

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 16<sup>th</sup> November 2016**

**Page**

**APPLICATION REF. NO:**

**16/00880/FUL**

**STATUTORY DECISION DATE:**

**11<sup>th</sup> November 2016**

**WARD/PARISH:**

**BRINKBURN AND FAVERDALE**

**LOCATION:**

**Aldi Regional Distribution Centre, Faverdale  
North, Darlington, DL3 0UW**

**DESCRIPTION:**

**Proposed extension to Regional Distribution  
Centre including extension to warehouse (Class  
B8), extension to offices (Class B1), replacement  
of existing car park with new two-storey car  
park, creation of additional yard / hardstanding  
and extension to existing truck wash facility,  
relocation of external plant equipment and other  
associated works (Additional Ecological  
Assessment Report received 17<sup>th</sup> October 2016)**

**APPLICANT:**

**Aldi Stores Limited**

---

**APPLICATION AND SITE DESCRIPTION**

The application site consists of the existing Aldi Regional Distribution Centre (RDC), a purpose-built distribution centre with an existing warehouse floor space of some 36,099m<sup>2</sup> and offices of some 1,391m<sup>2</sup> with associated car parking, hardstanding and landscaping. The site extends to some 12 hectares and is located to the south of Rotary Way and to the west of Faverdale North, within the Faverdale Industrial Estate, approximately two miles North West of Darlington Town Centre.

The site lies adjacent to residential dwellings to the west and industrial / commercial uses to the south and east. Access to the site is via the existing Faverdale North roundabout situated south of Rotary Way.

This application seeks planning permission for the erection of an extension to the existing RDC to support the future growth of the Aldi business in the northeast region. In particular, the company is currently seeking to expand its chilled and frozen goods range of products and has identified the existing facility at Darlington as being the most suitable option to address this requirement. The proposed extensions would comprise the following:

- An extension of 7,833m<sup>2</sup> (gross internal area) to the warehouse to accommodate a larger freezer and chiller section;

- An extension of 792m<sup>2</sup> (gross internal area) to the offices including a new two-storey link block and new three bay extension;
- The erection of a two-storey car park to replace the existing surface car park to provide an additional 158 parking spaces (a total of 316 parking spaces);
- Additional yard / hardstanding space;
- An extended 'goods out' pallet storage apron in the north of the site;
- An extension to the truck wash facility to provide a new truck maintenance building; and
- Associated new hard and soft landscaping.

Vehicular access to the site would be from the existing access to the south of Rotary Way. The application proposes three new HGV loading bays within the northern service yard. It proposes to relocate existing plant equipment to an enclosed plant room above these additional loading bays. The proposals would result in the removal of existing refrigerated vehicles currently utilised as freezer / chiller storage and located within the northern service yard. All plant associated with the proposed extension would be located on the roof of the existing warehouse building.

### **Environmental Impact Assessment Requirements**

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **PLANNING HISTORY**

92/00766/FUL – In July 1993, planning permission was granted for erection of a regional distribution warehouse and offices (34,127m<sup>2</sup>) including construction of part of cross-town route with details of landscaping, external lighting and means of enclosure subsequently approved.

95/00267/FUL – In June 1995, planning permission was granted for an extension to the car park.

99/00803/ADV – In January 2000, advertisement consent was granted for the display of illuminated directional signage.

13/00553/FUL – In September 2013, planning permission was granted for the installation of 4800 roof-mounted solar panels.

### **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

#### **National Planning Policy Framework 2012**

#### **National Planning Practice Guidance**

#### **Borough of Darlington Local Plan 1997**

- E2 – Development Limits

- E12 – Trees and Development
- EP2 – Employment Areas
- E14 – Landscaping of Development

### **Darlington Core Strategy Development Plan Document 2011**

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS5 – The Provision of Land for Employment Purposes
- 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

### **Interim Planning Position Statement 2016**

#### **Other Documents**

Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

### **RESULTS OF CONSULTATION AND PUBLICITY**

213 Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

**Comments and objections** representing **105** contributors have been received and the main points raised are summarised below:

- *I have contacted the council on two prior occasions about the amount of HGV traffic running behind our house and have noticed an increase; Cannot open windows in hot summer months due to noise; Has applicant been required to provide information regarding the number of existing HGV movements along Rotary Way, existing and proposed as a result of the development? Development will increase the volume of traffic on Rotary Way;*
- *A68 which serves both High Grange Estate and Faverdale Industrial estate is already heavily congested with queues from AIM through Cockerton into Darlington a daily occurrence;*
- *Increased noise levels both during and after construction when the new plant is in operation; Sound barrier should be erected for the whole length of the north west fence up to the gate house to limit refrigerated trailers noise and help with construction noise; Noise impact assessment gives little information about the likely impact of noise generated by plant and machinery within or outside the chiller / freezer section; Request appropriate and effective noise reduction techniques be used within the design and operation of the development to minimise noise levels; Concern over noise pollution; Request clauses to be inserted into planning documents to ensure noise levels monitored routinely during construction phase and after completion; Overall noise impact is already great and has been increasing steadily for some months; What measures will be put in place to make sure noise levels are maintained at 3am every night? Has applicant*

*been required to provide noise assessment in respect of HGV movements along Rotary Way? If granted acoustic fencing should be provided to mitigate; Sound barrier along the whole north west boundary should be erected before the work starts so to mitigate noise; Concern that the refrigeration unit will be in close proximity to our cottage and will be running all the time;*

- *Road surface poor at junction at back of house causing windows and doors to vibrate;*
- *Would bring the southern limit of the centre within 28 metres of the boundary of my property; Property only 10 metres from service road;*
- *Currently affects our quality of life;*
- *Noise from proposed smoking shelter;*
- *Building of southern wall of chiller / freezer unit will require removal of at least part of the embankment and the trees which currently provide some visual screening from the existing site;*
- *Chiller unit will be 7.5 metres higher than the existing warehouse buildings – likely that the new section will be more visible to the residential properties which border onto the southern boundary – could this be solved by reducing the elevation and the length of the freezer / chiller section to reduce the visual impact of the new building for local residents and protect the existing landscape; Concerns over size and position of proposed freezer / chiller; Particularly visible in the autumn and winter months when the foliage in the current tree screen is lost; Currently cannot see the facility from our property but this will dramatically change; If approved please require evergreen trees to be planted to reinforce the screening; If approved please require the outside surface of the walls to be sympathetically coloured to minimise the appearance for the benefit of residents;*
- *Not in keeping with the character of the estate;*
- *My bedroom will become overlooked on the south aspect;*
- *Building will take away our light;*
- *Although planning statement states there will be no active elevations, there will surely be a fire exit – at present fire exits frequently used by existing staff and maintenance and I strongly suspect any new fire exits will be used in the same manner once initial protocols have subsided;*
- *Large area to the front of Aldi and Rotary Way that has to be a better site for their extension;*
- *Concern over height of two-storey car park- Aldi planted trees on the boundary of the site at Faverdale and High Grange and it is to be hoped this building will not be visible above those trees;*
- *Three loading bays will be even closer to my home and bedroom – 25 metres away; Already noise issues; High volume of incoming and outgoing vehicles with their reverse warning alarms is already impacting excessively on my quality of life;*
- *Noise fence does not work;*
- *It is unknown how light pollution may affect local residents; Artificial light already shines into our house and no doubt there will be more;*
- *Large drain running under the embankment on the southern boundary – this will cause a problem if architect suggests there may be need to excavate the bank and remove some of the trees;*
- *At present all wastewater from the site goes into the culvert at Glanton Court via the drain under the bank on the boundary between Aldi and High Grange – if this arrangement is to continue with all the extra roof area proposed by Aldi will this drainage be adequate? Flooding occurs in very wet weather; Field provides a natural flood plain at present;*

- *Concerns about local wildlife; Bats present but this has diminished due to noise from Aldi; Concerns about loss of trees and bushes and the habitat to protected species including newts and bats;*
- *We have had a number of incidences where rats and other vermin have been seen in Clowbeck Court and I would not wish this application to go ahead and increase the likelihood of further vermin in our streets;*
- *Worried that crime will increase as the building will create a mask for thieves directly to our back gardens;*

The following points that are not planning considerations were also made;

- *Previous unauthorised Metal Crushing Facility and sprinkler system at Aldi;*
- *No faith in Aldi to manage development within agreed guidelines;*
- *Aldi do not care about local community;*
- *Consideration must be given to property values; Will make property difficult to sell in the future;*
- *Were told when we moved here there were no plans to build at the rear in the future;*
- *In 5 years the company may outgrow the building;*

### **Consultee Responses**

The Council's **Highway Engineer** has raised no objections to the proposed development.

**Environment Agency** has raised no objections to the proposed development.

The Council's **Environmental Health Officer** has raised no objections subject to the imposition of appropriate planning conditions.

The **Flood Risk Management Officer** has raised no objections to the proposed development subject to the inclusion of a planning condition relating to surface water discharge and a surface water construction management plan.

The **Ecology Officer** raised no objections subject to the imposition of appropriate planning conditions for the protection of habitats.

### **PLANNING ISSUES**

The main issues to be considered are:

- Background
- Planning Policy
- Visual Appearance
- Residential Amenity
- Contamination
- Highway Safety
- Sustainable transport
- Surface Water and Flood Risk
- Ecology
- Trees

- Conclusion

### Background

Aldi has expressed an urgent need to provide an extended Distribution Centre facility to support the future growth of the business in the northeast region. There will be around 60 Aldi stores in operation in the north east by the end of 2016 and a further seven are planned to open in 2017. Beyond this, the growth targeted by Aldi suggests that there will be another 100-120 stores open in the region in the future, which the proposed extensions and alterations are intended to facilitate. The application states that if it is not possible to extend the existing RDC at Darlington, the facility will become unviable and it will not be able to continue its operations.

The application states that the extended distribution centre will enable the local Aldi stores to continue to provide customers with high quality products, variety and choice, as well as make additional product ranges available, as well as assisting in the growth of regional suppliers and promoting wider regional expenditure.

Aldi expects the proposal will generate 200 jobs as a direct result of the proposed extension within a range of positions, including regional managers, warehouse operatives and clerical staff, all of which are positions that will earn above the national average in the retail sector, in line with existing company standards.

### Planning Policy

The presumption in favour of sustainable development is the 'golden thread' running through both plan making and decision taking. The NPPF states that for decision taking this means 'approving development proposals that accord with the development plan without delay'.

The site is located within the Faverdale Industrial Estate. Policy CS5 (The Provision of Land for Employment Purposes) of the Core Strategy, seeks to provide a continuous and diverse supply of employment land to meet the needs of existing and future economic development in appropriate locations. It sets out the general locations where provision has been made for such uses, and this includes land at Faverdale for business, industrial and logistics.

Saved Policy EP2 (Employment Areas) of the Borough of Darlington Local Plan sets out that permission will be granted for use class B1 (Business) uses and B2 (General Industrial) and B8 (Storage or Distribution) where they do not harm the amenity of the area or nearby residential areas.

This approach is reiterated in the more recent Interim Planning Position Statement (2016).

The proposal is therefore acceptable in principle, subject to detailed development management considerations, which are considered below.

### Visual Appearance

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy promotes high quality, safe and sustainable design in all new developments. It sets out a range of criteria that development proposals should meet. This includes; that all development proposals should make efficient use of land, existing buildings and resources; reflect and / or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place; create a safe and secure environment that will incorporate the principles of Secured By Design; support inclusive communities, by providing links to existing networks to ensure safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disable people; easily connect to key social and community facilities and incorporate appropriate utilities provision, promoting sustainable neighbourhoods; create safe, attractive functional and integrated outdoor spaces that complement the built form, relate well to the Borough's green infrastructure network, promote biodiversity and geological interests; and, provide vehicular access and parking suitable for its use and location.

This is in line with the NPPF, which at paragraph 56 confirms that the government attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to positively making places better for people.

A Design and Access Statement was submitted alongside the planning application. This sets out Aldi's requirements for growth at this existing distribution centre, and considers this alongside the constraints of the site and its wider context.

The freezer / chiller extension would be situated to the west of the site within the recessed area of the existing distribution centre. It would measure a length of some 112m and a depth of some 70m with a height to the parapet of some 17m (equating to approximately 7m higher than the existing building). It would comprise modern cladding panels to the external walls and roof with a 'goosewing grey' colour to assist with thermal protection of the chill space but also to reduce the visual impact of the building.

The two-storey car park would be situated to the east of the site on the existing parking area. This would be clad in brickwork to match the existing offices and warehouse.

The proposed office extensions would be situated adjacent to the existing office area to the east of the existing building. The extensions would be constructed in a style and in external materials to match the existing offices.

The proposed extension to the existing truck wash facility to provide a new truck maintenance building would be situated to the north of the existing building and be constructed of external materials to match the existing.

The new cold handling enclosure with three new dock bays would be situated to the west of the existing building. It would be constructed of external materials to match the existing.

Although it is noted that the proposed chiller / freezer extension is taller than the current building, it is considered that the scale, massing, design and appearance of the proposed developments are acceptable in the context of the existing buildings within the site. A landscaping scheme has been submitted to further mitigate the impact of the building, particularly when viewed from the west of the site.

### Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy, states that new development should protect, and where possible, improve environmental resources, whilst ensuring that there is no detrimental impact on the environment, general amenity and the health and safety of the community. It explains that development which may have an adverse impact on environmental resources should be avoided.

The policy states that development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. It adds that proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use.

Residential amenity has been considered in terms of the relationship of the proposed freezer / chiller extension to the residential properties to the west, and partially to the south of the site (of which there are 14 in total sharing a boundary with the site at the location of the proposed extension, and 20 in total sharing a boundary with the whole site). There are three issues to consider in terms of the amenity of existing residents. Firstly, any noise impacts of the proposed development that would affect these properties. Secondly, any adverse impacts caused by the presence of the extension in terms of scale, visual appearance, overshadowing or loss of outlook. Thirdly, the impact of the proposed lighting scheme on nearby residential properties.

### Noise

A Noise Impact Assessment was undertaken by Royal HaskoningDHV and submitted with the planning application. This was subsequently updated in October 2016 following discussions with the Environmental Health Officer. The report considers the potential for the proposed extension to the RDC to impact on the local noise environment at existing receptor locations during both its construction and operation.

The report concludes that with the implementation of specific noise control, the use of Best Practicable Means (BPM), good practice and site management measures, any temporary impacts from the construction activities will be minimised. In terms of the implementation of the proposed extension, the report concludes that the proposals would be likely to result in a reduction in noise levels of between one and 8db and an overall improvement on the current situation at all nearby sensitive receptors with residential properties achieving World Health Organisation guidelines with windows open.

The Environmental Health Officer has been consulted and has confirmed that the department has received a number of complaints about noise emanating from the RDC site. Some of the complaints relate to specific matters, such as noise from throwing metal into a skip, or works to trees, however the noise issues predominantly relate to activities within the service yard, such as reversing of vehicles, repair activities and noise from the drone of chiller units.

Given the nature of the existing operation, it is expected that some noise will be audible from the site. Whilst it is accepted that the site is on the edge of a residential area, it is also located within an established industrial estate. However, in this context, and in the context of complaints from local residents, it is the view of the Environmental Health Officer that much of the proposed work, when completed, will lead to a significant improvement in the noise environment, in terms of the following components of the scheme:



- Relocation of the vehicle repair facilities;
- Removal of the existing chiller / freezer trailer units that are currently being used as storage containers;
- Relocation of the refrigeration units to a mezzanine, internal area.

Should planning permission be granted for the proposed development, suitable planning conditions are recommended to secure control of construction activities and times, and the submission and implementation of a Construction Management Action Plan and an Operational Management Action Plan.

#### Visual appearance, daylight and outlook

Consideration has been given to the impact of the proposed chiller / freezer extension on the existing residential dwellings to the west, in terms of its scale, and its impact on amenity, such as overshadowing, daylight / sunlight considerations and loss of outlook.

The proposal will result in the RDC facility being more visible to neighbouring residents, both those adjacent to the site, and also neighbouring residents not immediately adjacent to the site within the High Grange area. This impact would be expected, and the fact that the proposal will be more visible, is not in itself, a reason to refuse planning permission. The site is currently surrounded by a buffer and landscaping so outlook from properties outside of the site is limited and seen in the context of the existing boundary. The comprehensive and improved landscaping scheme and the proposed colour of the freezer / chiller extension will help to soften the appearance when viewed from the west. A suitably worded planning condition would be recommended to secure submission and agreement of all external materials prior to commencement of the development.

The proposal is considered to be of sufficient distance from the windows of residential dwellings, so as to not significantly impact on the amount of light entering habitable rooms. Given the distances to individual properties, overshadowing of the building would largely take place on the site itself and loss of sunlight would be considered to be minimal. Along with the existing buffer zone and reinforcement of the existing landscaping scheme, it is considered that the proposal is acceptable in terms of its impact on the amenity of neighbouring residential dwellings.

#### Lighting

A Lighting Plan has been submitted with the submitted application to show the proposed location and range of lighting that would be required. The Environmental Health Officer has been consulted and has confirmed that the plan shows no light beyond the site boundary (1-2 Lux) that would be caused by the development.

#### Contamination

An Environmental Report undertaken by Brownfield Solutions (July 2016) was submitted with the application. The Environmental Health Officer has reviewed the information provided, has identified no land contamination issues or constraints, and recommends that no additional investigations and risk assessments are warranted or necessary.

It is recommended that an informative be included with any approval to advise on the course of action the developer should take in the event that suspected contaminated material is found at any time when carrying out the development.

### Highway Safety

A Transport Assessment prepared by Connect Consultants (June 2016), was submitted in support of the planning application, which assesses the potential traffic impacts of the proposal in detail, and concludes that the increase in traffic caused by the proposed development would be negligible and the impact on local junctions minimal.

The Highways Officer has raised no objections to the proposed development.

### Sustainable transport

A Travel Plan undertaken by Connect Consultants (June 2016) was submitted with the planning application, which sets out a strategy for reducing dependence of staff on travel by private car with a specific target to achieve a 5 year reduction in single occupancy (specifically single purpose) car journeys to the site, to attain an average lower than Darlington levels (i.e. less than 62%). Measures to achieve this are set out in an action plan and include the appointment of a Travel Plan Coordinator to implement, administer and monitor the plan, and promotional material and involvement in local and national initiatives for staff.

The Sustainable Transport Officer has considered the submitted Travel Plan and considers it is acceptable. It is recommended that a planning condition be attached to any approval to secure implementation of the Travel Plan.

The site is well served by bus with 'Aldi Distribution Centre Inbound and Outbound' in very close proximity. The site is served by a half-hourly service (Service 19, Mon to Sat) and a peak hourly service (service 16). The Sustainable Transport Officer has requested a financial contribution of approximately £26k towards improvements to these bus stops, including shelters and raised kerbs on both (including adjustment of laybys to ensure buses can line up to the raised kerb).

Discussions have taken place with the applicant and whilst the improvements to local bus stops would be encouraged, the submitted Travel Plan highlights that 7% of Darlington residents travel to work by bus, which based on the submitted Transport Assessment would result in approximately five new users. Even when staff increase by the levels stated in the application (i.e. 200) this would result in approximately 14 new bus users. In this context, the financial contribution requested is considered, on balance, to be excessive and not directly needed as a result of the development proposed, particularly when taking into account the fact that there are already bus stops at the site, and closeby additional stops with shelters and raised kerbs. .

A cycle route exists along Faverdale Road with cycle specific infrastructure on the corner of Tower Grange to the north and also Faverdale to the south. Cyclists can easily access traffic free cycle routes from the south of Faverdale Industrial Estate linking to the wider Darlington cycle network. Cycle parking should be provided and be in line with the Tees Valley Design Guide and it is recommended that a planning condition requiring submission and approval of details of the cycle parking be attached to any permission.

### Surface Water and Flood Risk

The proposed development is situated within Flood Zone 1. The Environment Agency flood maps highlight surface water flooding along the northern and eastern boundary of the site as a medium risk (1 in 30 to 1 in 100 year event). The flood maps also highlight flooding in the southwest corner of the site as low risk (1 in 100 year event). The Lead Local Flood Authority has been consulted on the proposed development and the Drainage Strategy undertaken by Craddys (July 2016) submitted with the planning application and has recommended that a planning condition be attached to any approval to secure submission and approval of a scheme of surface water drainage and management for the implementation, maintenance and management of the sustainable drainage scheme.

### Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

This is in accordance with paragraph 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

The site is not covered by or adjacent to any site, which is designated in account of its nature conservation importance. There are however three local nature reserves (Drinkfield Marsh, Brinkburn and Rockwell) and three local wildlife sites (Cockerbeck Meadows, White Horse Wetland and Burtree Gate Marsh) within 2km of the site.

An Ecological Assessment, prepared by Tyler Grange Consultants, was submitted with the planning application and subsequently updated in October 2016 further to more detailed surveys. This contained a Phase I and Phase II Habitat surveys along with impact assessments and evaluation of ecological features.

The report concludes that the proposed development would result in the loss of some 0.5ha of mixed plantation woodland (local importance); 300m<sup>2</sup> of introduced shrubs and scattered trees, and 2ha of amenity grassland. Detailed fauna indicate the presence of a low population of great crested newt of local importance; and an assemblage of bats of local importance comprising common pipistrelle and passes by noctule. Low levels of foraging activity by these species were recorded on site.

The mitigation strategy outlines the elements of the design proposals, which have been recommended to provide enhanced opportunities for these species on site. These include the retention of ponds, neutral grassland and a band of mixed plantation woodland with additional creation of new wildlife ponds, native planting and creation of wildflower meadows on existing amenity grassland. Also recommended is bird and bath box installation to provide enhanced opportunities for these species on site.

It is considered that with the implementation of the mitigation and enhancement strategy, the proposed development is considered acceptable in terms of its impact on ecological features, and it is recommended that appropriate planning conditions be attached to any planning permission to secure this.

### Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

Policy E14 (Landscaping of Development) states that proposals for development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species, which enhances the appearance of the development and its setting. It states that off-site planting will be sought by negotiation where the Council considers that this would help to integrate the development into its setting.

Policy E21 (Wildlife Corridors) of states that development which would materially harm the wildlife habitat value of linear features providing corridors within which wildlife can move and live, including the open land network within the urban area where it forms continuous corridors, rivers and streams, road and rail corridors, woodlands, hedgerows and green lanes, will not be permitted. It indicates that harm will be assessed according to the impact of the development on the value of the feature in terms of its continuity and ecological structure and diversity. The landscaping of new development within or adjacent to wildlife should, where appropriate, incorporate semi-natural habitats which contribute to maintaining the wildlife value of the corridor.

A number of trees are present within the site, some planted as part of the landscaping scheme for the original planning application for the Regional Distribution Centre. Two Tree Preservation Orders existing within the application site.

- Tree Preservation (No. 5) Order 1979 (Faverdale West Darlington). This protects a small number of individual trees to the south of the site;
- Tree Preservation (No. 2) Order 1992 (Land to the East of A68 and North of Faverdale Darlington). This protected 119 individual trees and 2 groups of trees, however the majority of the trees protected are no longer present on site.

A Tree Quality Survey, Arboricultural Impact Assessment and Method Statement prepared by Tyler Grange Consultants (June 2016) were submitted with the planning application. The work undertaken involved collecting data relating to the tree stock to inform the proposed development. An Arboricultural Method Statement was prepared to outline the necessary tree protection measures during the site preparation and construction phases of development. It is necessary to remove a number of trees in order to implement the proposed development. Tree removal is limited to a minor number of trees consisting of partial removal of 2 groups of Category B trees and partial removal of 4 groups of Category C trees and 3 individual trees. The overall tree loss is considered to be of minor arboricultural impact, which reflects the quantity of tree removals as opposed to loss of high quality trees.

The report concludes that with appropriate protective measures and a comprehensive mitigation scheme, including replacement tree planting and management of existing retained trees, the

proposals are acceptable in arboricultural terms in light of improving the sites tree cover in the long term.

A landscaping masterplan has been submitted within the application, which proposes 26 replacement trees.

Overall, the proposal is considered acceptable in relation to its impacts on trees. The proposed landscaping works will help soften the appearance of the development and integrate it into its surroundings. A suitable planning condition is recommended to ensure that the proposal is carried out fully in accordance with the arboricultural and method statement submitted with the application and concurrently with the carrying out of the development.

### Conclusion

The proposal involves development of land allocated for employment uses in the Local Plan and is therefore acceptable as a matter of principle. The proposals are considered to comply with all of the relevant policies, and where adverse impacts are identified, appropriate mitigation has been identified. In particular, the application proposes measures to significantly improve existing sources of noise and disturbance to nearby residents and mitigate impacts through a comprehensive landscaping scheme. The proposal will result in the expansion of an existing business; strengthen the status of Faverdale as an established employment location through significant investment with positive impacts both locally and regionally. It will provide the opportunity to create significant local employment opportunities, both during the construction phase, and full time opportunities exceeding the retail market rate, once operational. On balance, it is considered that the mitigation, reduction in noise and disturbance and the economic benefits of the scheme outweigh any adverse impacts identified.

### **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.

### **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) A3 – Implementation Limit
- 2) B5 – Accordance with Plans
- 3) B4 Materials
- 4) E3 – Landscaping (Implementation)
- 5) If within a period of 5 years from the date of planting of any tree or shrub, in connection with the landscaping works required under condition (4), that tree or shrub or any tree or

shrub planted in replacement of it, is removed, uprooted, or destroyed, seriously damaged or dies, another tree or shrub of the same size and species to that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON – To ensure a high quality appearance to the development and in the interests of residential amenity

- 6) Prior to the commencement of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. 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 the interests of highway safety

- 7) Each phase of the development hereby approved shall not be commenced on site, until a scheme of ‘Surface Water Drainage and Management’ for the implementation, maintenance and management of the sustainable drainage scheme for that particular phase has first been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme for each phase shall include but not be restricted to providing the following details:

- i) Detailed design of the surface water management system;

Each phase of the development hereby approved shall not be brought into use until the approved ‘Surface Water Drainage’ scheme for that particular phase has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

- 7) i) No part of the development shall be occupied prior to implementation of the Approved Travel Plan by Connect Consultants (June 2016). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

- ii) The records of implementation shall be made available to the Local Planning Authority.

REASON - In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site

- 8) The development shall not be carried out otherwise than in full accordance with the Arboricultural Impact and Method Statement prepared by Tyler Grange (June 2016).

REASON – In the interests of the visual amenities of the area and to safeguard the well being of the trees on the site

- 9) Construction activities, including delivery of materials and fitting out of the premises, shall be limited to the hours of 08:00 – 18:00 weekdays, 08:00-13:30 on Saturdays and not at all on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

REASON – In the interests of residential amenity

- 10) Prior to construction works commencing on site, a hoarding fence of no less than 2m in height shall be constructed along the western and southern boundary in the vicinity of the new chiller / freezer extension. The fence shall be of solid construction with no gaps or loose panels.

REASON – In the interests of residential amenity

- 11) If piling is to be carried out it shall be of the augured type unless prior approval is obtained from the Local Planning Authority. If an alternative method of piling is to be used then a noise and vibration impact assessment is to be provided before the commencement of any works. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of residential amenity

- 12) Prior to the commencement of the development hereby approved, an Operational Management Action Plan, which details how the activities within the service yard will be managed to mitigate noise levels, must be submitted to and approved by, the Local Planning Authority. The plan should be implemented in accordance with the approved details on first occupation of the chiller / freezer extension and thereafter be so maintained for the perpetuity of the development.

REASON – In the interests of residential amenity

- 13) Prior to the commencement of the development hereby approved, a Construction Management Action Plan, which details how the activities within the construction phase will be managed to mitigate noise levels, should be submitted to, and approved 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 residential amenity

- 14) Prior to the commencement of the development hereby approved the following recommendations of the ecological Mitigation and Enhancement Strategy, shall be submitted to, and approved by, the Local Planning Authority.
  - i) A Construction Environmental Management Plan;
  - ii) A Landscape and Ecological Management Plan; and
  - iii) A Great Crested Newt Mitigation Strategy.

Development shall not proceed otherwise than in accordance with the Ecological Assessment (Tyler Grange, October 2016) and the above-approved details unless agreed in writing by the Local Planning Authority and thereafter be so maintained for the perpetuity of the development.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

## **INFORMATIVES**

The following information must be submitted before the surface water condition can be discharged:

### **Drainage Strategy / Statement & Sketch Layout Plan**

- Detailed design statement & drawings of the proposed Sustainable Urban Drainage System / Drainage System;
- Detailed hydraulic calculations must include:
  - Total site area and impermeable area;
  - Greenfield / brownfield runoff rates;
  - Proposed surface water discharge rates;
  - Proposed attenuation / storage requirements and location;
  - Proposed flow controls and point of discharge;

Evidence of Third Party agreement for Discharge to their system (In Principle / Consent to Discharge)

- All discharge rates must be restricted to Greenfield rates and must be approved by the Local Lead Flood Authority;
- Northumbrian Water provide an allowable discharge rate into their sewers, however the LLFA must approve the final discharge rate from all development sites.

### **Maintenance Program and on-going Maintenance Responsibilities**

- An operation and maintenance plan setting out how to maintain the full drainage system following construction (such details to include maintenance agreement for the lifetime of the development);
- A Health and Safety Plan, if appropriate, considering area of open water.

### **Detailed Flood & Drainage Design Drawings**

- Detailed flow calculations (mdx file) including a copy of the micro drainage output files, digital terrain model (DTM) and site layout drawing in either .dxf or .dwg file format
- A drawing highlighting the extent of flooded areas that will occur on the system between 1 in 30 year event up to the 1 in 100 plus climate change, it must include depths, duration, volume and flow routes.
- A drawing highlighting the exceedance flow routes for events greater than 1 in 100 plus climate change

**The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.**



In the event that suspected contaminated material is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared to show that the remediation has been undertaken to a satisfactory standard, which is subject to the approval in writing by the Local Planning Authority.

In the event that development proposals include the importation of fill material or top soil onto the site, you are advised to contact the Environmental Health team for further advice. In any event all imported materials should be sampled and analysed in accordance with YAHPAC (2014) guidelines to demonstrate that they are suitable for the proposed use and do not cause or contribute to the creation or proliferation of contaminated land.