

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 June 2015

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APPLICATION REF. NO:	08/00778/OUT
STATUTORY DECISION DATE:	22 December 2008
WARD/PARISH:	FAVERDALE
LOCATION:	Proposed Faverdale Business Park Samian Way
DESCRIPTION:	Outline application for B1(C), B2 and B8 development including 2 No. access roads (amended plans and amendments to Environmental Statement received 20 June 2014)
APPLICANT:	St Modwen Developments Limited

APPLICATION AND SITE DESCRIPTION

This planning application was put before Members of the Planning Applications Committee in December 2008 with a recommendation to grant planning permission subject to a Section 106 Agreement and the application was deemed to be approved on that basis. The Section 106 Agreement has not been signed and therefore the planning application has yet to be determined and planning permission issued.

Some revisions have now been made to the scheme and given the time that has passed the opportunity has been taken to update the supporting information where necessary. A key change is that the access arrangements to the site have been revised by the repositioning of the southern access off Samian Way.. This is mainly due to a recent development (Subsea) being implemented on adjacent land that would have formed part of the original southern access to this site. The Environmental Statement that was submitted to support the original planning application has been updated to reflect the amendments and to provide addendums on the following material planning considerations:

- Planning Policy
- Ecology
- Archaeology
- Transport
- Hydrology, Drainage and Flood Risk

The application site forms part of the Faverdale Business Park, which is situated to the north of Darlington. Access to the Business Park is from Rotary Way linking to the A68, which in turn

links directly to the A1 (M). The site lies to the east of the Business Park, bounded on the east by the Darlington to Bishop Auckland rail line.

The proposal is an outline application and involves the creation of a speculative business park consisting of B1(c) (Light industry); B2 (General Industry) and B8 (Storage or Distribution) uses. The business park would operate 24 hours a day. The breakdown of potential uses is as follows:

- Class B8 – 639,000 sq ft.
- Class B2 – 411,000 sq ft.
- Class B1 (c) – 150,000 sq ft.

All matters are reserved apart from the access points into the site. An Illustrative Masterplan for the site shows how the site could be developed with units of varying sizes and associated internal road and footpath networks, landscaping, parking spaces, wildlife corridors and ponds. However, the precise layout of the site would be covered by the future submission of Reserved Matters applications and details to discharge planning conditions.

PLANNING HISTORY

08/00306/OUT - An outline application for B1 (c), B2 and B8 development including 2 No. access roads was WITHDRAWN in June 2008

PLANNING POLICY BACKGROUND

The following national and local development plan policies are considered to be relevant:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development
- E14 Landscaping of Development
- E20 Sites of Nature Conservation Importance
- E23 Nature and Development
- EP2 Employment Areas
- EP3 New Employment Areas
- EP6 Prestige Employment
- T40 New Development and Lorries
- T47 Road/Rail Freight Depot

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub-Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS3 Promoting Sustainable Design
- CS4 Developers Contributions
- CS5 The Provision of Land for Employment
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety

- CS17 Delivering a Multifunctional Green Infrastructure Network
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document – Planning Obligations

RESULTS OF CONSULTATION AND PUBLICITY

The Council received two letters of objection to the original proposal. The concerns can be summarised as follows:

- *At the moment we have a problem with HGV wagons when they are due to tip their loads or just finish parking on Rotary Way, causing noise and litter at all times of the day and night. The entire bush alongside Gilderdale Close is being used as a toilet. This will mean even more such problems and more HGVs parked on Rotary Way*
- *Since the construction of Argos distribution Centre, the amount of heavy traffic along Rotary Way has increased to such a level that it has had a significantly detrimental impact on the quality of my family life due to noise and air pollution. The proposal would further increase traffic levels and would consequently increase the disturbance we suffer to a totally unacceptable level;*
- *Lorries and school buses park along Rotary Way all day, effectively reducing the carriageway to single lane traffic. There have been several near misses, again more traffic will lead to serious accidents;*
- *Since the construction of the Argos centre and the housing estate, traffic between Junction 58 of the A1 and Cockerton Village is very busy and gridlocked in the morning and early evening. The existing road network seems unable to cope with the existing traffic levels in the area, without the additional volume that would be generated by the proposed development.*
- *In close proximity to the Argos site, there are several industrial units (suitable for the proposed uses) that have yet to find any occupiers several years after their construction. It would appear that there is an over supply of such units in the area and therefore permission should not be granted for yet more.*

Four letters of objection have been received to the amended plans raising the following concerns

- *I strongly object to any new development in the already heavily congested area. West Auckland Road is one of the main 'arteries' into the town, and it is not just the morning & evening commuter times that are causing a problem. This is the biggest problem of course, and it is almost impossible to get out of High Grange in the morning, no matter which direction you plan to take. Turning left towards the centre of Darlington is the most difficult, even when diverting through the Faverdale Industrial Estate. From the A1 junction, on the A68 there are 2 roundabouts and 3 sets of traffic lights before Cockerton, and of course there are 'lollipop' people stopping traffic. This causes huge delays already. If I have to get a train in the morning I am already leaving my house 45 minutes before my train, to make sure I don't miss it due to the traffic. This is only a 4 mile journey, and is an absolute ridiculous situation. Then at any time during the day it is almost impossible to turn right onto West Auckland Rd to return to High Grange, I have to turn left and route through Cockerton. I have lived on High Grange since 1998, and the traffic situation is already beginning to wear me down and make my quality of life quite miserable. Nobody appears to care about traffic problem? Any development*

in this area means more cars, more traffic problems and we will be 'trapped' on the estate especially in the morning

- *Would like to ask what impact this development will have on the traffic passing through on Faverdale North Road as we currently have multiple 'near misses' from our site due to the volume and nature of traffic already on the estate. There is already a lot of HGV's passing and parking up on the road due to George Allinson's Transport being directly across from our building. We are also lead to believe that "local" residents have been invited to meetings to discuss potential siting of a supermarket on the "waste ground" nearest to Cockerton end of the estate are you able to shed any light on this?*
- *Rotary way must have reached its limit of HGV'S which are needed to service the new large warehouses and the 2 roundabouts giving access to the site are very tight for this sort of wagon The houses will have no access for cars to take children to the nearest schools it is a long trip on very congested roads holding up traffic in the industrial estate the A68 now backs up to the motorway at peak times this extra traffic will only compound the situation. The only way to get over this is to give access to Burtree Lane and Whessoe Road*
- *I have no issue with the new proposed access point itself but do have some concerns about the situation with regards to parking around close proximity to this new access point. Already with the current offices in North Point and Trinity Court there is a large amount of overspill parking on Faverdale North which leads to congestion and raises safety concerns which can only be added to with the close proximity of this new access point. Car park alongside Faverdale North and this leads to narrower roads to pass through and has the potential to create accidents due to restricted vision when turning into the road from adjacent roads, company entrances. Have the Council assessed the impacts in terms of the current parking situation? Are there any plans to consider better parking facilities in the area?*

Consultee Responses

The following responses have been received to the amended proposal:

Northumbrian Water

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development and for NWL to be able to assess their capacity to treat the flows from the development a planning condition would need to be imposed requesting details of a scheme for the disposal of foul and surface water from the development

Natural England

Natural England has advised that the proposal is unlikely to affect any statutorily affected protected sites or landscapes. Whilst NE has not assessed the application and associated documents for impacts on protected species they have directed the Local Planning Authority to their Standing Advice on such matters. The NE has highlighted that the Local Planning Authority should aim to conserve and enhance biodiversity and if any significant harm cannot be mitigated or avoided then planning permission should be refused. NE has highlighted there may be opportunities to enhance biodiversity and landscaping within the application site. NE has also provided general advice if the application site is a local nature site or it would impact upon a Site of Special Scientific Interest.

Environment Agency

The EA has raised no objections to the revised application subject to their advice and planning conditions set out in their original consultation response in 2008 are imposed.

Highways England

Highways England has issued a Direction stating that planning permission should not be granted until it can be assured that the development will not result in adverse highway impacts on the A1(M) motorway and Junction 58 in particular.. The Direction is in place until 21 July 2015.

Durham County Council Archaeology Unit

No objections have been raised subject to archaeological planning conditions being imposed.

The Council's Ecology Officer

There are no objections to the principle of the proposal subject to the imposition of a condition that secures satisfactory landscaping, management plans, biodiversity enhancements etc.

The Council's Environmental Health Officer

There are no objections to the principle of the proposal subject to the imposition of conditions which relate to noise, land contamination, Construction Management Plan, piling foundations etc.

The Council's Highways Engineer

Raises no objection in principle subject to mitigation measures to address additional traffic loads on the local network and various conditions including levels of parking within the site and the internal parking layout.

PLANNING ISSUES

The main issues to be considered are whether or not the amended proposal and the revised Environmental Impact Assessment are acceptable in the following terms:

- Planning Policy
- Economic Matters
- Landscape and Visual Matters
- Ecology
- Archaeology
- Highway Matters
- Noise
- Air Quality
- Hydrology, Drainage and Flood Risk
- Contaminated Land
- Section 106 Agreement

Planning Policy

The application site lies within the development limits for the urban area and therefore it would accord with the principles of Saved Policy E2 of the Borough of Darlington Local Plan 1997 and CS1 of the Darlington Core Strategy Development Plan Document 2011.

The site falls within both the Whessoe Road Employment Area (Saved Policy EP2 of the Local Plan) and the Faverdale Industrial New Employment Area (Saved Policy EP3 of the Local Plan)

Saved Policy EP2 states that planning permission will be granted for Class B1 uses in Employment Areas and Class B2 and B8 uses would also be permitted where they do not harm the amenity of the area of nearby residential areas. Saved Policy EP3 states that land will be provided for new employment development at Faverdale Industrial Area for B1, B2 and B8 uses. The proposed uses would accord with the general policy designations for the application site.

Policy CS5 of the Core Strategy seeks to ensure a continuous and diverse supply of employment land to meet the needs of existing and future economic development, in appropriate locations, according to the locational strategy set out in Policy CS1 of the Strategy. The site is identified as providing for employment needs throughout the development plan period.

A proposed footpath link between the southern end of the development and Elmtree Street, is within part of the Borough's Open Land Network. This area would be enhanced with landscaping and therefore the appearance and nature conservation interests of this section of open land would be enhanced in accordance with Saved Policy E3 of the Local Plan.

The National Planning Policy Framework 2012 (NPPF) seeks to promote the principles of sustainable development both in terms of the environment and the economy and encourage local planning authorities to plan proactively to meet the development needs of business and support the economy. The proposed development accords with the NPPF in terms of sustainable economic growth, whilst assisting the local requirements of meeting business needs and to support the economy.

Economic Matters

The Environmental Statement predicts that the proposed development would create some 2700 jobs, along with many construction work opportunities. The ES concludes that the proposals represent a development that will continue to encourage the strategic role of Faverdale Business Park in delivering employment and warehousing development.

Landscape and Visual Matters

The application site is not covered by any national or local statutory designations in terms of landscape character or quality. A Landscape Assessment submitted with the original planning application defined the site area as a simple agricultural landscape with some features of local value and interest including boundary hedgerows and hedgerow trees. Part of the site also contains a significant area of derelict land where a large building has been demolished. These characteristics have not changed over the time period that has elapsed since the original application.

The application is in outline but it has been accompanied by a Design and Access Statement and an Illustrative Layout Plan. It is anticipated the proposed units would range from small starter units with a height of between 5 –7m to large distribution facilities with heights in excess of 18m. External building materials would be consistent with other buildings in the surrounding area, for example, colour coated walls and roof cladding, brickwork and colour coated windows, doors and canopies.

The ES states that the magnitude of landscape change would be low adverse, balancing the loss of some landscape features with the clearance of the dereliction. Overall the change to the landscape character of the wider area is not considered to be significant. The crown of higher land to the north of the site provides a degree of separation between the site and the area of more

rural countryside north of Burtree Lane. The ES considers that this will help to minimise landscape impact, by reducing the change to the wider landscape character.

A comprehensive visual appraisal of the proposed development has been undertaken to assess the potential effects upon surrounding receptors with views across the site. The most significant visual impacts would arise for the small number of isolated farms and properties to the north of the site. These properties already have views of the Argos building and other buildings in the Faverdale Business Park and when set against these existing buildings, it is considered that any new buildings would not adversely harm the locality when viewed from this direction.

Proposals to mitigate any visual impacts of the development include the planting of woodland blocks, hedgerows and hedgerow trees. New areas of grassland would be established, along with wetland areas and scrub areas. These mitigation measures would be secured by imposing appropriate conditions relating to the landscaping of the site.

Ecology

An addendum was made to the Ecology Chapter of the ES which was based on previous surveys findings. The request for an addendum was made as a more recent Survey of the area found three Great Crested Newts present within a pond located quite centrally within the application site which were not present when the site was originally surveyed in 2007 and 2008. The addendum relates to the results of more recent surveys undertaken in 2013.

The Illustrative Layout of the site has been revised to show the retention of the aforementioned pond and the addendum outlines some ecological enhancements to the overall site. Whilst it is considered that discussions for improving the layout of the site need to be ongoing, it is accepted that the Reserved Matters for each phase of the development will incorporate appropriate ecological enhancements and mitigation and these can be secured by an appropriate planning condition.

Archaeology

An assessment of the archaeological potential for the site through desk based research and geophysical survey was undertaken and formed part of the original ES. The geophysical survey revealed anomalies in the southwest field of the site, which appeared to represent ring ditches and a ditched enclosure system with associated pits. The desk based research and site visits identified the remains of a former farm complex, Huntershaw, below current ground levels in the central area of the site, and areas with potential for evidence of such features to survive in four other fields of the site. The ES stated that the residual impact of the development upon the ridge and furrow earthworks was anticipated to be moderate, the effects of which will be slight adverse for the extant earthworks and neutral for any below ground remains present elsewhere within the site. The residual impacts on any surviving evidence of post medieval cultivation, drainage and boundary features in the western areas of the site would be minor, the effects of which would be of neutral significance.

An addendum has been submitted to the original ES in response to the revised Illustrative Masterplan and the completion of additional archaeological evaluation work undertaken in 2013. The addendum states that the evaluation comprised the excavation of a number of trenches across the undisturbed areas of the site, excluding the south-eastern area which has suffered previous impact from the rolling mills which formerly occupied the site. Eleven trenches were dug and of these trenches only three were found to contain significant archaeology, two of them located over the area of geophysical anomalies in the southwestern field, and one in the area of

the post-medieval farmstead, Huntershaw Farm, in the central area. The geophysical anomalies in the south-western field produced late Iron Age pottery, indicating domestic and small scale industrial activities. The features included linear ditches, pits and gullies. The results were interpreted as indicating the presence of a late Iron Age settlement enclosure with internal divisions and other internal features. These features are considered in the addendum of being medium archaeological value. Huntershaw Farm's location and extent were confirmed. No pre-19th century material was recovered from the area but could be buried under later surfaces. The archaeological value of the farm was confirmed to be low. No other archaeological features, with the exception of ploughing trends were recorded across the site. The ploughing remains are of negligible value.

The addendum confirms that construction activities would have a major impact on the Iron Age enclosure complex and would be of moderate significance. Construction activities in the area of Huntershaw's Farm would have a major impact of low significance. To mitigate, an archaeological excavation of the Iron Age enclosure complex will be carried out in advance of the commencement of any construction works based upon a Written Scheme of investigation. Furthermore, a programme of "strip and record" will be undertaken in advance of any construction work also based upon a Written Scheme of Investigation. The addendum concludes that all impacts will occur at the construction stage and no further impacts are anticipated during the operational stage.

The Senior Archaeological Officer from Durham County Council has confirmed that contents of the addendum and agrees with the proposed mitigation measures subject to them being secured by appropriate planning conditions.

Highway Matters

Having considered the transport assessment submitted with the application, Highways England initially raised concerns in terms of the potential for vehicles queuing back in the inside lane from the A68 Rotary Way roundabout onto the A1 (M) junction. It issued a direction requiring planning permission not to be granted whilst this matter remained unresolved to its satisfaction. Further traffic modelling commissioned by the Council has identified that to overcome this issue a roundabout improvement scheme is likely to be required that incorporates a third lane on the southbound approach to Rotary Way roundabout which will help reduce the length of the approach queues. This work will conclude soon, whereupon further discussion will take place with Highways England with a view to its direction being lifted. Members will be updated on the position at the Committee meeting.

Elsewhere the modelling work indicates that this development will not have a significant detrimental impact on the local highway network subject to the following off-site highway improvements:

- Woodland Road/Staindrop Road roundabout improvement – increase in central island and adjustment to kerblines to improve driver discipline entering the roundabout (gap acceptance).
- Cockerton roundabout improvement - increase in central island and widening of the roundabout to improve driver discipline entering the roundabout (gap acceptance).

- Rotary Way roundabout improvement – development of a third lane on the southbound approach to improve capacity and reduce queue lengths, specifically back onto the A1(M) Junction 58 (as referred to above).

Officers are satisfied that the traffic impact of this development can be mitigated with these off site improvements. It is anticipated that the improvements would be funded from financial contributions through a planning agreement with the developer but further discussions need to take place between the Council, Highways England and the applicant once the detailed junction schemes and their costings have been confirmed. Members are therefore asked to grant officers the delegated powers to determine the final content of the planning agreement once these discussions have concluded.

With regard to the layout of the Business Park, it is considered appropriate to impose a planning condition to ensure that adequate vehicle parking (including for cars and HGVs) is secured for each phase of development to prevent overspill parking onto the adjacent adopted highway network. Planning conditions would also be required to secure appropriate levels of cycle parking and disabled parking.

A Travel Plan that outlined a series of measures was included within the original Transport Assessment with a view to a more comprehensive Travel Plan being developed which would be secured by a planning condition.

Whilst an Illustrative Layout has been provided, the highway infrastructure has yet to be finalised and it is unclear as to whether the network would be submitted for adoption by the Council. The highway network would need to comply with the Council's design standards in relation to carriageway and footway widths, construction thickness, junction visibility and roundabout designs. It is anticipated that the internal road network would serve the entire development with service vehicles sharing the same space as general circulation traffic with two access points onto the existing highway network. The layout would need to be Autotracked to demonstrate that the service yards can accommodate the expected vehicles including articulated deliveries and service vehicles.

It is considered that a satisfactory layout for each phase of the development can be achieved, subject to the imposition of appropriate conditions.

Noise

There are a number of noise sensitive receptors surrounding the site which are the residential dwellings in the High Grange development to the south of Rotary Way; Whessoe Cottages approximately 100m from the northern boundary of the site; residential dwellings on Ridgeway, Longfield Road approximately 125m from the eastern boundary of the site; Honeypot Lane caravan park approximately 140m to the south of the application site and dwellings on Farnham Drive approximately 470m to the south of the site.

An assessment of the noise levels associated with the construction and operation of the proposed development including traffic movements had been carried out as part of the original ES, which concluded that the construction of the development is unlikely to give rise to adverse noise impacts and as the layout plan is purely indicative and the future uses of the units has yet to be determined the potential noise impacts of the completed development would be reviewed at the detailed design stage of the proposals. The final design will seek to ensure that noise levels achieve an acceptable standard at any existing and future surrounding dwellings. Mitigation

measures may include the orientation and detailed specification of buildings and the position of openings in building elevations.

There is an extant outline planning permission for residential development on the land to the east of the application site on the opposite side of the Darlington to Bishop Auckland rail line (former Corus site, Whessoe Road). This scheme was approved after this planning application was originally put before Members and therefore that neighbouring site has become a noise sensitive location unless the planning permission expires prior to the submission of any Reserved Matters applications and it would need to be considered by any Noise Impact Assessments secured by the planning conditions.

Other planning conditions would relate to securing a Construction Management Plan, a lighting assessment and details of any piling that may be required to implement the development.

Air Quality

The ES stated that existing conditions within the study area show acceptable air quality, with concentrations all well below the air quality objectives. The operational impacts are principally those associated with road traffic emissions and the ES concluded that such emissions will not provide any constraints on the development.

The construction works have the potential to cause dust and it will be necessary to apply a package of mitigation measures to minimise dust emissions. Even with measures in place, there may still be degrees of dust but the effects will be temporary and relatively short-lived. The ES concluded that the overall impacts during construction are judged to be minor adverse. A dust action plan would form part of a comprehensive Construction Management Plan secured by a planning condition.

Hydrology, Drainage and Flood Risk

The application site lies within the catchment of the River Skerne, which flows to the east of the site within approximately 1km. In addition there is a ditch running parallel with the north and north west boundary of the site. The Environment Agency is known to monitor the water quality of the River Skerne at stations approximately 2.5km upstream and 2.5km downstream of the site. There is one surface water abstraction within approximately 1947m of the centre of the site, for general use by Darlington Memorial Hospital. There is one surface water discharge license for site drainage within approximately 600m of the site. The principal underlying geology of the site is a non aquifer of negligible permeability overlying a major aquifer. There are also no known discharges to groundwater within 2km of the site, and there are no Source Protection Zones. The ES confirmed that flood risk has been assessed and the site lies entirely within Flood Zone 1. As such the site has a less than 1 in 1000 annual probability of being affected by river or sea flooding in any year. The proposed development would not encroach upon the local floodplains and there would be no increased flood risk as a result of loss of flood plain storage. SUDS techniques, including a series of ponds and swales, would be used to convey, treat and attenuate storm water runoff. Discharge to the ditch to the north of the site would be limited to the existing Greenfield run off rate. The ES concluded the site is therefore not at risk from flooding from surface water and would not increase the risk of flooding elsewhere.

An addendum to the ES confirms that the ground conditions of the site remain unchanged and the site remains designated in Flood Zone 1. The recent publication of Surface Water Flood Maps by the EA has been considered and there are areas of risk associated with overland surface water flows primarily from local watercourses around the site but these areas of risk can be

mitigated through design of the external levels and drainage system. The addendum also concludes that the original ES chapter on flood risk remains unchanged and there will be no major impacts from the development onto the water environment in terms of water quality and flood risk.

Northumbrian Water has raised no objections to the proposal subject to a condition being imposed to secure an appropriate scheme for the disposal of foul and surface water from the development.

The Environment Agency has raised no objections to the proposal provided that the planning conditions they requested be imposed in 2008 are retained and attached to any new approval.

Contaminated Land

A Phase 1 Desk Study has been undertaken together with a brief preliminary intrusive investigation for the site. The study concluded a low risk of contamination within the Greenfield part of the site, and a moderate risk within the Brownfield portion. The ES stated that the development would have no long-term adverse effects on the environment resulting from the proposed development in relation to ground conditions. Any short-term effects on the environment associated with any earthworks required can be mitigated using control measures. This chapter of the original ES remains unchanged and therefore the original planning condition regarding ground contamination can be imposed.

The Environment Agency considers groundwater contamination matters, and they have agreed to an amalgamation of the ground and ground water contamination conditions to reduce duplication.

Section 106 Agreement

Discussions between the applicant and Council officers are continuing with regard to necessary highway improvements and Members will be further updated at the Planning Committee. A planning agreement with the developer will be necessary to secure financial contributions towards:

- Off-site Highway Improvements
- Upgrading of Bus Stops
- 10% of the construction workforce should come from local labour market as new entrant trainees

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

This planning application has previously been brought before Members of the Planning Applications Committee and approved subject to a Section 106 Agreement, which has not been signed. Due to revisions to the Illustrative Layout Plan, namely the access arrangements and reconfiguration of the layout due to Great Crested Newts being found within a central pond, the

planning application is being put before Members again to be considered against current national and local development policy.

It is considered that the development will not have a significant detrimental impact on the strategic or local highway network subject to off site highway improvement works which have been identified as necessary to mitigate the traffic impact of the development. The precise details of these improvement works and the financial contributions for them are the subject of ongoing discussions between the Council, Highways England and the applicant.

It is considered that taking into account the Environmental Statement as amended including associated environmental information, subject to the imposition of suitable planning conditions, the proposed development remains acceptable in this location and it accords with national guidance and the development strategy established by the relevant Saved policies within the Borough of Darlington Local Plan 1997 and the Darlington Core Strategy Development Plan Document 2012.

RECOMMENDATION

THAT THE DIRECTOR OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE FUNDING FOR THE FOLLOWING:

- HIGHWAY IMPROVEMENTS WHICH ARE LIKELY TO BE AT:
 - WOODLAND ROAD/STAINDROP ROAD ROUNDABOUT
 - COCKERTON ROUNDABOUT
 - ROTARY WAY ROUNDABOUT
- UPGRADING OF BUS STOPS
- 10% OF THE CONSTRUCTION WORKFORCE COMING FROM LOCAL LABOUR MARKET AS NEW ENTRANT TRAINEES

UPON COMPLETION OF SUCH AN AGREEMENT AND SUBJECT TO THE REMOVAL OF THE HOLDING OBJECTION FROM HIGHWAYS ENGLAND PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Approval of the following details (“the reserved matters”) in respect of each building or phase of development shall be obtained from the Local Planning Authority, in writing, before the commencement of that building or phase of development:
 - a. Appearance
 - b. Landscaping
 - c. Layout
 - d. Scale

Application(s) for approval of reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

REASON: - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 (as amended).

The development shall be begun five years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990

2. No development shall take place in each phase of the development until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme(s) shall provide for:
 - a. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance in the two areas of archaeological interest as shown on approved plan entitled "Areas of Proposed Archaeological Strip, Map and Record" The Huntershaw Farm area to be monitored during topsoil stripping and any archaeological features excavated and recorded. The Iron Age Enclosure area to be subject to a "strip, map and record" strategy sufficiently in advance of construction works commencing.
 - b. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - c. Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - d. Report content and arrangements for dissemination.
 - e. Archive preparation and deposition with recognised repositories.
 - f. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - g. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - h. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation(s) shall be carried out in accordance with the approved details and timings.

REASON: To comply with Policy of Borough of Darlington Core Strategy Document (2011) as the site is known to contain features of local archaeological importance, and para. 135 and 141 of the National Planning Policy Framework 2012

3. Prior to the phase of development being beneficially occupied, a copy of the report on any analysis, and/or publication shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.
REASON: To comply with para. 141 of National Planning Policy Framework 2012 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

4. No phase of development shall begin until a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before each phase of the development is completed. The scheme shall also include details of how the scheme will be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

5. 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. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

6. No phase of development hereby permitted shall be commenced until such time as a scheme to dispose of foul and surface water for that phase of development has been submitted to, and approved in writing by, the local planning authority in consultation with Northumbrian Water. The scheme shall be implemented as approved.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

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

- (a) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development.
- (b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
- (c) A desk top study has been completed satisfying the requirements of paragraph (a) above.

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

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

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

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

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

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

8. Notwithstanding the details shown on the Illustrative Masterplan submitted with the approved application, the reserved matters application(s) shall include an Environmental Masterplan, to include precise details of conservation management plans, landscaping, habitats, ponds, wetland areas, wildlife corridor, drainage systems and shall be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of each phase of development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To demonstrate how the development will achieve the enhancement of the biodiversity of the area in accordance with Policy CS15 of the Darlington Core Strategy Development Plan Document 2011

9. A Noise Impact Assessment in respect of each building or phase of development shall be submitted to and approved, in writing, by the Local Planning Authority, before the commencement of that building or phase of development. The Assessment should include measurement of the existing background noise levels at the identified noise sensitive properties (to be agreed with the Local Planning Authority). The noise impact assessment shall clearly demonstrate that an acceptable noise climate shall be achieved at the agreed noise sensitive receptors. The details of any noise mitigation measures shown to be

necessary shall be submitted to and agreed with the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure that nearby properties and future developments are not adversely affected by noise.

10. Prior to the commencement of each phase of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include but will not be limited to a Dust Assessment Report; methods for controlling noise and vibration during the construction phase; hours of deliveries, hours of construction; construction traffic routes; details of wheel washing and road maintenance, traffic warning signage. The development shall not be carried out otherwise than in complete accordance with the approved Plans.
REASON: In the interests of amenity and highway safety
11. Noise from the development, at any residential property, shall not exceed a Rating Level, when measured in accordance with BS 4142:2014 of more than the background noise level between the hours 07:00-21:00, and shall not exceed a Rating Level of more than 5 dB(A) below the background noise level between the hours 21:00-07:00. The background noise level shall be measured at appropriate day time and night time periods in accordance with a protocol to be agreed with the Local Planning Authority and the background noise levels agreed with the Local Planning Authority shall form part of the Noise Impact Assessment required by condition 12
REASON: To ensure that nearby properties and future developments are not adversely affected by noise.
12. Notwithstanding the details of the proposed development, a Noise Impact Assessment for all external plant and machinery shall be submitted to and approved, in writing by the Local Planning Authority prior to the occupation of the particular phase of development that the machinery and plant in question relates to. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: To ensure that nearby properties and future developments are not adversely affected by noise.
13. Noise levels due to construction activities shall not exceed 70 dB(A) LAeq, 1 hour, and 80 dB(A) LA Max, at the identified noise sensitive receptors (to be agreed with the Local Planning Authority). Noise levels shall be monitored at a frequency to be agreed with the Local Planning Authority. (Noise monitoring points to be agreed with the Local Planning Authority).
REASON: To ensure that nearby properties and future developments are not adversely affected by noise
14. Prior to commencement of any phase of development, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:
 - a) A description of the proposed lighting units including height, type, angling and power output for all lighting

- b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminare Intensity.
- e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminare Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

REASON: In the interest of both the visual amenity of the area and the amenity of the nearby properties.

15. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

16. Notwithstanding the details shown on the Illustrative Masterplan submitted with the approved application, the reserved matters application shall include precise details of all pedestrian footways and cycle ways. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order ensure that the development provides safe and convenient access arrangements for pedestrians and cyclists.

17. Notwithstanding the details submitted with the approved application, a Travel Plan, based on the findings and measures contained within the "Faverdale Business Travel Plan Rev C" dated November 2008 and prepared by Halcrow, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To encourage sustainable means of travel.

18. Development of each phase of development shall not take place until the Local Planning Authority has approved a report provided by the applicant identifying how energy use for that phase will be reduced by at least 10% through the use of onsite renewable energy equipment and/or decentralised and renewable low carbon sources and/or the introduction of energy efficiency measures. Unless otherwise agreed with the Local Planning Authority, the development or phase of development will proceed in accordance with the approved report.

REASON – This condition is imposed in the interests of sustainability and to minimise the development's impact on climate change.

19. If piled foundations are proposed, details of the piling method for each phase of development, including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details

REASON: In the interests of amenity

20. Notwithstanding the details shown in the approved application the proposed development shall provide secure cycle parking areas and the details of which must be submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of the development or each phase of the development. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to achieve a satisfactory form of development

21. Prior to the commencement of development final details of the off site highway works required to access the site, including the provision of a junction/roundabout serving the site from Samian Way and a priority junction off Legion Avenue shall be submitted to and agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order to achieve a satisfactory form of development

22. The development hereby approved shall comprise no more than the following levels of floorspace:-

- 1) Class B8 – 639,000 sq. ft.
- 2) Class B2 – 411,000 sq. ft.
- 3) Class B1 (c) – 150,000 sq. ft

REASON: In the interests of highway safety

23. Prior to the commencement of the development or each phase of the development, precise numbers and details of the car parking / HGV spaces, including disabled parking provision 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 ensure that appropriate levels of parking are provided within the development site.

24. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved Audit

REASON: In the interests of highway safety

25. Prior to the commencement of the development or each phase of the development, a Vehicle Swept Path analysis shall be undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses within the internal network and, where appropriate, in respect of the off-site highway proposals. Details of the analysis shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety

26. Precise details of the internal highway layout shall be submitted and approved by the Local Planning Authority prior to the commencement of the development or each phase of the development. The submitted details shall include the following:

- a) Carriageway width of 7.3m;
- b) Footway widths of 2m (measured between restraints) on both sides of the carriageway
- c) Minimum centreline radii in accordance with the latest design guidance
- d) Junction radii (12m)
- e) Construction thicknesses
- f) Junction visibility
- g) Inscribed circle diameter of roundabouts (min ICD 28m)

REASON: In the interests of highway safety

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development

- E14 Landscaping of Development
- E20 Sites of Nature Conservation Importance
- E23 Nature and Development
- EP2 Employment Areas
- EP3 New Employment Areas
- EP6 Prestige Employment
- T40 New Development and Lorries
- T47 Road/Rail Freight Depot

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub-Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS3 Promoting Sustainable Design
- CS4 Developers Contributions
- CS5 The Provision of Land for Employment
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure Network
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document – Planning Obligations

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- **Highways.**

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 Agreement before commencement of works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter

The applicant is advised that contact is made with the Assistant Director: Highways and Projects (contact Ms P Goodwill – 01325 406651) to discuss naming and numbering of the development

Environment Agency

With regards to foul drainage, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

The recovery, treatment and disposal of contaminated soils and groundwater are regulated by waste legislation and require a Waste Management Licence or Pollution Prevention and Control permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- Remediation position statements outlining its regulatory position on remediation processes
- guidance on the Definition of Waste: developing Greenfield and Brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- Website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- iv.) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Highway Matters

The applicant is advised that works will be required that will need to be the subject of a highway agreement and contact must be made with the Assistant Director: Highways and Engineering (contact Mr. S. Brannan 01325 388755) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms. P. Goodwill 01325 388760) to discuss naming and numbering of the development.

Northumbrian Water

The developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010, namely

- 1) Soakaway
- 2) Watercourse; and finally
- 3) Sewer

If sewer is the only option the developer should contact Nik Mather (0191 4196603) at Northumbrian Water to arrange for a Developer Enquiry to ascertain allowable discharge points and rates