this stretch of roadway.
 - iii) Provision of a cycleway connecting the site to the wider cycleway network to the north.
 - iv) Details of the turning head at the access to the site from Salters Lane.
 - v) Secure covered cycle parking provision.

The development shall not be carried out otherwise than in accordance with the approved details and the works shall be implemented prior to the occupation of any part of the depot unless otherwise agreed 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 and in the interests of highway safety.

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

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

19. The development shall not be carried out otherwise than in accordance with the on-site mitigation and habitat measures for wildlife as detailed in paragraphs; 12.13.1, 12.13.2, 12.13.3.3 & 12.13.5.1 of the submitted Environmental Statement dated 22 May 2008 and Section E of the Great Crested Newt report by E3 Ecology Ltd. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

REASON – To conserve protected species and their habitat.

20. The development shall not be carried out otherwise than in accordance with the off-site mitigation and habitat measures for wildlife as detailed on drawing no. 589/01 dated 14 September 2009, together with a management agreement as suitable mitigation as described in paragraphs; 12.13.1, 12.3.2, 12.13.3.3, & 12.13.5.2 of the submitted Environmental Statement dated 22 May 2008 and Section E of the Great Crested Newt

report by E3 Ecology Ltd. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

REASON – To conserve protected species and their habitat.

21. Full details of the off site newt mitigation measures outlined on drawing no. 589/01 dated 14 September 2009 shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

REASON- In order that the Local Planning Authority are satisfied with the details of the development and to ensure the conservation of protected species and their habitats.

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

REASON – To prevent pollution of the water environment.

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

REASON – To prevent pollution of the water environment.

24. Notwithstanding details of landscaping submitted with the application a revised scheme shall be submitted to the Local Planning Authority once the precise location of the water mains that passes through the site has been established. The approved landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscape scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site in the interests of the visual amenities of the area and in order to avoid the building over of a public water main which passes through the site.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

In terms of the local impact the EA is considered to be a robust and comprehensive analysis of the impacts of the proposed development. The principal of the development is considered acceptable in this location. The layout and scale, and the design and appearance of the proposed development are considered acceptable and would not result in any material harm to the setting of nearby listed buildings or the visual amenities of the area generally. Nor would the development adversely affect the amenities of neighbouring occupiers. The development incorporates ecological mitigation measures to ensure that protected species and their habitats are conserved. The development is not considered to raise any issues in relation to car parking provision, highway 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 3 - Climate Change
Policy 4 - The Sequential Approach to Development
Policy 6 - Locational Strategy
Policy 8 - Protecting and Enhancing the Environment
Policy 18 – Employment Land Portfolio
Policy 24 – Delivering Sustainable Communities
Policy 29 – Delivering and Managing Housing Supply
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:

E2 - Development Limits
E11- Conservation of Trees, Woodlands and Hedgerows
E12 –Trees and Development
E14- Landscaping of Development
E23- Nature and Development
E25- Energy Conservation
E26- Energy from Renewable Sources
E29 –The Setting of New Development
E46- Safety and Security
E47- Contaminated and Unstable Land and Development
E48- Noise-Generating / Polluting Development
R1 - Designing for All
EP3 –New Employment Areas
EP7- Office / Business Park Development
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)
PPS – Planning and Climate Change – Supplement to PPS1
PPS9 – Biodiversity and Geodiversity
PPS13- Transport (2001)
PPG15-Planning and the Historic Environment
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 new highway works and works within the existing public highway will be subject to a Sec.38/278 Agreement and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.S.Brannan/Mr.A.Hush 01325 388755/01325 388757) 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.