

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 June 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00193/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>4 June 2009</b>
<b>WARD/PARISH:</b>	<b>CENTRAL</b>
<b>LOCATION:</b>	<b>Darlington Borough Council Town Hall Feethams</b>
<b>DESCRIPTION:</b>	<b>Erection of plant compound with new external wall to basement void and alterations to proposed car park (additional information and amended plans received 01 May 2009)</b>
<b>APPLICANT:</b>	<b>Director Of Corporate Services</b>

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**APPLICATION AND SITE DESCRIPTION**

This is the site of the former bus station located adjacent to the Town Hall. The bus station building has recently been demolished. The application is submitted under Regulation 3 of Town and Country Planning Regulations 1992 for the erection of a plant compound, the erection of a new external wall to the basement void of the Town Hall and alterations to the layout of the proposed car park approved under planning permission reference number 08/00597/DC.

The proposed development involves the following elements:

- The erection of a plant compound to facilitate a new Data Centre being created within the Town Hall. The compound consist of three chiller units and a generator;
- The erection of a new boundary wall to enclose a void to the basement of the Town Hall; and
- The creation of a temporary car park with 256 car parking spaces.

**PLANNING HISTORY**

08/00597/DC            In August 2008 planning permission was GRANTED for the demolition of former bus station and change of use to public car park

**PLANNING POLICY BACKGROUND**

The relevant policies within the Borough f Darlington Local Plan 1997 are:

- E2 Development Limits
- E16 Appearance from Main Travel Routes
- E18 River Skerne
- E27 Flooding and Development
- E48 Noise Generating /Polluting Development
- E49 Noise Sensitive Development

## **RESULTS OF CONSULTATION AND PUBLICITY**

No letters of objection have been received following the consultation and publicity exercise.

### **Environment Agency**

The comments from the Environment Agency will be mentioned verbally to Members at the Planning Committee

### **Northumbrian Water**

The comments from the Environment Agency will be mentioned verbally to Members at the Planning Committee

## **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Visual Appearance and Character of the Area
- Noise
- Highway Matters
- Trees
- Future Redevelopment of the site.
- Other Matters

### **Planning Policy**

The site lies within the development limits for the urban area as defined by Policy E2 (Development Limits) of the Borough of Darlington Local Plan

Policy E16 (Appearance From Main Travel Routes) states that the appearance of the Borough from main travel routes (in this instance the Inner Ring Road) will be maintained and enhanced by, amongst other things:

- By encouraging, assisting and carrying out improvements to unsightly land and buildings;
- By requiring new development to respect its setting, and to incorporate landscaping, wherever appropriate, which makes a positive contribution to the appearance of its surroundings;
- By promoting the comprehensive improvement and landscaping of main road approaches to the central area.

Policy E18 (The River Skerne) seeks opportunities to enhance the appearance, vitality and recreation and nature conservation value of buildings and land adjacent to the River Skerne within the urban area.

Policy E27 (Flooding and Development) states that development at risk from flooding will not normally be permitted. Policy E48 (Noise Generating/Polluting Development) recommends that planning permission should not be granted for development, which by reason of noise would materially harm the amenities of existing or proposed residential areas. Policy E49 (Noise Sensitive Development) requests that development, in locations in which its occupiers would be materially affected by noise will normally be required to incorporate measures to mitigate its effects.

### **Visual Appearance**

The car park approved under planning permission reference number 08/00597/DC is a temporary use for a limited time period of 5 years. The site is highlighted as a future development site and it was considered that using it as a car park would be a suitable interim use. However as this is a prominent site, it should be of a high quality design and the above permission was granted subject to planning conditions requesting details for the means of enclosure, lighting columns etc. As this condition, and others have yet to be formally discharged, they would be replicated onto this application, if granted.

The boundary wall for the basement void would be rebuilt using Polished Gray Concrete coloured blocks and Staffordshire blue brick bands.

The plant compound would be situated alongside the southern elevation of the Town Hall and it would have a footprint of 7.47m wide and 26m long. The compound would house three chillers and a generator. The chillers would be approximately 2.5m high and the generator would have an overall height of approximately 4.1m high. A 3m high metal fence, to be powder coated dark gray, would enclose the compound and it would then be covered with a "green screen" to allow planting to grow and to minimise its visual impact.

The Council's Urban Design Officer considers that the overall design of the development is acceptable.

### **Noise**

The generators and chillers will result in very low noise emissions and possibly vibration however there is no sensitive receptor to noise as it is located next to a proposed car park and there would be no office accommodation behind the new basement wall. The Data Centre would only receive periodic visits from staff.

The Generator dB rating at full throttle will be 65dBa at 1m away from the plant, the chillers will be 64dBa at 1m away from the plant. The Council's Environmental Health Officer has commented, "*I am of the opinion that there is no need for a planning condition with regard to noise attenuation and/or noise level as there is no sensitive receptor. However I would advise that the predicted noise levels will potentially cause a noise disturbance at any sensitive receptors introduced as a result of the redevelopment of the Feethams site. I would therefore recommend that the Council considers acoustic enclosures/ acoustic fencing at this stage as it may be more cost effective.*"

Further discussions are taking place with the Environmental Health Team to discuss whether or not the means of enclosure needs to be revised and therefore it is appropriate to attach a planning condition relating to the method of enclosure.

### **Highway Matters**

There is an existing 2008 approval to use the site of the former bus station as a temporary car park for a total of 266 spaces. Access into the car park would be via an entrance on the north west corner and the exit back onto Feethams would be via the south east corner. This allows for a circular traffic flow. The proposal also provides an opportunity to create a vehicular link between the site and the existing car park to the rear of the Town Hall. A new bus stop would be positioned on Feethams between the two accesses into the car park

A Transport Assessment was submitted with the approval, which concluded that the car park traffic could be accommodated within the highway network. Conditions were imposed on the permission to secure details of drop kerbs and paving and to restrict the length of the approval to five years to allow the local planning authority to assess the future redevelopment potential of the site.

This application results in the loss of ten parking spaces associated with the new car park due to the location of the plant compound. Officers are expecting the submission of revised plans to show the slight repositioning of the northern access and to ensure that no doors in the compound open over public highways.

The Council's Highways Engineer has already inspected these revised drawings and has raised no objections.

It is considered appropriate to replicate the conditions attached to the previous planning permission in order to achieve a satisfactory form of development.

### **Trees**

There are a number of trees around the periphery of the site. Whilst the Council's Senior Arboricultural Officer has raised no objections to the revised application it is appropriate to replicate the condition attached to the previous approval to secure appropriate tree protection measures.

### **Future Redevelopment of the Site.**

An area to the east of the compound has been identified as a further compound for a Combined Heating and Power unit. The location of the proposed compound was revised in order to facilitate the CHP unit.

The former bus station site forms part of the Feethams Planning and Development Brief. The Brief has been prepared to ensure that the redevelopment of the area is of the highest quality and meets the aspirations of the people of Darlington. This area in particular is highlighted as being acceptable for a full range of town centre uses, possibly accommodating a multi storey car park and areas of public open space. The location of the proposed compound and the noise emissions from the units would not prevent the future redevelopment plans of the site as it would be located to the rear of any future development buildings and they would be fitted with the required noise attenuation measures.

### **Other Matters**

The Environment Agency objected to the previous car park application, as the submission did not contain information relating to land contamination and drainage. However in their response they did request that the Local Planning Authority impose a number of planning conditions if the application was approved.

Officers are expecting a similar response from the EA to this application. Should this be the case, officers consider that is reasonable and fair to adopt the same approach and recommend approval for the application subject to the conditions that the EA previously requested.

### **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**

Whilst the land to the south of the Town Hall has been identified as a development site, planning permission (reference number 08/00597/DC) was granted for the use of the former bus station as a temporary car park. Following the demolition of the bus station a void under the Town Hall was revealed and needs to be enclosed. The introduction of a plant compound to the south of the Town Hall, to facilitate the creation of a Data Centre within the Town Hall has resulted in a revision to the layout of the car park and a decrease in spaces from 266 to 256. This reduction in parking spaces has raised no highway issues. The plant compound does not raise any issues relating to visual amenity and its siting would not prevent the future redevelopment of the application site. It is considered appropriate to replicate the planning conditions attached to planning permission reference number 08/00597/DC in order to achieve a satisfactory form of development. The following policies within the Borough of Darlington Local Plan have been taken into account:

- E2 Development Limits
- E16 Appearance from Main Travel Routes
- E18 River Skerne
- E27 Flooding and Development
- E48 Noise Generating /Polluting Development
- E49 Noise Sensitive Development

### **RECOMMENDATION**

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

- The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.  
REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- Notwithstanding the details shown on the approved plans, plans showing precise details of the means of enclosure for the car park and the lighting columns shall be submitted to and approved by the Local Planning Authority prior to the commencement of the

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

REASON - In the interests of the visual amenity of the locality

- Notwithstanding the details shown on the approved drawings, precise details of the means of enclosure for the plant compound shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In order to safeguard the future redevelopment of the application site in terms of noise emissions from the plant

- Prior to the commencement of the development, precise details of the accurate location, protection of and access arrangements to any Northumbrian Water apparatus shall be submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water.

REASON - Northumbrian Water 's apparatus is located in/near to the development site and unrestricted access to the apparatus is required at all times. Northumbrian Water will not permit the erection of any buildings or structures over or close to the apparatus. Any proposed crossing, landscaping, parking areas or tree planting must comply with Northumbrian Water guidelines

- Notwithstanding the details shown on the approved plans, precise details of the following shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details:

Method of reinstating redundant accesses to footways;

Construction of the new bus stop (including raised kerbs; platform; road markings; and bus stop pole);

Dropped kerb crossings and tactile paving

The materials for the surfacing of the car park

REASON - In the interests of highway safety

- The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure the development is carried out in accordance with the planning permission.

- The car park hereby granted shall be for a limited period of five years.

REASON - To enable the Local Planning Authority to reassess the redevelopment of the application site

- Prior to the commencement of development, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: When consulted about this application, we have objected to the development as proposed as a preliminary Risk Assessment has not been supplied with the application, and the risk to controlled waters is unacceptable as there is no information to indicate otherwise. However, we understand that the Local Planning Authority is minded to overrule this objection and grant permission for the proposed development. The information provided with the planning application indicates that the site has been subjected to a potentially contaminative land use, i.e. a bus depot. The environmental setting of the site is sensitive as it is within 50m of a main river. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed by the development.

- Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: The information provided with the planning application indicates that the site has been subjected to a potentially contaminative land use, i.e. a bus depot. The environmental setting of the site is sensitive as it is within 50m of a main river. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed by the development

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

REASON: Unsuspected contamination may exist at the site which may pose a risk to controlled waters

- Flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

REASON: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.  
REASON: To prevent pollution of the water environment
- No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to the east of the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.  
REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity

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

Whilst the land to the south of the Town Hall has been identified as a development site, planning permission (reference number 08/00597/DC) was granted for the use of the former bus station as a temporary car park. Following the demolition of the bus station a void under the Town Hall was revealed and needs to be enclosed. The introduction of a plant compound to the south of the Town Hall, to facilitate the creation of a Data Centre within the Town Hall has resulted in a revision to the layout of the car park and a decrease in spaces from 266 to 256. This reduction in parking spaces has raised no highway issues. The plant compound does not raise any issues relating to visual amenity and nor and its siting would not prevent the future redevelopment of the application site. It is considered appropriate to replicate the planning conditions attached to planning permission reference number 08/00597/DC in order to achieve a satisfactory form of development. The following policies within the Borough of Darlington Local Plan have been taken into account:

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