

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 6 February 2008**

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**APPLICATION REF. NO: 07/00869/FUL**

**STATUTORY DECISION DATE: 22 November 2007**

**WARD/PARISH: CENTRAL**

**LOCATION: Queen Street Shopping Arcade And Land At Commercial Street, Kendrew Street And St. Augustines Way, Darlington**

**DESCRIPTION: Erection of an extension to Queen Street Shopping Centre comprising new retail and leisure uses (Use Classes A1, A3 and D2) on site of Commercial Street car parks, construction of pedestrian bridge over St. Augustine's Way and erection of multi-storey car park, 26 No. apartments and shop unit on site of Kendrew Street car park - amended scheme comprising alterations to approved St. Augustine's Way and King Street elevations of shopping centre extension, pedestrian bridge design, multi-storey car park and apartments (layout and elevations) and provision of kiosk unit and substation building on King Street, together with variation of condition 6 of planning permission 06/00953/FULE to allow variation to phasing of development (Amended plans, development description and amended design and access statement and justification statement received 07 January and additional phasing information received 25 January 2008)**

**APPLICANT: COBALT ESTATES (DARLINGTON) LIMITED**

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**APPLICATION AND SITE DESCRIPTION**

Planning permission was granted for the erection of an extension to the Queen Street Shopping Centre comprising new retail and leisure uses (Use Classes A1, A3 and D2) on the site of the existing Commercial Street car parks, the construction of a pedestrian bridge over St Augustine's Way, the erection of a multi-storey car park, apartments and a shop unit on the site of the Kendrew Street car parks and associated highways improvements in February 2007 following referral of the application to the Secretary of State under the Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993.

This is an amended application, which relates to a number of relatively minor changes to the shopping centre, multi-storey car park and residential development which can be summarised as follows:

- Slight re-siting of main Debenham's department store unit set further back from St Augustine's Way frontage resulting in changes to main entrance on St Augustine's Way.
- Elevational changes to the St Augustine's Way and King Street elevations principally limited to external finishes;
- A reduction in the floor area of the Winter Garden at the southern end of St Augustine's Way to accommodate back of house requirements for Debenhams;
- The slight enlargement of Unit LSU01 (on the corner of King Street/Commercial Street) to accommodate generator housing;
- The omission of an office unit on King Street (adjoining the northern end of the existing buildings at 12 – 18 King Street) and the erection of a building incorporating a shop unit and electricity sub-station in its place;
- Alterations to the detailing of the main elevation of the multi-storey car park facing St Augustine's Way and residential development facing King Street and Gladstone Street;
- Amendments to the design of the pedestrian bridge over St Augustine's Way linking the multi-storey car park with the shopping centre;

It is not however proposed to change the footprint or number of units in the shopping centre or the general configuration of the car park or the residential development on Kendrew Street.

Since the revised application has been submitted it is also now proposed to vary condition 6 of planning permission 06/00953/FULE, which relates to the phasing of the development. The condition requires that the multi-storey car park on Kendrew Street be built and be operational prior to the commencement of the shopping centre extension on Commercial Street and for the residential development to be built concurrently with the multi-storey car park.

It is now likely that there will be a short overlap where the multi-storey car park will not be available whilst the construction of the retail scheme is taking place. The anchor tenant, Debenhams, wishes to occupy their unit in Autumn 2010 and consequently construction on the shopping centre must commence in January 2009. The multi-storey car park will not be operational until Spring 2009, which will result in a short period of overlap (approximately 3 months) where the multi-storey car park will not be available whilst the preliminary construction stages of the retail scheme are taking place. During this period of overlap it is proposed that the developer will provide a minimum of 350 temporary car parking spaces to serve the town centre.

Although the details of the location and management of the temporary car parking spaces is unknown at this time, the developer has suggested that a planning condition be attached to any planning permission granted requiring the submission and approval of such a scheme to be agreed by the Council.

The developer has also advised that it is not possible to construct the residential development concurrently with the multi-storey car park. As such it is also proposed to amend the wording of condition 6 to permit a delay in the construction of the residential element of the development. For operational reasons it is not possible to construct the two elements concurrently. Although the retaining walls and foundations for the residential element will be provided at the same time as the car park is constructed, there is insufficient gap between the two elements to enable them to be built at the same time. Once the car park is built then the structure will act as 'scaffolding'

for the residential element. Work will resume on the residential element once the multi-storey car park is complete (February 2009). The revised timetable indicates that the residential development will be substantially complete by May/June 2009 with the roof completed in July/August 2009.

A revised Design and Access Statement and Planning Statement has been submitted with the amended application.

## **PLANNING HISTORY**

The site has a lengthy planning history, the most relevant of which is set out below:

03/00456/OUT – Erection of a building as an extension to the Queen Street Shopping Centre for A1 (shopping), A3 (food and drink) and D2 (Assembly and Leisure) purposes with roof top parking and a separate multi-storey car park with a link bridge. GRANTED 14 October 2003.

04/00388/OUT – Amendment to approved outline planning permission for extension to Queen Street Shopping Centre and associated car parking, to include enlarged retail area by incorporating 10 and 12 Union Street (amended plans and additional reports received 28.4.04). GRANTED 3 August 2004.

06/00953/FULE - Erection of an extension to Queen Street Shopping Centre comprising new retail and leisure uses (Use Classes A1, A3 and D2) on site of Commercial Street car parks, construction of pedestrian bridge over St Augustine's Way and erection of multi storey car park, 26 No. apartments and shop unit on site of Kendrew Street car parks. GRANTED 2 February 2007.

## **PLANNING POLICY BACKGROUND**

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

E2 – Development Limits

E9.2 - Protection of Parklands (North Lodge Park)

E10 – Protection of Key Townscape and Landscape Features

E12 – Trees and Development

E14 – Landscaping of Development

E16 – Appearance from Main Travel Routes

E27 – Flooding and Development

E28 – Surface Water and Development

E29 – The Setting of New Development

E34 – Archaeological Sites of Local Importance

E46 – Safety and Security

E47 – Contaminated and Unstable Land and Development

E48 – Noise-Generating/Polluting Development

H3 – Locations for New Housing Development

H4 – New Housing Development in and around the Town Centre and Other Centres

H5.16 – New Housing Development Sites (Kendrew Street)

H11 – Design and Layout of New Housing Development

H15 – The Amenity of Residential Areas

H16 – The Improvement of Older Residential Areas

R1 – Designing for All  
R2 – Access for People with Disabilities  
R3 – Provision of Public Facilities in New Buildings  
EP11.5 – Central Area Development Sites (Commercial Street)  
S1 – New Shopping Development  
S2 – Safeguarding the Town Centre  
S5 – Town Centre Food and Drink Uses  
S16 – Small Local Shops  
T2 – Highway and Transport Management – New Development  
T12 – New Development – Road Capacity  
T13 – New Development – Standards  
T16 – Access for Deliveries, Buses, Cyclists, Taxis and People with Disabilities  
T17 – Rear Servicing  
T19 – Multi-Storey Car Parks  
T20 – Town Centre Surface Car Parks  
T22 – Priority in Town Centre Car Parks  
T24 – Parking and Servicing Requirements for New Development  
T25 – Parking and Servicing Requirements for New Development in the Town Centre  
T31 – New Development and Public Transport  
T36 – Cycle Route Network  
T37 – Cycle Routes in New Developments  
T38 – Public Cycle Parking

### **Supplementary Planning Guidance**

Adding to Quality, A Development Strategy for Darlington Town Centre (adopted by the Council, 2001) is relevant as supplementary planning guidance. It aims to promote a retail-led mixed-use development in the Commercial Street area, of a scale and quality, which will significantly increase the town centre's mass of attractions and raise its position relevant to competing centres. It says the key is to provide larger shop units, of a size to attract national multiple retailers not otherwise able to find units in Darlington. The development should complement and be well integrated with existing attractions and amenities of the town centre. To help take the proposal forward, a brief setting out the Council's Planning and Highway Requirements for development at Commercial Street was approved (2001, revised 2004).

### **National Planning Policy**

Parts of the following Government Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs) are important material considerations:

PPS1 – Creating Sustainable Communities (2005)  
PPS3 – Housing (2006)  
PPS6 – Planning for Town Centres (2005)  
PPG13 – Transport (2001)  
PPG15 – Planning and the Historic Environment (1994)  
PPG16 – Archaeology (1990)

## **RESULTS OF CONSULTATION AND PUBLICITY**

Notification letters were sent to local businesses and residents on both the original and amended schemes. Both proposals were also advertised in the Darlington and Stockton Times and by a number of site notices on and around the site. No responses from this consultation exercise have been received.

**CE Electric UK**

(Original scheme) No objections to the application.

**Northern Gas Networks**

(Original scheme) No objections to the proposals.

**Darlington Association on Disability**

(Original scheme) No objection.

**PLANNING ISSUES**

The principal of extending the Queen Street Shopping Centre for retail and leisure purposes and the erection of a multi-storey car park and pedestrian bridge has been established by the granting of planning permission in February 2007. Although this is a revised planning application it is not considered necessary to revisit the application in terms of its compliance with planning policy. Consideration of this application will therefore be limited to the impact of the proposed amendments to the scheme in terms of their impact on the character and appearance of the surrounding area and the impact of varying condition 6.

**Impact on Character and Appearance of Town Centre and Northgate Conservation Areas and Surrounding Area**

The northern and southern parts of the site lie within the Northgate and Town Centre Conservation Areas respectively. The part of the site that lies within the Town Centre Conservation Area includes the existing Queen Street Shopping Centre entrance on Bondgate/Prospect Place. Although the application does not propose any changes to this part of the site, the proposal must nevertheless be considered in terms of its impact on the character and appearance of the wider Town Centre Conservation Area. The northern most part of the development taking place on the Kendrew Street site lies within the Northgate Conservation Area. Such development will be limited to the residential development flanking the northern elevation of the car park facing Gladstone Street.

Planning Policy Guidance Note 15 'Planning and the Historic Environment' states that the desirability of preserving or enhancing conservation areas should be a material consideration in Local Planning Authority's handling of development proposals, which are outside conservation areas but would affect its setting or views into or out of an area. Policy E29 (The Setting of New Development) also requires new development, including alterations and extensions to existing buildings, to respect the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features, including gardens and other open spaces which contribute to the character of the setting, and not to materially detract from the appearance of its surroundings.

Policy E10 (Protection of Key Townscape and Landscape Features) states that development which, because of its height, scale, location or design would materially detract from the character and appearance of the skyline of the central urban area, will not be permitted. Policy E16 (Appearance from Main Travel Routes) also states that the appearance of the Borough from the main road network, the railway lines, the Teesdale Way and the proposed recreation routes will be maintained and enhanced by requiring new development to respect its setting, and to incorporate landscaping, which makes a positive contribution to the appearance of its surroundings.

A townscape and visual assessment of the proposed development was undertaken as part of the Environmental Impact Assessment and submitted with the previous planning application. The assessment concluded that the impact of the proposed retail and leisure element of the development on the Commercial Street site, when viewed from key areas along St Augustine's Way, would have substantially beneficial visual effects. In terms of the impact of the proposed development on the character and appearance of the Town Centre Conservation Area, the proposed development was considered to preserve the existing character of the Area.

The predominant character and form of the proposed shopping centre will not change as a result of the proposed changes to the St Augustine's Way and King Street elevation, which are principally limited to relatively minor changes to the architectural detailing of some parts of these external elevations as well as slight increases in the height of the shopping centre to take account of external plant on the top of the building. Such changes will not however exceed the approved upper height of the cinema block, which sits on top of the shopping centre. Although the changes will relate to the two most important and prominent public elevations of the development, in the wider context of the overall scheme the proposed changes will appear negligible. In terms of the increase in height much of the plant on the rooftop will be set back from the outer edges of the shopping centre and will not appear unduly obvious in the wider streetscene context. Such changes are inevitable as schemes evolve and in many respects the proposed changes to the elevations are considered to consolidate and improve the overall architectural character and appearance of the building. The proposed changes will not be discernible when viewed from the Town Centre Conservation Area and as such are considered to preserve the existing character of the area.

The proposed enlargement of unit LSU01 will involve widening this unit by some 3.5 metres to the south. While this will encroach on the proposed service yard access to the roof top service yard servicing the existing Queen Street shopping centre, there will still be adequate space for vehicles to access this area. In elevational terms, the south elevation of this part of the building will appear as a continuation of the King Street elevation of the building.

The approved office building at the northern end of King Street was designed to book-end the terrace of three existing buildings on King Street and to enhance the appearance of the scheme when viewed from St Augustine's Way. In addition, the inclusion of the building was intended to improve the pedestrian environment along King Street, which will also be used as a service area between 4pm and 10am daily, to encourage pedestrian flow and activity to this part of the scheme and to the existing businesses on King Street.

It is now proposed to replace the office building with a single storey building to accommodate an electricity substation and small kiosk shop unit. While the shop unit will provide a draw for pedestrians and outdoor activity, a landscaped, external seating area is proposed to the northern side of the building, there is some concern regarding the scale of the building and its relationship not only with the existing buildings on King Street and the scheme itself, but also its relationship onto St Augustine's Way. These concerns have been expressed to the applicants' agent and it has been agreed that the height of the proposed building will be increased so as to relate better to the adjacent buildings. It is anticipated that amended plans will be received in time for the meeting. Members will be updated verbally on this matter at the meeting.

The reduction in floor area of the Winter Garden at the eastern end of the scheme adjacent to the Northgate roundabout will not affect the external appearance of this part of the scheme. The reduction in floor area is considered to be sufficiently small so as not to unduly affect the operational ability of this part of the scheme.

The Design and Access Statement advises that the structural complexity of the original single mast cable stayed bridge, supporting a curved deck, has been compounded by restricted foundation conditions. The pedestrian bridge, linking the car park and retail development, will now be straight rather than having a curved appearance. The main support will now have a 'wishbone' appearance rather than a single vertical column and the canopy over the bridge has been amended. Nevertheless it is considered that the proposed bridge, in its amended form, retains the iconic appearance of the former bridge and is acceptable in the context of linking the multi-storey car park with the retail and leisure element of the scheme, over the existing ring road.

Similarly, the proposed amendments to the elevations of the residential and car park elements of the development on Kendrew Street are considered to be relatively minor in the context of the scheme and will not unduly affect the character and appearance of the Northgate Conservation Area.

### **Amendments to Approved Phasing Scheme**

The phasing condition was attached to ensure that the construction work associated with the development did not adversely affect car parking provision serving this part of the town centre and that the residential development was built concurrently with the multi-storey car park to minimise any disturbance from the car park on the residential properties to the north and west of the application site.

Turning firstly to the overlap in the car park being operational and construction of the shopping centre starting, this has become necessary as construction on the site is to commence later than originally anticipated (April 2008 rather than January 2008) and it is vital to the scheme that the department store opens as agreed with the developer in September 2010. In order to achieve this target, construction on the Commercial Street site must start in January 2009, however the multi-storey car park is not expected to be operational until Spring 2009. This will result in the Commercial Street car parks (which provide approximately 320 parking spaces) being unavailable prior to the new multi-storey car park being operational for a maximum period of 3 months.

In order to mitigate against the loss of car parking spaces for this temporary period, the developer has undertaken to provide a minimum of 350 parking spaces (to off-set the loss of the current provision at the existing Commercial Street car parks). It is not known at this stage where the temporary car parking is to be provided or how it is to be managed, however it is suggested that a condition be attached requiring the submission and approval of a scheme for temporary car parking, which will include details of the location and management of the alternative car parking. It is acknowledged that it may be difficult to provide such a number of spaces in the general location of the existing Commercial Street car parks and it may be necessary for the developer to provide a shuttle bus service to transport shoppers from the car park to the northern side of the town centre. Provision is made for this, if necessary, within the planning condition.

While the overlap in the construction period of the car park and the retail/leisure elements are regrettable, it is acknowledged that this is for a relatively short period of time and that alternative facilities to mitigate against the loss of car parking for this period can be provided. In the wider context of securing a retail and leisure development for Darlington of this scale it is considered that the proposed mitigation measures will off-set any shortfall in parking spaces for a comparatively short period of time.

The developer has advised that it is not operationally possible to construct the residential development at the same time as the multi-storey car park. Although the foundations for both elements of the development on Kendrew Street will be provided at the same time, work will continue on the multi-storey car park. The site of the residential development will be used as a site compound for the duration of the construction phase of the car park and construction of the residential development will resume on completion of the car park, with the decks of the car park acting as scaffolding for the construction of the residential development.

The Council's Highways and Transport Policy Sections have been consulted on the application and their comments will be reported verbally at the meeting.

The developer has advised that the reasons for the delay in the completion of the residential element of the development on Commercial Street is due to a number of factors. The creation of a working area on the footprint of the residential site, for the duration of the construction phase of the multi-storey car park, avoids the need for additional footpath and road closures to create a safe working environment, thereby limiting further disruption within the vicinity of the site. In addition the residential and multi-storey car park elements are two independent structures of differing construction forms and the space between the buildings is insufficient to work on the rear elevation of the residential element abutting the car park. Construction has to take place using the car park decks as access, which will require the temporary decommissioning (March – June 2009) of a proportion of the parking bays while a particular elevation is constructed. On completion of the car park (February 2009) the construction of the residential development will resume and the north elevation of the car park will be screened with scaffolding. The scaffolding will be removed once the development is completed (August 2009) exposing the completed elevations.

There will be a delay of approximately 6 months between the completion of the car park and the completion of the residential development. Screening of the completed multi-storey car park will for the most part be provided by scaffolding and the emerging structure, such that any impact of the proposed multi-storey car park in terms of activity and visual appearance will be limited to a relatively short period of time. Once again in the interest of securing the development as a whole for the town a delay of this period is not considered to be so injurious to residential amenity so as to warrant refusal of the application on this basis.

### **Referral of the Application to Government Office**

The original application was referred to the Secretary of State (Government Office for the North East) under the Town and Country Planning (Shopping Development) (England and Wales) (No 2) Direction 1993. The Secretary of State decided not to intervene and planning permission was issued on 2 February 2007. It is not however proposed to refer this application back to the Secretary of State given that the proposal does not differ substantially from the approved scheme in terms of a significant change in the amount of retail floor space or elevational treatment. The fact that the Secretary of State chose not to intervene in respect of the previous application has also been taken into consideration in deciding not to refer this amended application.

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

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on,

and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The principle of the proposed shopping centre extension, multi-storey car park and pedestrian bridge had been established by the granting of planning permission in February 2007. This application seeks a number of amendments to the architectural detailing of the scheme together with an enlargement of LSU01, the replacement of an office building with an electricity sub-station and kiosk shop unit and variations to the wording of the original phasing condition 6. The proposed amendments to the architectural detailing of the scheme and enlargement of the LSU01 are considered acceptable in the context of the approved scheme and the wider streetscene. Further work is required to the proposed replacement building on the site of the approved office building on King Street and it is anticipated that further plans will be available in time for the meeting. While the overlap in the construction of the car park and retail/leisure elements of the scheme and the delay in the commencement of the residential development on Kendrew Street are regrettable, it is considered that appropriate mitigation measures are proposed by the developer and that in the context of securing a retail and leisure development of this scale for Darlington are considered acceptable. The proposed development complies with all relevant national and local planning policies, including a planning brief for the site.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) B10 Test Panel of Materials
- 5) B11 Design and Fitting of Windows
- 6) Prior to the commencement of the development hereby approved, a scheme of phasing of development shall be submitted to, and approved by, the Local Planning Authority and shall be implemented in accordance with that scheme, unless otherwise agreed in writing, with the Local Planning Authority. The submitted scheme shall provide for the multi-storey car park on Kendrew Street to be constructed and be operational within three months of the commencement of the shopping centre extension on Commercial Street and for the residential development to be completed in accordance with the phasing timescale set out in the information received from Cobalt Estates (Darlington) Limited on 25 January 2008, or other such timescales may be agreed in writing by the Local Planning Authority.

REASON - To ensure the development is carried out in accordance with the planning permission and scheme of works, and to avoid any detriment to amenity that may be caused by any phase remaining incomplete.

- 7) Details of the proposed landscaping, to include landscape planting within the Winter Garden, shall be submitted and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. The submitted details should include a timetable for the implementation of the approved landscaping running concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally approved and plans.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

- 8) Prior to the commencement of the development hereby permitted, or any other such extended time as may be agreed by the Local Planning Authority, full details of all external plant and machinery, including noise emissions, shall be submitted to and approved by the Local Planning Authority. Thereafter noise emissions from such plant shall not exceed the background noise level by more than 5dB(A) when measured in accordance with BS 4142, 1997, at the nearest affected residential property.

REASON – To prevent noise and disturbance to nearby properties.

- 9) Notwithstanding the submitted noise assessment, prior to the commencement of the development of the residential development on the Kendrew Street site, a noise assessment shall be undertaken in respect of the licensed premises on Gladstone Street and its impact upon the residential properties on the Gladstone Street elevation of the multi-storey car park. The assessment should provide details of appropriate noise attenuation measures for the nearest dwellings, and shall be submitted to and approved by the Local Planning Authority in writing. Thereafter noise attenuation measures shall be carried out in accordance with the approved scheme.

REASON – To prevent noise and disturbance to nearby properties.

- 10) The proposed new service yard on King Street shall be used only by service vehicles between the hours of 4pm and 10am on any day.

REASON – In the interest of the safety of pedestrians using this area and to accord with the servicing arrangements in place elsewhere within the town centre.

- 11) The use of the ground floor shop unit on the corner of Gladstone Street and King Street shall be limited to retail use only defined as falling within Use Class A1 (Shops) of the Town and Country Planning Act 1990, as amended by the Use Classes (Amendment) Order 2005 and the General Permitted Development (Amendment) Order 2005.

REASON – In the interest of protecting the amenities of adjacent residential properties.

- 12) In accordance with condition 11 above, the ground floor shop unit shall operate only between the hours of 8am and 11pm.

REASON – In the interest of protecting the amenities of adjacent residential properties.

- 13) J2 Contamination

- 14) Prior to the commencement of the development a Dust Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To protect the amenities of the neighbouring dwellings.

- 15) J5 Wheel Washing Facility (Details)

- 16) Prior to the commencement of development hereby approved, a scheme for the piling of foundations (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, such a scheme shall include the following:

- a) An assessment of the likely vibration levels and details of any necessary mitigation measures;
- b) Details for the monitoring of vibration levels and details of any necessary mitigation measures;
- c) If necessary, a risk assessment for the protection of groundwater from any contamination which may be present on site.

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

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

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

- 18) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such a scheme shall be implemented before the construction of impermeable surfaces draining to 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.

- 19) No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include evaluation, the implementation of an appropriate programme of building recording/analysis, and where appropriate, mitigation in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Local Planning Authority.

REASON – The site is in an area of high archaeological potential and contains buildings which are of architectural/historic significance. The specified works are required to record features of interest, inform works and mitigate impact.

- 20) Prior to the multi-storey car park hereby approved first being brought into use, or any other such time as may be agreed in writing by the Local Planning Authority, a scheme of highway improvements to include the construction of a traffic signal controlled junction and an at-grade pedestrian and cycle crossing on St Augustine's Way, shall be carried out in full to the satisfaction of the Local Planning Authority.

REASON – In the interest of highway safety and efficient traffic management.

- 21) The access and highway proposals required by condition 21 above shall include provision for the following matters, which shall first be agreed in writing by the Local Planning Authority:

- a) Details of a queue detector;
- b) Location of cycle and motorcycle parking;
- c) Precise location of the cycleway through the site.
- d) Improvement works to service accesses to the site from Northgate and Bondgate to include improvement works to the carriageways, footways and street lighting.
- e) Improvement works to the carriageways, footways and street lighting on Gladstone Street and King Street as part of the approved residential development.

The car park hereby approved shall be designed to Secure Car Park standard.

REASON – To ensure that the car park incorporates design features to deter crime.

- 22) Prior to the commencement of the development hereby permitted, or such other timescale which may first be agreed in writing by the Local Planning Authority, a management plan for the car park (which shall be formulated to ensure that priority is given to short stay parking) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the car park shall be run in conformity with the approved management plan.

REASON – To ensure that the car park is available predominantly for short stay parking to serve the needs of people visiting the town centre for shopping trips.

- 23) The development hereby approved shall not be commenced until all additional highways have been formally stopped up in accordance with the relevant statutory procedures.

REASON – The development as approved includes development on a number of public highways.

- 24) Prior to the apartments hereby approved first being occupied the residents and visitor parking as shown on drawing number P130 shall be provided and made available for use and thereafter maintained for that purpose.

REASON - To ensure that appropriate provision is made for off-street parking to serve the residential element of the proposal.

- 25) Prior to the opening of shopping centre hereby approved, details of public transport provision on St Augustine's Way, to include a bus shelter equipped with real time bus information and raised kerbs, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the occupation of the shopping centre.

REASON – In order to facilitate public transport access to the site in accordance with adopted planning policy.

- 26) No occupation of the development hereby approved shall take place until the Travel Plan prepared by Denis Wilson Partnership dated September 2006 and submitted as part of this planning application has been implemented in full.

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

- 27) Prior to the commencement of the development hereby approved, or such other extended timescale that may be agreed by the Local Planning Authority, details of the gates or barrier to the proposed service yard to be created at the eastern side of the proposed shopping centre extension, accessed off the Northgate roundabout, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the gates or barrier shall be provided before the service yard becomes operational and in accordance with the details as approved.

REASON – In the interest of visual amenity and to deter public access to the area.

- 28) The refuse storage arrangements, shown on the approved plan (Drawing No. P130), shall be completed prior to any part of the accommodation hereby permitted being occupied.

REASON - To ensure that refuse can be properly stored and removed from the site as soon as the proposed use of these premises commences.

- 29) J8 Artwork

- 30) Notwithstanding any of the details of the proposed shop frontages and display windows shown on the approved plans, all external windows facing St Augustine's Way and King Street shall be used for display purposes only and shall not be used for storage purposes.

REASON – In the interest of maintaining an active frontage onto the main facades of the building hereby approved, in the interest of visual amenity.

- 31) Notwithstanding any details provided within the submitted application or any of the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) Precise details of the proposed layout and use of the Winter Garden. Such details shall include the provision of a café or refreshment facility, a public exhibition space and details of landscape planting to be provided within the Winter Garden.

(b) Precise details of the relationship of the approved development with the existing Queen Street Shopping Centre to include details of the proposed opening hours and operational interface between the two centres; and

(c) Details of the proposed opening hours of the leisure element of the development hereby approved and how this will relate to the remainder of the shopping centre, including the Queen Street shopping centre. Such details shall give priority to ensuring the development provides optimum permeability through the site out of normal operational hours.

REASON – To ensure that the development hereby approved operates effectively with the existing Queen Street shopping centre in the interest of maintaining permeability through the site and the town centre as a whole.

- 32) Prior to the commencement of development hereby approved, a scheme for replacement car parking shall be submitted to and approved by the Council for the period between the commencement of construction of the shopping centre extension on Commercial Street and the multi-storey car park on Kendrew Street becoming operational, or such other period of time as may be agreed by the Local Planning Authority. This temporary car parking scheme shall include details of the location and management of the car park and details of a shuttle bus service, if considered necessary by the Local Planning Authority, and shall provide for a minimum of 350 spaces to be available for use throughout the temporary period. Thereafter the temporary car parking arrangements shall be provided in accordance with the approved details and thereafter be so maintained.

REASON – To ensure that sufficient alternative car parking is available for the temporary period between the commencement of construction of the shopping centre extension on Commercial Street and the multi-storey car park on Kendrew Street becoming operational.

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

The principle of the proposed shopping centre extension, multi-storey car park and pedestrian bridge had been established by the granting of planning permission in February 2007. This application seeks a number of amendments to the architectural detailing of the scheme together with an enlargement of LSU01, the replacement of an office building with an electricity sub-station and kiosk shop unit and variations to the wording of the original phasing condition 6. The proposed amendments to the architectural detailing of the scheme and enlargement of the LSU01 are considered acceptable in the context of the approved scheme and the wider streetscene. Further work is required to the proposed replacement building on the site of the approved office building on King Street and it is anticipated that further plans will be available in time for the meeting. While the overlap in the construction of the car park and retail/leisure elements of the scheme and the delay in the commencement of the residential development on Kendrew Street are regrettable, it is considered that appropriate mitigation measures are proposed by the developer and that in the context of securing a retail and leisure development of this scale for Darlington are considered acceptable. The proposed development complies with all relevant national and local planning policies, including a planning brief for the site.

## **INFORMATIVE**

### **Natural England**

The applicants should be informed that the granting of planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms of any licenses required as described in ODPM Circular 06/2005 Part IV B and C.

**Northumbrian Water****Water Supply**

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

**Production**

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

Surface water discharges must be prevented from entering public surface water or combined sewers. Surface water flows must be discharged to soakaways, suitable infiltration systems, streams, watercourses, the sea and at a last resort the public sewer. If the surface water or combined sewer is the only possible means of discharge, Northumbrian Water must be consulted. Contact Mr L Hope Tel 0191 419 6533. Surface water will not be permitted to enter foul sewers.

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

The proposed development will/may affect the public sewer. The applicant must contact L Hope Tel 0191 419 6533 for further information.

**Durham County Council Archaeology**

The developer, or archaeological consultants, should contact Durham County Council Archaeology department as soon as possible so that a suitable evaluation and mitigation strategy can be devised and timetabled accordingly into the development programme. Contact Lee White, Assistant Archaeology Officer, Adult & Community Services, Culture & Leisure, Durham County Council, Rivergreen Centre, Aykley Heads, Durham DH1 5TS. (0191) 370 8846.

**Highway Matters**

The applicant is advised that works are required within the public highway that will need to be the subject of a Section 278 Agreement (Highways Act 1980) and contact must be made with the Highways Manager (Contact Mr S Brannan 01325 388755) to discuss this matter.