

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 28 October 2020

APPLICATION REF. NO: 18/00694/FUL

STATUTORY DECISION DATE: 30 March 2021

WARD/PARISH: BRINKBURN AND FAVERDALE

LOCATION: Former Vantage Point Site, Faverdale
Faverdale Industrial Estate

DESCRIPTION: Erection of a 1,900sqm (GIA) supermarket (A1 use), 1,900 sqm (GIA) retail store (A1 use) and a 167sqm (GIA) and drive-thru unit (A1/A3 use) with associated parking for 263 cars, ancillary service and delivery areas, landscaping and new access (amended Planning Policy Statement and Retail Policy Statement received 29 November 2018, additional Sequential Test document received 5 February 2019; additional Employment Land Viability Report received 30 April 2019;; amended plans received 31 May 2019; drainage information received 29 August 2019; additional Retail Impact Assessment received 26 September 2019 and Retail Assessment information received 14 May 2020 ; amended drainage information received 28 May 2020 and 8th July 2020)

APPLICANT: Hansteen Land Ltd

In line with Members instructions at Planning Committee on the 30th September 2020 where they were minded to Grant planning permission contrary to officer recommendation, set out below for Members approval is the reasons for granting planning permission and the associated conditions which should be attached to the permission. Reference is also made to the associated section 106 agreement to be signed by the applicants and the Council to secure certain financial contributions.

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received,

and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLC000>

APPLICATION AND SITE DESCRIPTION

1. Members will recall that this planning application was considered at the Planning Applications Committee on 30th September 2020. The officers report recommended for that planning permission be refused for the following reason:
2. *In the opinion of the local planning authority, the planning application has failed to demonstrate that there would be no significant adverse impact on the viability and vitality of Cockerton District Centre. The local planning authority consider that the proposal is contrary to the National Planning Policy Framework 2019 (paragraphs 88 and 89) and Saved Policy S10 (Safeguarding the District and Local Centres) of the Borough of Darlington Local Plan 1997*
3. The application site measures 1.89 hectares on the south western edge of Faverdale Industrial Estate. The site is bound to the north, east and south by units and land that forms part of the Industrial Estate and residential dwellings on Faverdale Road to the west. A mature landscaped strip of trees and hedges separates the application site from the residential units. The application site is currently vacant.
4. This is a detailed planning application comprising:
 - a) A 1,900sqm (GIA) supermarket (A1 use) (Lidl)
 - b) A1,900 sqm (GIA) retail store (A1 use); (Home Bargains) and
 - c) A 167sqm (GIA) and drive-thru unit (A1/A3 use) (Starbucks)
5. The planning application states that the opening and delivery times for the three units will be:

Opening Times:

- Supermarket – 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays
- Retail store – 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays
- Drive Thru Unit – 24 hours a day, seven days a week

Delivery times

- Supermarket – 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays
 - Retail Store - 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays
6. Full details of the planning policies, results of consultation, analysis of the planning issues and the officer's recommendation are set out in the report to the previous meeting. Members of the Planning Applications Committee, having

considered the material planning considerations minded to approve the planning application with an instruction for officers to present application at the next available Planning Application Committee, with the recommended list of planning conditions.

7. At the Planning Applications Committee, Members debated the application at length, and it was clear from the discussions and the comments made that Members took into account the findings, conclusions and recommendation set out in the officer's report and presentation and any additional comments made at the Meeting.
8. Members fully considered the potential impact of the proposed development upon the town centre and the appropriate district centres, including West Park and especially, Cockerton District Centre. Members acknowledged that the potential harm of this proposal upon the District Centres carried weight in the decision making process but, in this instance, Members considered that there were other material planning considerations to be taken into account when determining this planning application such as there being no need to continue allocating the site for employment (B1/B2/B8) purposes as there is sufficient land within the Borough allocated for such purposes; the proposal would result in the reuse of a brownfield site with very limited likelihood of the land being used for other purposes due to the costs associated with remediating the site; job creation; the acceptability of the scheme in general development management terms; the level of support from residents. On balance, Members considered those material planning considerations outweighed the potential impact that the development may have on the viability and vitality of the Cockerton District Centre.
9. Members acknowledged that the proposal was contrary to planning policy but in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004) Members also considered that other material planning considerations, on balance, would allow them to support the proposal and they were minded to grant planning permission with an instruction for officers to present the application back to the Planning Applications Committee along with a suggested list of planning conditions.
10. As set out in the officer's report, if the planning application was to be approved, officers and the applicant have agreed the following Heads of Terms to be secured by a Section 106 Agreement:
 - a. A public transport contribution to improve the Faverdale Outbound stop with raised kerb and shelter and the Faverdale Inbound with a shelter. The obligation for this would be £15,440.
 - b. A sustainable transport contribution to improve and maintain footways and cycleways close the site including improvements to Faverdale Black Path and a potential shared use path continuing along Faverdale. The obligation would equate to £52,600

11. The planning conditions which are listed below are based on the information contained within the planning application; the comments made by consultees and statutory bodies and to ensure the development aligns with retail policy.

THE PUBLIC SECTOR EQUALITY DUTY

12. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposed buildings will be designed to be accessible for all and the general layout has good footpaths links between the buildings and to the existing footpath network. The car parking provision includes disabled spaces in appropriate locations.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

13. 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

14. The application site is part of an area identified as employment land and therefore the proposed development is a departure from the local development plan. However, Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
15. The officer’s report set out, in detail, the appropriate local development plan policies and the sequential and retail impact test requirements within in the National Planning Policy Framework 2019. The officer’s report advised that the site has been vacant for many years and that it is unlikely the site will be an attractive option for B1, B2 or B8 operators having taken into account the marketing history of the site submitted in support of the planning application, land contamination and viability issues and the loss of the site for employment purposes would meet list of exceptions set out in policy CS5 of the Core Strategy 2011.
16. The proposed development does not raise any development management concerns over matters such as highway safety; residential amenity flood risk, ecology, landscaping and trees etc and it would comply with the local development plan policies relating to such considerations (CS2, CS15, CS16 of the Core Strategy 2011 and saved policies E12 and E14 of the Local Plan 1997).

17. The proposed development met the sequential test, but the advice from the Council's retail consultant was that the proposal failed to conform to the requirements of the retail impact test of the National Planning Policy Framework 2019 and the vitality and viability of Cockerton District Centre could be harmed contrary to the NPPF and local development plan policy (saved Policy S10 of the Local Plan 1997). The planning application was recommended for refusal for that reason.
18. At the previous meeting of the Planning Application Committee, in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, Members looked first at the retail impact test of the National Planning Policy Framework 2019 and local development plan policy (saved Policy S10 of the Local Plan 1997) and whether the vitality and viability of Cockerton District Centre could be harmed by the proposed development, taking into account the officer's report and recommendation. They then considered the following material considerations:
- a) Due to a limited demand for B1, B2 and B8 uses on the site, an oversupply of more suitable development sites elsewhere in the Borough and land contamination issues, it is highly unlikely the site would be developed for its current allocated employment use and will remain vacant unless the site is released for alternative use.
 - b) The development would result in the re-use of a brownfield site;
 - c) The proposed development would have economic benefits from job creation;
 - d) Additional retail facilities at the application site would result in some qualitative improvement in the local food retail offer;
 - e) A Lidl and Home Bargains trading in tandem would reduce some residents' need to travel further afield to source some main food shopping and day to day comparison goods;
 - f) There are no other sequentially preferable sites;
 - g) The development does not raise any development management concerns over matters such as highway safety; residential amenity flood risk, landscaping, trees, ecology etc
19. In the view of Members the material planning considerations detailed above were strong enough to indicate that a decision should be made contrary to the NPF and the local plan and were minded to decide, for this reason, that planning permission should be granted. An instruction was given to officers to present the application back to this meeting of the Planning Applications Committee along with a suggested list of planning conditions and obligations. The planning conditions, which have been agreed with the applicant, are therefore listed below for consideration.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT WITHIN SIX MONTHS TO SECURE FINANCIAL CONTRIBUTIONS TOWARDS THE FOLLOWING:

- A public transport contribution to improve the Faverdale Outbound stop with raised kerb and shelter and the Faverdale Inbound with a shelter. The obligation for this would be £15,440.
- A sustainable transport contribution to improve and maintain footways and cycleways close the site including improvements to Faverdale Black Path and a potential shared use path continuing along Faverdale. The obligation would equate to £52,600

AND THE FOLLOWING PLANNING CONDITIONS:

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.
REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- a) XX-DR-A-91-1003 P4 - Site - Proposed - Lidl - ECO Store Type
- b) RF-DR-A-01-0002-S3-P4 - General Arrangement Plan - Roof – Lidl
- c) XX-DR-A-01-0001-S3-P4 - Proposed Ground Floor GA Plan – Lidl
- d) XX-DR-A-02-0001-S3-P4 - General Arrangement Elevations – Lidl
- e) XX- -DR-A-91-0002-S3-P30 - Proposed Site Plan - Home Bargains / Starbucks
- f) XX-DR-A-91-0008-S3-P4 - Site Location Plan
- g) XX-DR-A-91-0010-S3-P8 - Proposed Boundary Treatments
- h) XX-DR-A-91-0014-S3-P7 - Proposed Master Plan - Planning Issue
- i) RF-DR-A-01-0002-S3-P1 - General Arrangement Plan - Roof - Home Bargains
- j) XX-DR-A-01-0001-S3-P5 - Proposed Ground Floor GA Plan - Home Bargains
- k) XX-DR-A-02-0001-S3-P5 - GA Elevations - Home Bargains
- l) PML B1 00 DR A 0001 P3 – Starbucks Building
- m) 2043-100-P-001 – Proposed Access Arrangement onto Faverdale – General Arrangement
- n) LD(13)-ED-01 INFO 03 – Landscape Details Sheet 1
- o) LD(13)-ED-02 INFO 03 – Landscape Details Sheet 2
- p) XX-DR-A-91-0015-S3-P2 – Substation Layout

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

3. The units identified as ‘Lidl’ and ‘Home Bargains’ on Masterplan reference XX-DR-A-91-0014-S3-P7 shall be used for Class A1 retail and for no other purpose (including any other purpose within the same Use Class as identified by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In the interests of retail planning policy

4. The unit identified as 'Starbucks' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall be used for Class A1/A3 purposes and for no other purpose (including any other purpose within the same Use Class as identified by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In the interests of retail planning policy

5. The unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 1,900 square metres gross internal area of which no more than 1,256 square metres shall be used for net retail sales. Of this, not more than 1,005 square metres shall be used for convenience goods sales, and not more than 251 square metres shall be used for comparison good sales.

REASON: In the interests of retail planning policy

6. The unit identified as 'Home Bargains' on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 1,858 square metres gross internal area of which no more than 1,486 square metres shall be used for net retail sales. Of this, not more than 669 square metres shall be used for convenience goods sales, and not more than 818 square metres shall be used for comparison good sales.

REASON: In the interests of retail planning policy

7. The unit identified as 'Starbucks' on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 167 square metres gross internal area.

REASON: In the interests of retail planning policy

8. There shall be no internal sub-division of any unit hereby approved.

REASON: In the interests of retail planning policy

9. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be restricted to Greenfield rates and implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- a. Detailed design of the surface water management system for each phase of the development;
- b. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- c. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- d. Details of adoption responsibilities.

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 CS10 and the National Planning Policy Framework.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved FAVERDALE DEVELOPMENT Drainage Strategy and the following mitigation measures detailed within

- a) Total surface water discharge from the proposed development will not exceed 7.3l/sec
- b) Sufficient storage to contain the 1 in 100+40% cc will be accommodated in the car parking areas of Home Bargains and Lidl stores

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

11. The building hereby approved shall not be brought into use until:-

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development

REASON: To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

12. The unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not operate outside the hours of 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of safeguarding the amenity of the area

13. The unit identified as "Home Bargains' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not operate outside the hours of 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interest of safeguarding the amenity of the area

14. Deliveries and waste collection to the unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not take place outside the hours of

0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays

REASON: - In the interests of safeguarding the amenity of the area

15. Deliveries and waste collection to the unit identified as "Home Bargains" on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not take place outside the hours of 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays

REASON: - In the interests of safeguarding the amenity of the area

16. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

17. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

18. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

19. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

20. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements

relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

21. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- a. A preliminary risk assessment which has identified all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

22. Prior to any part of the approved development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the

approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To prevent the creation of pathways for contaminants in made ground, soils and superficial geology to reach the underlying principal aquifer.

25. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014. Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- b) Hours of construction (including internal works) and deliveries
- c) Details of any security fencing to be erected during the construction phase
- d) Construction Traffic Management Plan and Routes, including parking areas for staff and visitors.
- e) Details of wheel washing.
- f) Road Maintenance.
- g) Warning signage.

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

REASON: In the interests of highway safety and safeguarding the amenity of the area

26. No noise emitting fans, louvres, ducts or any other external plant associated with this permission shall be installed on or within the curtilage of the units hereby approved until a scheme to reduce noise and vibration has been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: - In the interests of safeguarding the amenity of the area

27. Prior to occupation of each unit, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor for the unit 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 Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.
- d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light
- f) 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 interests of residential amenity and the visual appearance of the locality

28. The development shall not be carried out otherwise than in complete accordance with Section 7 – Mitigation of the document entitled “Faverdale Industrial Estate, Darlington. Noise Impact Assessment” Revision 02/Final dated 6 July 2018 and produced by Royal HaskoningHDV unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of residential amenity and the visual appearance of the locality

29. The development shall not be carried out otherwise than in complete accordance with the document entitled “External Materials Schedule” Version 02 dated July 2018 and produced by Space Architects unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the visual appearance of the development

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the biodiversity enhancements set out in Section 6.4 of the document entitled "Preliminary Ecological Appraisal. Faverdale, Darlington" dated June 2018 and produced by ITP Energised. The mitigation and enhancement work shall include the erection of boxes as set out below, in locations to be agreed by a suitably qualified ecologist but positioned to face outwards from the centre of the development:

- a) Drive Thru building: House Sparrow & Starling
- b) Supermarket building: Bat, Swift & House Sparrow or Starling
- c) Retail store: Tree Sparrow (multiple holes), Starling and Swift.

REASON: In the interests of biodiversity of the development

31. The lighting scheme to be approved under condition 27 must take account of any foraging and commuting behaviour of nocturnal mammals such as bats and the biodiverse greenspace to the north of the site. Lighting should be in line with the Institution of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18: Bats and Artificial Lighting in the UK – Bats and the Built Environment Series (ILP and BCT, 2018), and lighting should be directed to where it is needed and in order to reduce light spillage

REASON: In the interests of biodiversity of the development

32. Site clearance shall only take place outside of bird nesting season unless under the supervision of a suitably qualified ecologist

REASON: In the interests of existing habitats on the site

33. Prior to the commencement of the development, precise details showing the offsite highway works including the creation of the site access junctions onto Faverdale, widening of Faverdale to incorporate improved pedestrian/cyclist facilities, potential relocated bus stops and revised signing, lining including Traffic Regulation Orders along Faverdale, and Keep Clear markings opposite Faverdale Road shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety

34. Prior to the occupation of the first unit, a servicing and delivery schedule to control the operations on site shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include but not limited to the maximum size/type of vehicle to be used (16.5m) its drop off location within the site and times of deliveries.

REASON: In the interest of highway safety

35. The development shall not be carried out otherwise than in complete accordance with the document entitled "Framework Travel Plan, Faverdale, Darlington" dated 6th July 2018 and produced by Fore unless otherwise agreed in writing by the Local Planning Authority

REASON: To encourage the use of sustainable modes of transport

INFORMATIVE

Highways

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

The Developer is required to submit detailed drawings of the proposed off site highway works including precise details showing the offsite highway works including the creation of the site access junctions onto Faverdale, widening of Faverdale to incorporate improved pedestrian/cyclist facilities, potential relocated bus stop and revised signing and lining including TROs along Faverdale and Keep Clear markings opposite Faverdale Road and enter into a Section 38/278 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Pryke 01325 406663) to discuss this matter.

SHOULD THE PLANNING OBLIGATIONS NOT BE SECURED WITHIN THE PRESCRIBED SIX MONTH PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION WOULD BE CONSIDERED TO BE A REFUSAL. THE REASON TO REFUSE THE PLANNING APPLICATION WOULD BE AS FOLLOWS:

1. The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 and Supplementary Guidance Note on Planning Obligations as adequate provision has not been made for public and sustainable transport improvements.