

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11 March 2009

Page

APPLICATION REF. NO:	08/00917/FUL
STATUTORY DECISION DATE:	17 February 2009
WARD/PARISH:	LINGFIELD
LOCATION:	Former Torrington's site, Yarm Road, Darlington
DESCRIPTION:	Hybrid Application for mixed use development comprising B1 office, B8 storage and warehousing (Outline); and B1 office, B2 industrial units, A3 restaurant, A4 public house, builder's merchants and 57 bed hotel.
APPLICANT:	Commercial Development Projects Limited

APPLICATION AND SITE DESCRIPTION

The application site, which measures some 7.9 hectares in area, is located 2.7km east of Darlington town centre and 700m east of Yarm Road local centre. Buildings that had previously occupied the site, associated with the Torrington's engineering company, have since been demolished.

The site is bounded to the west by Darlington Retail Park and to the north and east by a variety of employment uses, including the offices of Orange plc.

Vehicular access would be from Yarm Road B6280, which abuts the south and southeast side of the site.

The application is part detailed and part in outline.

The detailed element consists of the following components: -

- A three storey hotel building containing 57 bedrooms with maximum dimensions of; 14.5m in width; 39.2m in length; and 11.7m in height. The building would be of a traditional design, of red brick construction incorporating an artificial slate roof.
- A two storey public house (Harvester Bar and Grill) with maximum measurements of; 14.8m in width; 23.8m in length; and 7.46m in height. It would be of a red brick construction with artificial slate roof.

- A single storey restaurant (Frankie & Benny's) measuring 23.8m long, 14.8m wide and 11.7m in height at its highest point. It would be of a pitched roof design with external walls of red facing brick.
- A builders merchant - comprising a large single storey structure measuring 26.2m in width, 40.7m in length with a maximum height of 8.6m at ridge level. This would be clad mainly in coloured metal sheets with elements of brickwork near ground level.
- B1 offices arranged in 7 two storey blocks providing a total of 3530 m² (37999ft²) of floor space. Maximum dimensions of the office blocks are 28.3m in length, 12.8m in width and 10.25m in height. The buildings would be of a hipped roof design, with artificial slate roof covering and external walls of brick construction.
- B2 general industrial units arranged in two linear blocks with maximum dimensions of 22.9m x 115.7m x 7.8m and 22.9m x 121m x 7.8m. Each block contains 9 units ranging in size of floorspace, from 139m² (1500ft²) to 372m² (4000ft²). External walls and roofs would be constructed predominantly of grey coloured metal cladding with an element of brickwork around the bases and pedestrian entrance doorways.

The outline part of the application comprises: -

- B1 offices with indicative floorspace of 2694m² (29000ft²) and height not exceeding 15m.
- B8 storage and warehousing with indicative floorspace of 8031m² (86448ft²) and height not exceeding 11m.

As originally submitted the outline proposals also included a restaurant, which has now been omitted and replaced with a proposal for an ornamental pond with associated landscaping.

The proposal also includes a financial contribution of £242,000 towards sustainable transport measures listed below: -

- Off site pedestrian and cycle infrastructure
- Relocation and upgrading of bus stops and shelters on Yarm Road
- Provision of electronic loops and installation of equipment to relay site traffic movements.
- Financial support for bus service improvements along Yarm Road; and
- Travel Plan monitoring costs.

The following supporting documents are submitted with the application: -

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Air Quality Assessment
- Noise Quality Assessment
- Contamination Investigation Report
- Validation Report (Contamination)
- Remediation Method Statement (Contamination)

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI/1999/293) (the “1999 Regulations”). As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the LPA has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

In the main the planning history for the site relates to the former factory building and perimeter fencing which is not of any particular relevance to this application.

However an outline planning application (Ref: 05/895) for the redevelopment of the site for retail warehouse park comprising 24,154m³ of class A1 (Retail) and 511m² (class A5) Hot Food Takeaway was refused in January 2006.

PLANNING POLICY BACKGROUND

Development Plan

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

Policy 2 - Sustainable Development
Policy 7 - Connectivity and Accessibility
Policy 8 – Protecting and Enhancing the Development
Policy 10 - Tees Valley City-Region
Policy 18 - Employment Land Portfolio
Policy 24 – Delivering Sustainable Communities
Policy 25 - Urban and Rural Centres
Policy 35- Flood Risk
Policy 38- Sustainable Construction
Policy 39- Renewable Energy Regeneration
Policy 54- Parking and Travel Plans

Saved Policies of the Borough of Darlington Local Plan:

E12- Trees and Development
E14- Landscaping and Development
E16- Appearance from Main Travel Routes
E29- The Setting of New Development
E46 – Safety and Security
E48- Noise-Generating/ Polluting Development
T8 – Access to Main Roads
T12- New Development –Road Capacity
T13 – New Development-Standards
T24- Parking and Servicing Requirements for New Development
T31 – New Development and Public Transport
T33- Provision for Waiting Passengers

T36- Cycle Route Network
T37- Cycle Routes in New Development
EP2 - Employment Areas
EP6 - Prestige Employment
S2 - Safeguarding the Town Centre
S18 - Food and Drink Uses Outside the Town Centre
TO4 - Hotels and Guest Houses

Supplementary Planning Guidance

Adding to Quality, A Development Strategy for Darlington Town Centre (adopted by the Borough Council, 2001).

National Planning Policy

Parts of the following *Planning Policy Statements* are material considerations:

PPS1 - Creating Sustainable Communities (2005)
PPS6 - Planning for Town Centres (2005)
PPS9 – Biodiversity and Geodiversity
PPS13- Transport (2001)
PPG15- Planning and The Historic Environment
PPS25- Development and Flood Risk

RESULTS OF CONSULTATION AND PUBLICITY

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

“The principal of the development on this site, a brownfield location, served by good public transport links, is broadly consistent with RSS policy objectives. However in the context of RSS policy 25, the local authority needs to be satisfied that the applicant has made adequate justification for the release of this site for the uses proposed. The local authority needs to be satisfied that the development will not have any adverse impacts on the local highway infrastructure. In addition the applicant needs to incorporate renewable energy, energy efficient measures and SUDS into the proposal. Addressing these issues will ensure that the proposals fully consistent with RSS policy.”

One North East has raised concerns regarding the loss of employment land and makes the following comments: -

“Whilst the Agency welcomes the investment potential of the proposed development in employment terms from the B1, B2 and B8 employment uses included in the current application, the local planning authority should be satisfied that that the applicant has provided sufficient justification, as required by national guidance and regional policies, in terms of need for the other uses which fall outside of the site’s employment land allocation. Given the site’s location, approximately 2km from the Town Centre, the local planning authority should be satisfied that these elements of the proposed development will not have a detrimental impact on the central area.

Tees Valley Joint Strategy Unit has commented as follows: -

“From a strategic planning point of view the main concerns are the loss of prestige employment land, and the proposed hotel, restaurant and family fun pub uses submitted for detailed planning approval. It is difficult to see how these uses can be considered ancillary to or necessary to the operation of the business park element of the proposed development. National planning guidance in Planning Policy Statement 6 (PPS6) “Planning for Town Centres” clearly advise that most uses of this nature should be situated within a town centre.

The main issue however remains the loss of prestige employment land, as identified in Policy EP6 of the Darlington Local Plan, and potential implications on the employment land portfolio for the Borough. The recently issued Regional Spatial Strategy for the North East seeks to ensure that the scale and quality of employment land provision can meet the requirements of economic growth. To this end, local planning authorities should provide a continuous supply of land that provides a variety of choices of sites in terms of size, quality and location.

If intended to approve this application, the Borough Council should be satisfied that the loss of prestige employment land will not have an adverse effect on the overall range and choice of employment sites for potential investment and whether some of the proposed uses could be accommodated in the town centre or in other sustainable locations, in accordance with the sequential approach.”

Highways Agency

The Agency has made an initial assessment of the proposals and comment that the development seeks to promote sustainable traffic measures to mitigate the impact of additional traffic flows on the strategic road network rather than undertaking physical improvements. The Agency state that there are outstanding issues to be resolved before they will be satisfied that the measures proposed will be acceptable to them and have advised that negotiations are still ongoing with the applicant’s agent.

Northumbrian Water

Has stated that water mains and foul drain cross the site and are shown to be built over by the application and request the imposition of conditions requiring their diversion or a resign of the scheme to avoid building over. The imposition of conditions in respect of surface water drainage is also sought.

CE Electric UK

CE Electric has provided information on the apparatus owned by company in the area.

Environment Agency

The Agency has provided a number of conditions they would wish to be imposed to any approval covering contamination, surface water disposal based on sustainable principles and drainage of car parking and other hard surfaced areas.

Durham Constabulary Architectural Liaison Officer

The main issues which are raised are as follows:-

“The overall layout of the site does not present any issues except for the cycle route which runs through the centre. From a security point of view it would be preferable to have one access r

route catering for vehicles, cyclists and pedestrians with the rest of the site completely enclosed. This single access provides a well used route in which people feel safe.

I have concerns that the cycle route will be under used and that it unnecessarily provides an escape route onto Yarm Road. This escape route could generate crime in the car parks. The cycle path should be rerouted outside the perimeter of the development.”

It is commented that the car parking areas may attract vehicular crime and therefore car parking should conform to the Park Mark safer parking Scheme.

A number of detailed comments are made with regard to provision for designated parking areas for motorcycles and bicycles, standards for perimeter fencing, building security, lighting landscaping and CCTV coverage.

English Heritage has made the following observations: -

“The group of the two Cummins factory buildings, one of outstanding national importance, together form probably the best industrial buildings in the region. They are that good, the latter corten steel building in particular is of impeccable quality, often cited as one of the finest modern industrial buildings in the country. They deserve conservation area status and Darlington should be proud of them. Any adjacent development should pay them homage, and every effort should be made to ensure such developments raise their game to complement the architectural quality close by.

So to find that opposite these crisp, minimalist, contemporary buildings there is to be built an estate of mediocre industrial and business units of little design quality is very unfortunate. That this is to be completed with a frontage restaurant, presumably of standard corporate design, that pays no attention to its setting opposite a building of real quality, is really quite depressing.

We obviously accept the need for development on this site but very much regret the design standards achieved, which will detract from the setting of the listed building. A much better design should be sought.”

PLANNING ISSUES

The principal issues to be considered are: -

- Planning Policy
- Design and Layout
- Trees and Landscaping
- Contamination
- Highway Implications

Planning Policy

Employment Land Policies

The site is that of the former Torrington factory. It is located within the Yarm Road industrial area, as identified in the Local Plan. It has a long and particularly prominent frontage to Yarm Road. Local Plan Policy EP2 states that class B1 business uses and (subject to amenity considerations) class B2 general industrial and B8 storage and distribution uses will be permitted in the industrial area. Policy EP6 goes further and identifies the site, along with others fronting onto Yarm Road, as prestige quality land. The supporting text explains that prestige employment development requires locations which offer the opportunity to provide a high quality appearance, attractive and prominent settings and good access to the main road network. Because of its scarce nature only use classes B1, B2 and exceptionally B8 will be considered on prestige employment sites.

Policy 18 of the Regional Spatial Strategy (RSS) aims to protect employment land from redevelopment to alternative uses where it is an essential part of the long-term employment land portfolio. It adds, however, that if land allocated for employment is no longer needed for employment purposes it can potentially be reallocated to alternative uses.

The present proposal is to redevelop the majority of the site for class B1, B2 and B8 employment uses (including class B1 offices) but to mix this with other uses, namely a builders merchants, a hotel, a restaurant and a public house. The restaurant and pub would occupy much of the frontage of the site, alongside Yarm Road.

Policies for Town Centre Uses

Offices, hotels, restaurants and public houses are all identified in PPS6 as ‘main town centre uses’. The Government’s key objective in PPS6 is to promote and enhance the vitality and viability of town centres by, amongst other things, focusing development in them and encouraging a wide range of services in a good environment, accessible to all. Developers putting forward proposals for main town centre uses outside existing centres and not in accordance with an up-to-date development plan are required to demonstrate:

- i) the need for development;
- ii) that there are no more central sites for it (the ‘sequential’ test);
- iii) that there are no unacceptable impacts on existing centres; and,
- iv) that the location is accessible by a choice of means of transport.

Local authorities should assess proposals on the basis of these considerations and the evidence presented and as a general rule a proposal should satisfy all of them. Officers consider that the proposed offices accord with an up-to-date development plan, given the allocation for B1 uses in the Local Plan, and are therefore exempt.

The policies of the Local Plan in respect of hotels and food and drink uses (TO4 and S18) are effectively superseded in the present context by PPS6. Policy S2 and RSS policies 10 and 25 reflect PPS6’s focusing of appropriate development on town centres, and RSS policy 2 in terms of its stance on sustainable development.

Assessment of the Proposal

Employment Uses and Builders Merchants

The proposed redevelopment for class B1 uses, including for offices, is acceptable given the Local Plan allocation for the site. The proposed class B2 and B8 uses will also be acceptable provided they do not harm the amenity of the area or nearby residential areas.

The proposed builders merchants does not fall within these use classes (being *sui generis*). Whilst such businesses are typically located within general industrial areas and so may be considered acceptable on most EP2 sites in the Borough, they would not normally be acceptable on a Policy EP6 prestige site. Although not proposed for the immediate Yarm Road frontage of the site, the builders merchants would nonetheless be prominent within the site, close to the start of the site access road. As a detailed element of the application it could set an inappropriate example for the later phases of employment uses. Given the depth of the Torrington land, it may be acceptable for a builders merchants to be sited in a screened location to the rear (north end) of it, as an exception to Policy EP6, but the more prominent plot proposed is unacceptable in the context of this policy.

The proposed 'town centre uses' of hotel, restaurant and public house are assessed below in turn against the key PPS6 considerations. Other material considerations put forward by the applicants in their favour are then addressed.

Hotel

i) Need - The applicants describe the proposed 57 bedroom hotel as a 'good quality budget-type (3*)' which will be 'primarily ancillary' to the employment uses, catering for a 'vast number of business people' visiting the site. The documentation suggests it will be operated by Travelodge. By their assessment, only four hotels near Darlington are of the proposed type, demonstrating that 'further provision is needed' including of 'national hotel companies'. One of the four is the Morton Park Premier Inn, about 700m to the east (the others are the Spa hotel at Durham Tees Valley Airport, the Aston near Aycliffe and the Travelodge near Scotch Corner).

Officers consider it most unlikely that the hotel would be 'primarily' used by business visitors to the application site given the relatively modest amount of employment that would be created, particularly in the first phase for which detailed permission is being sought which consists of predominantly small units which are likely to be occupied by local businesses. In any case, business visitors are unlikely to limit their choice of hotel so narrowly as to insist on remaining on site. The need for the hotel must therefore to be assessed against the general need for this kind of hotel in the Darlington area.

The Council is currently joint-funding a study into hotel provision in the Tees Valley (Tees Valley Hotel Futures). The indications are that the Borough appears to be 'over-hotelled' in general terms at present but that there may be potential for one new budget or upper-tier budget hotel in the Borough by 2016. This would support the applicants' argument that there is an emerging need for a 'good quality budget-type' hotel within the *Borough* although it does not in itself support development in *this* location as opposed to more sequentially-preferable ones in or around the town centre or at Durham Tees Valley Airport (which has particular policy priority to meet airport needs and also competes within the wider Darlington market). To the contrary, the implication is that if such a hotel were to be built here it would seriously harm the prospects of developing a hotel in a sequentially-preferable location.

ii) Sequential approach - PPS6 states that in selecting sites for development all options in a centre should be thoroughly assessed before less central sites are considered. Developers should be flexible in terms of scale, format, parking and the scope for disaggregating their development

and show why more sequential-preferable sites are not available, suitable and viable for their proposal.

The applicants accept that their hotel 'could perhaps be located off site and still serve the intended customer base' and assessed a number of potential sites in and within 2km of the town centre. They concluded that 'there are no sequentially-preferable sites in the town centre' and that other alternative sites were unsuitable as they were on greenfield land, in locations unattractive to an operator or land that was not available.

Officers consider that the applicants have too easily dismissed sequentially-preferable sites, including the Feethams area of the town centre for which the Council have recently adopted a planning and development brief to inform planning decisions and the disposal of Council land (Minute C69/Oct/08), edge of centre sites and Central Park, even though planning permission has been granted for a hotel on the latter as a development priority at this key regeneration site close to the town centre and railway station.

iii) Impact - Applicants are required by PPS6 to show that their proposed development would have no unacceptable impacts on existing centres. Impact can take a number of forms, from harming the present vitality and viability of a centre to the likely effect on the planned strategy for an area and on future investment.

The centre to be assessed in this context is Darlington town centre. The applicants' case is that although there is a concentration of hotels there the town centre does not appear to be the 'prime location' for hotel operators and the proposed hotel would have 'no impact on the trade/turnover and vitality/viability of the town centre as it will be catering for a different market audience'. They add that as the hotel would be isolated from the town centre 'it could not be classed as direct competition'.

As explained earlier, contrary to the applicants' assertions a hotel on this site would compete in the general Darlington market. If a hotel were to be built here it would diminish the prospects for developing a hotel in a sequentially-preferable location, including the town centre. That could undermine the Council's plans for the redevelopment of the town centre and its fringes.

iv) Accessibility - PPS6 requires applicants to demonstrate that a proposed location is genuinely accessible by a choice of means of transport - that is, by public transport, walking and cycling as well as car. Access should be easy, safe and convenient for pedestrians, cyclists and disabled people. Authorities also have to consider whether the proposal would have an impact on the overall distance travelled by car and the effect on local traffic levels and congestion.

A hotel in this location would be likely to be used almost solely by car-borne visitors, arriving in their own vehicle or by taxi. Accessibility by a wider range of means will be more of an issue for staff but the numbers employed at this size and kind of hotel are likely to be low. Although only a small number of people live within easy walking distance of the site this part of Yarm Road is fairly well served by buses and the applicants have offered to contribute financially to improvements to bus service and the relocation and upgrading of stops. The main accessibility concern in PPS6 terms is that a hotel in this location, as opposed to a more central one, would encourage greater car use and increase overall distance travelled by car, contrary to the principles of sustainability.

Pub and Restaurant

i) Need - As with the hotel, the pub and restaurant are said by the applicants to be ancillary to the employment uses, catering for business people, although they acknowledge they would also appeal to 'local residents and hotel visitors'. They add that the pub would be a 'community facility' for the area, citing Policy R25 of the Local Plan.

Officers do not accept that these uses would be ancillary, because of both their significant scale and proposed nature. Although some employees and visitors to the site and to the wider employment area can be expected to frequent them, the prominent roadside locations, plentiful dedicated parking and submitted details indicate that the pub and restaurant will be aimed at a Darlington-wide customer base not just people already within the industrial area. The details identify Harvester pub and grill and Frankie & Benny's restaurant and bar as the occupiers, both national chain operations which market themselves to general family audiences. Nor do officers accept that the pub would be a community use, given the non-residential area in which it would be located. In summary, the applicants have submitted no relevant evidence of a need for these uses in this location.

ii) Sequential approach - The applicants have not carried out a sequential assessment for the pub and restaurant uses and accept that they could be accommodated in 'a number of vacant units in and around the town centre'. They argue instead that they cannot be 'hived off from the site because they are aimed at servicing the main business/industrial elements of the proposal' (ie. are ancillary) and for economic reasons. The 'ancillary' claim is dealt with above, the 'economic' one under Other Material Considerations, below.

iii) Impact - The applicants maintain that the uses will 'service a particular catchment of people' distinct from those who use the town centre: 'people using the services on site will be for specific business reasons and this will not prevent people using the bars/restaurants in the town centre'. Officers do not consider this unsubstantiated claim to meet the requirement to demonstrate placed on the applicants by PPS6. Nor do they satisfactorily assess the impact that developing these uses here will have on the Council's strategy for increasing the attractiveness of the town centre in general and investment within it in specific locations such as Commercial Street and Beaumont Street.

iv) Accessibility - The issue of accessibility by a range of means of transport is more significant for the pub and restaurant uses than for a hotel as these will attract many more people to the site, particularly Darlington residents who have a wider range of travel choices available to them than hotel guests.

Whilst the site is fairly accessible by bus during the working day it is much less so during the likely busiest periods for these leisure uses of evenings and weekends. The isolated location of the site is also such that access to it on foot or by cycle would not be easy, convenient or attractive for any but a very small proportion of the likely customer base. Only about 1,000 residents live within 800m walking distance, and 3,000 within 1500m - equivalent to 20 minutes walking time in each direction. By way of comparison, some 25,000 people live within 1500m of the town centre. Moreover, although a main road and well lit, the uninhabited section of Yarm Road east of McMullen Road is likely to be unappealing to pedestrians, including family groups, on an evening and other quiet times.

Nor would the pub and restaurant be likely to be used as part of linked trips to nearby retail attractions. Although Darlington Retail Park is adjacent, the layout of the two sites rules out direct pedestrian routes, and thus the likelihood that car users would walk from one to the other as part of a linked shopping/leisure trip. The prospect of many people walking between the pub/restaurant and the retail units at Morton Park, 1,000m to the east, as part of a linked trip is even more remote.

Officers conclude that the pub and restaurant elements of the proposal would not be genuinely accessible by a range of means of transport but would be overwhelmingly car-oriented, leading to a increase in car use by residents of the Darlington area and consequently to the overall distance travelled by car.

The Council's Economic Regeneration Section have been consulted on the application and make the following comments: -

"This is a prominent and prestigious employment site with an extensive frontage to Yarm Road, where other major companies with important global reputations, such as Cummins, Amec, Cleveland Bridge, Orange and Whessoe, are located. Darlington's aspirations for this site and for the Yarm Road / Lingfield Point areas in general, are for high quality, prestigious developments which will bring better quality, higher paid jobs into the local economy. This has been supported by joint marketing campaigns under the Darlington Advantage banner with various private sector partners.

The developments currently proposed for this first phase of the site's development do not meet these aspirations in economic development terms. The proposed small office and industrial units are extremely unlikely to create the kind of employment opportunities, both in terms of quality and quantity that are needed in Darlington, and in this context, are not a good use of this site.

It is our view that Darlington is already more than adequately provided with accommodation of the type proposed by this application. There is currently over 600,000 sq ft of warehouse/industrial space and around 200,000 sq ft of office space that can be made available to the user's specification at any size from 500-1,000 sq ft upwards. In addition to this, our records of enquiries over the last three years confirm that there has been a consistent decline in demand for accommodation of this kind.

Whilst it is accepted that Darlington could sustain another budget hotel, this needs to be located in the town centre within easy access of the train station and other forms of public transport. In economic development terms, therefore, the proposed hotel, pub and restaurant are not appropriate uses on the frontage of this prestigious employment site.

If this development were to be approved, it would undoubtedly send out the wrong kind of messages to the established global businesses on adjacent Yarm Road sites. There is a real danger that they will lose confidence in Darlington as a prestigious location for their business and this is a risk that we do not want to put to the test in this current period of economic decline and uncertainty".

Other Material Considerations

The applicants put forward what they say are other material considerations in support of their proposal including: the physical regeneration of a previously-developed site, raising the profile

of Yarm Road and the estate as a whole; the creation of new job opportunities; and increasing the range of services and facilities available to employees and business visitors to the site. The first two points would be satisfied by the development of the whole site for employment uses, as allocated in the development plan, whilst the latter essentially duplicates the disputed claim that the hotel, pub and restaurant uses are ancillary to the employment uses.

A potentially more significant point, made only belatedly in the application process by the applicants, is that the revenue yielded from the restaurant, pub and hotel developments would “compensate” for the lesser value industrial uses proposed, helping to fund the infrastructure, including internal roads. That is, the more valuable commercial uses are needed to make the development of the rest of the site for class B1, B2 and B8 employment uses economically viable. This argument could carry significant weight if such ‘enabling’ development was essential to the provision of much-needed employment land and premises in the Borough. However, as the comments of the Economic Regeneration Section make clear, the town is already well provided with the kind of small-scale office and industrial business accommodation of the type proposed speculatively here and the development as a whole, with commercial uses occupying the frontage, could be counter-productive in the Borough’s efforts to attract and retain key employers to this prestige employment area of town. The applicants’ point is therefore given little weight as a material consideration.

Design and Layout

The proposed hotel, public house and restaurant which form part of the detailed scheme are located close the Yarm Road frontage of the site opposite the Grade II* former Cummins engine factory and would be highly visible due to their prominent location.

As mentioned earlier in this report English Heritage has expressed reservations regarding the impact on the setting of the listed buildings regarding the proposed frontage development in terms of the quality of the design of the buildings.

Similar concerns have been raised by the Council’s Urban Design Officer to the original proposals, regarding both the layout and design in respect of these elements. Following negotiations with the applicant amendments have been made to the scheme in an attempt to overcome these concerns.

The Urban Design Officer has made the following comments on these revisions:-

“This application has benefitted from a net improvement in the design of the buildings in line with the comments and suggestions made. However, I am still concerned that the Frankie and Benny’s is orientated away from the road with an inward looking entrance. In addition, as the applicant is aware this site is a prestigious employment site in the setting of the Grade II Listed Cummins Engine building and as such I have concerns over this form of development in this context. In line with EH comments the heritage context for this site is an important aspect of its future development. Whilst I accept that the design has been improved I would still, notwithstanding, recommend refusal in terms of design.”

Turning to the other detailed elements of the scheme, the proposed builders merchants and B2 industrial units are of functional, utilitarian designs not too dissimilar to other buildings of their type in parts of the Yarm Road employment area. However this site is allocated for prestige employment development, alongside one of the main arterial routes into the town where there is an expectation for design quality to be of much higher standards, and this is reflected in the

recent business park development on the southern side of Yarm Road adjacent to the A66. Officers consider that the design and appearance of the proposed buildings would erode the generally good quality of design already adopted within the Yarm Road prestige employment areas and if approved it would be difficult to resist further poorly designed buildings for the later phases of the employment uses within the site.

Trees and Landscaping

Most of the trees and vegetation within the site has been removed during the demolition of the former Torrington's factory. However three mature Poplar trees remain on the Yarm Road frontage outside the existing fencing which encloses most of the site. The Council's Senior Arboricultural Officer has advised that in his opinion the trees may be worthy of retention. However the proposed development makes provision for a new cycle route along this frontage of Yarm Road, which is likely to damage the root plates of these trees and inevitably their long term health. Notwithstanding this officers are of the view that the loss of the trees could be more than compensated by the provision of additional tree planting along the yarm Road frontage.

Landscaping details have been provided for the detailed proposals of the scheme, which are in the main considered to be acceptable by the Arboricultural Officer but he is of the view that modifications are required to provide additional tree planting and also substitution of tree species in positions that he considers inappropriate.

The Council's Countryside section has suggested that the proposed development provides scope for biodiversity opportunities with regard to provision of a mixture of habitats with an ecologically led approach to all green provision on site and also strengthening of the green corridors along its western, eastern and southern boundaries. If members are minded to approve the development such measures could be made subject to any condition and would require a submission or revised landscaping details to accommodate them.

Contamination/Air Quality

The Council's Principal Environmental Health Officer (Pollution) has advised that in terms of air quality there is likely to be, at worst, only a very small increase in pollutants associated with operational traffic connected with the development. Dust emissions are also likely to be negligible if dust control measures are adopted. Nevertheless a condition requiring the submission of a scheme for the controlling of dust emissions is requested.

Contamination reports submitted with the application are fairly extensive however there are a number of issues on which the Environmental Health Officer seeks further clarification namely gas monitoring and ground water risk assessment prior to the commencement of any development. Again these matters can be made conditional to any approval. Conditions are also sought to control noise emissions associated with the proposed B2 and B8 units and odour issues in connection with extraction units installed at the proposed restaurant, public house and hotel uses.

Highway Implications

In terms of the likely impact on the strategic highway network the Highways Agency has been consulted on the application and they have stated that the proposed development will have a material impact at the Morton Palms, the new A66/DETC and Great Burdon Roundabout

junctions. The Travel Plan submitted with the application aims to reduce the increased flows at these roundabouts, resulting from the development, by sustainable measures rather than physical highway improvements to mitigate the impact on the strategic highway network. The Agency has advised that the measures set out in the Travel Plan are generally reasonable. Nevertheless they have indicated that modifications may be required to the Travel Plan and level of parking provision reviewed before they can be satisfied that the proposed sustainable transport measures will be acceptable and advise that discussions are still ongoing with the applicant's transport consultants. The Agency has advised officers that additional information has recently been received but are unable to fully assess this until immediately prior to the meeting of the Planning Committee. In the meantime the Agency has indicated to officers that a Holding Direction may be issued preventing the Council from granting planning permission, should members be minded to do so, until the issues are satisfactorily resolved. Officers will update members of the Highway Agency's position at the Planning Committee.

In terms of the impact on the local road network, the Council's Traffic Manager has commented that the submitted Travel Assessment indicates that this is likely to be negligible.

The overall road layout and cycle routes are considered to be acceptable. However the Traffic Manager has made the following detailed comments: -

“Parking - The parking provision as outlined in the TA for vehicle and cycle parking is acceptable. The proposed parking for persons with disabilities is also acceptable. The Travel Plan also outlines provisions for cycle parking and changing facilities. These provisions will therefore be secured by a Travel Plan condition/obligation.

Highway Layout - Much of the highway infrastructure is to be submitted for adoption, the layout must therefore comply with our design standards in relation to carriageway width (7.3m.), footway width (2m. on both sides of road), minimum centre line radius (60m.), junction

radii (12m.), construction thickness, junction visibility (2.4m. x 70m.) and inscribed circle diameter for roundabouts (minimum ICD 28m.).

Site Access - Though the principle of a signalised junction is acceptable this Council would require design input to the final layout. Amendments will be required to the proposed junction layout. However, this junction and the access roads will be subject to a Sec.38/278 Agreement (Highways Act 1980) and the apportionment of design and construction elements will be addressed as part of that process. A Grampian Condition will be required to secure improvements to the highway network at the site access (including road widening and signalised junction). No other works will be required on the local highway network other than these junction works and those that will be funded by the Sustainable Transport Contribution.”

The Transport Policy Section has advised that the sustainable transport measures identified in the supporting Travel Plan are acceptable. The measures included in the plan and involving a financial contribution are set out earlier in this report under the section “Application and Site Description.”

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The application is for a site which is identified in the Local Plan as prestige employment land. The proposed class B1 employment use is acceptable on this site, as are the proposed class B2 and B8 uses provided that they will not harm the amenity of the area. However it is considered that the overall design quality of the proposed detailed development is inappropriate for its location, and would detract from the generally good design adopted elsewhere within the prestige employment sites fronting Yarm Road. Furthermore it is considered that the design and siting of the proposed detailed development adjacent to the Yarm Road frontage of the site would have a detrimental impact on the setting of the nearby Grade II* former Cummins engine factory.

The applicants have failed to show that there is a special need for the proposed hotel on this site or to demonstrate satisfactorily that a more sequentially-preferable location to meet the needs of the Darlington market is not available, suitable or viable. The proposal would impact negatively on the prospects of developing a hotel in or on the edge of Darlington town centre.

The applicants have failed to demonstrate a special need for the proposed pub and restaurant, as they are of a scale and nature which cannot be accepted as being ancillary to the proposed employment uses, nor would they constitute community facilities. The pub and restaurant could be accommodated in a sequentially-preferable location, within the town centre. Locating the uses on this site would have a detrimental impact on the Council's strategy for increasing the attractiveness of the town centre in general and investment in locations such as Commercial Street and Beaumont Street in particular. Pub and restaurant uses on this site would not be genuinely accessible by a range of means of transport; they would be overwhelmingly car-oriented, leading to an increase in car use and in overall distance travelled by car, contrary to the Government's policies on sustainability.

The other considerations put forward by the applicants as material are either not accepted or are of insufficient weight to warrant setting aside the employment land and town centre policies.

RECOMMENDATION

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

- 1) The proposed scheme would not accord with the development plan strategy for the site. It would be contrary to Policies EP2 (Employment Areas) and EP6 (Prestige Employment) of the Borough of Darlington Local Plan in that it would involve the development of part of the site for hotel, public house, restaurant and builders merchant on land which should normally only be used for prestige employment purposes within Classes B1, B2 and B8. The loss of the land for employment purposes would be detrimental to the strategic employment policy for the Borough.

- 2) The applicants have failed to show that there is a special need for the proposed hotel on this site or to demonstrate satisfactorily that a more sequentially-preferable location to meet the needs of the Darlington market is not available, suitable or viable. The proposal would impact negatively on the prospects of developing a hotel in or on the edge of Darlington town centre. The development would thereby be contrary to Policies S2 (Safeguarding the Town Centre) of the Borough of Darlington Local Plan and 25 (Urban and Rural Centres) of the Regional Spatial Strategy and PPS6 (Planning for Town Centres).
- 3) The applicants have failed to demonstrate a special need for the proposed pub and restaurant, as they are of a scale and nature which cannot be accepted as being ancillary to the proposed employment uses, nor would they constitute community facilities. The pub and restaurant could be accommodated in a sequentially-preferable location, within the town centre. Locating the uses on this site would have a detrimental impact on the Council's strategy for increasing the attractiveness of the town centre in general and investment in locations such as Commercial Street and Beaumont Street in particular. Pub and restaurant uses on this site would not be genuinely accessible by a range of means of transport; they would be overwhelmingly car-oriented, leading to an increase in car use and in overall distance travelled by car, contrary to the Government's policies on sustainability. The proposed development would thereby be contrary to Policy 25 (Urban and Rural Centres) of the Regional Spatial Strategy, and Policies S2 (Safeguarding the Town Centre) and S18 (Food and Drink Uses Outside the Town Centre) of the Borough of Darlington Local Plan, and PPS6 (Planning for Town Centres) and PPG13 (Transport).
- 4) The proposed Yarm Road frontage elements of the development ,namely the restaurant, public house and hotel uses would detract from the setting of the nearby Grade II* listed buildings by reason of their siting and design, contrary to PPG15 (Planning and The Historic Environment).
- 5) The design and appearance of the proposed B2 industrial units and builders merchants are considered to be an inappropriate form of development for this site in that they would erode the generally good quality of design already adopted within the Yarm Road prestige employment areas and if approved it would be difficult to resist further poorly designed buildings for the latter phases of the employment uses within the site, and would thereby be contrary to Policies E16 (Appearance from Main Travel Routes) and EP6 (Prestige Employment) of the Borough of Darlington Local Plan.