

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 7 December 2022**

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**APPLICATION REF. NO:** 22/00423/FUL

**STATUTORY DECISION DATE:** 5<sup>th</sup> August 2022

**WARD/PARISH:** REDHALL & LINGFIELD

**LOCATION:** Land East Of Lingfield Estate Lingfield Point  
DARLINGTON

**DESCRIPTION:** Industrial development comprising of the erection of 3 no. industrial buildings of Class B2 and/or B8 use (industrial, storage and distribution) with ancillary office space, access, gatehouse, landscaping, parking, service areas and associated works (Archaeological Watching Brief received 19th May 2022) (Gas Addendum received 15th June 2022) (Phase 2 Ground Investigation Report received 27th June 2022) (Deposit Model and Impact Assessment received 11th July 2022) (Additional external lighting information received 29th July 2022)

**APPLICANT:** PREMCOR ESTATES LIMITED

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT** (see details below)

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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=RAN72EFPHDU00>

1. The application site, which measures some 10ha, is situated to the south of Tornado Way, between Lingfield Point to the west and Symmetry Park to the east. Tornado Way runs in an east-west direction connecting the site to Darlington town centre to the west,

and directly to the A66 to the east. Lingfield Way runs north south through the Yarm Road Industrial Estate to the south and terminates to the south of the application site. The predominant uses in the vicinity are commercial and employment (industrial and storage & distribution uses) with a limited number of residential properties located to the south west of the site at Lingfield Close.

2. Planning permission is sought for the erection of three buildings for industrial and storage and distribution uses with associated office floorspace, access, landscaping and parking and service areas. The proposed development would utilise the existing road infrastructure serving the site including a signalised junction on Tornado Way and includes the following:
  - Three industrial buildings totalling up to 37,361sqm (GIA) of Class B2 and / or B8 uses (light industrial, general industrial and storage and distribution uses) with ancillary office space and associated buildings including substations and a gatehouse;
  - Significant green space / soft landscaping (including drainage pond) across the site including a balancing pond; and
  - A vehicle access / egress point from the west of the site.
3. It should be noted that a previous outline application (21/01468/OUT) was submitted in 2021 for a similar development. That application has since been withdrawn. The application states that the decision to submit a detailed application has been taken because the applicant now has greater certainty as to the size and type of accommodation that industrial end-users require in this location. The supporting information goes on to state that it is also expected that the grant of detailed planning permission (rather than outline permission) will enable the scheme to be developed out over shorter timescales and in one single phase.

#### **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

4. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
5. 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.

#### **STATEMENT OF COMMUNITY INVOLVEMENT**

6. The Council's Statement of Community Involvement (Part 2) (August 2018) (SCI) sets out when the Council expects developers to undertake pre-application community consultation. The proposed development falls into those instances where pre-application community consultation is advised, being the development of a site of 1ha or more in size.

7. The SCI sets out what form the engagement could take, and requests that where pre-application community engagement has taken place, the applicant should include a statement with their planning application to detail what has been done, and how that has been reflected (or not) in the scheme.
8. As part of the original outline application referenced above, an SCI was prepared and submitted, and public consultation was carried out over a three-week period (15<sup>th</sup> November 2021 – 3<sup>rd</sup> December 2021). The focus of the community engagement process was the undertaking of an online public consultation and leaflet drop to homes and businesses in the surrounding area. In addition contact was made with Ward Councillors for Red Hall and Lingfield, and Stephenson, inviting them to review and comment on the proposals.
9. The current application states that although the scheme included in this application differs from the previous submission, both in terms of the type of application i.e. full planning opposed to outline and the range of uses included, the overarching nature (industrial within Class B2 / B8) of the proposed development remains the same. In terms of the proposed uses, the most notable differences relate to the previously proposed food and drink units (within Use Class E(a) and / or E(b) and / or hot food takeaway (sui generis use)) and petrol filling station (with associated retailing (Class E(a))), both of these elements have been removed from the revised scheme. The applicant considers that the difference between the applications does not impact on the relevance of the responses from the public consultation exercise on the basis that the majority of the supporting comments were made solely in relation to the proposed industrial units and the benefits they will bring to the local area. This detailed scheme delivers an increase in overall B2 / B8 floorspace in comparison to the outline proposals.
10. Some concerns were raised relating to the over provision of petrol filling stations and food outlets in the local area. These elements of the scheme were removed. Any other concerns raised have been addressed in the SCI response document and through the submission of supporting detail as part of this new application.

## **PLANNING HISTORY**

11. In recent years, planning permission for industrial and storage and distribution uses has been granted on adjacent sites. The planning history of the application site consists of a series of planning applications dating from the late 1990's for mixed use employment and business uses, with the most recent submission in 2016 for housing (none of which resulted in an approval) as follows:
  - 96/00042/OUT - Application to renew outline planning permission 8/93/339/DM dated 18 October 1993 for the erection of a mixed industrial commercial, retail, entertainment, leisure, business, hotel petrol station, office, warehouse – WITHDRAWN (03 June 1997)

- 99/00042/OUT - Mixed use development of prestige employment & business uses, hotel with conference/leisure facilities, pub/restaurant, drive-thru restaurant, non-food retail, PFS, access & infrastructure – REFUSED (23 October 2002)
- 01/00081/OUT - Outline application to develop DIY store with builders' yard and garden centre (13,006sqm) and employment floorspace innovation centre workshops (totalling 7989sqm) public house and restaurant – WITHDRAWN (04 October 2001)
- 16/00985/OUT - Outline application for erection of up to 280 residential dwellings (with all matters except access reserved) (Additional information (Air Quality Assessment) received 21st October 2016) – FINALLY DISPOSED OF (21 June 2019)

## MAIN PLANNING ISSUES

12. The main issues for consideration are:

- (a) Principle of the proposed development
- (b) Visual amenity, design and layout
- (c) Impact on residential amenity
- (d) Air Quality
- (e) Highway safety
- (f) Transport policy
- (g) Flooding and drainage
- (h) Ecology issues
- (i) Developer Contributions
- (j) Other matters

## PLANNING POLICIES

13. Policy E2 of the plan allocates the application site for the 'Promotion of New Employment Opportunities'. It states that planning permission will be granted for general industrial (Use Class B2), storage and distribution (Use Class B8), and office, research and development use within Class E(g). Other relevant planning policies in the determination of this application include the following requirements:

- Compliance with the settlement hierarchy, Darlington Urban Area being the focus for future development (Policy SH1);
- Proposals must demonstrate that the principles of good design have been followed against a set of criteria including that the proposal must reflect the local environment including layout and landscaping being developed to complement and enhance the ecological function of the local area, that the detailed design responds to the local context, the layout maximises opportunities for natural surveillance. Layout and design must help reduce the need for energy consumption and the buildings will be required to meet BREEAM 'Very Good' Standard. Proposals must provide suitable access, parking and servicing (Policy DC1 and IN4);

- On land affected by contamination, the applicant must demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment; that new developments that could have an impact on pollution, should have mitigation impacts in place, not to have a negative impact on its surroundings new developments to safeguard the amenity of existing users of neighbouring land (Policy DC1 and DC4);
- All developments will be expected to be designed to mitigate and adapt to climate change (Policy DC2). The policy includes a set of criteria regarding flooding and drainage;
- Development proposals such as this which generate a significant number of construction phase jobs should secure appropriate commitments and targets for employment skills and training, including apprenticeships (Policy DC5);
- High quality design in areas of low landscape quality in the urban area, to strengthen local character and distinctiveness, having regard to the Darlington Characterisation Study, Darlington Landscape Character Assessment and the Revised Design of New Development SPD, or their subsequent replacement (Policy ENV3) and the protection and enhancement of green and blue infrastructure (Policy ENV4);
- Developments will be expected to minimise the impact on, and provide net gains for, biodiversity, including establishing coherent and resilient ecological networks (Policy ENV7) with the relevant measures that should be applied for assessing this set out in Policy ENV8;
- Policy IN1 identifies a range of priorities and actions to deliver a sustainable transport network. These measures include, protecting footpaths, cycle routes and bridleways from development; providing new local access roads and key road links to open up the locations for development; and maintaining an efficient bus network by ensuring new developments accommodate the needs of bus users;
- Major developments will be required to engage in the Travel Planning process and produce a Transport Statement. The policy states that a framework travel plan will be appropriate where there is no identified end user or there will be multi-occupancy of a site (Policy IN3);
- The number of spaces provided and the nature of the provision (including provision for motorcycle parking) will have regard to local circumstances and the standards set out in the Tees Valley Highway Design Guide or any successor that safe, secure, and appropriate cycle parking will be provided within all new developments. For *“Non-Residential development creating over 50 parking spaces should provide at least one double electric vehicle charge point (2 spaces). For each additional 50 parking spaces one double charging point should be provided (Policy IN4);*
- Proposed employment sites of more than 0.5 ha should provide broadband connectivity and ducts for the development (Policy IN8).

## RESULTS OF TECHNICAL CONSULTATION

14. The Council's Environmental Health Officer and Highways Engineer have raised no objections to the proposal subject to conditions. The Local Lead Flood Authority, Rights of Way Officer and Ecology Officer have raised no objections subject to conditions and a suitably worded Section 106 agreement. The Transport Policy team has raised no

objections subject to a financial contribution and this issue is considered further below. National Highways has raised no objections subject to a financial contribution towards strategic network improvements to be set out in a Section 106 agreement.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

15. Three objections have been received in total (Darlington Friends of the Earth, Darlington Forest Project and a local resident), raising the following concerns:
- Impact on ecology / biodiversity net gain not addressed;
  - Impact on protected species;
  - Impact on trees and hedgerows;

## **PLANNING ISSUES/ANALYSIS**

### **(a) Principle of the proposed development**

16. As set out in paragraph 13 of this report, the application site is allocated for employment uses in the Local Plan. Therefore, the principle of the proposed development is in accordance with this allocation, subject to consideration of the details of the proposal against other relevant policies.

### **(b) Impact on non-designated heritage assets (archaeology)**

17. The application was supported by a Deposit Model and Impact assessment undertaken by Prospect Archaeology. This suggests that the impact of previous activity will probably have truncated any archaeological remains that may have been present and suggests that no further work should be carried out. The Historic Environment Record Officer agrees with this assessment and has confirmed that there is no archaeological objection to the proposed development. The proposal therefore complies with policy ENV1 in this regard.

### **(c) Visual amenity, design and layout**

18. The position, scale, design and appearance of the proposed buildings is considered acceptable in the context of the site, which is designed to meet the needs of end users. The palette of materials proposed is limited in order to provide a homogenous scheme. This consists of a combination of profiled metal cladding to the warehouse areas of the buildings in grey colours with a contrasting cladding to the ancillary office areas. The office accommodation will predominantly use flat metal cladding in anthracite grey with curtain wall full height glazing to the entrance door / screens. Buildings will be constructed on a masonry plinth in a smooth black facing brick.
19. A Tree Survey and Constraints report has been undertaken by Elliott Consultancy Ltd to accompany the planning application. These reports provide information on existing trees and hedgerows within the site and outline any loss as a result of the development.

Several trees (of limited value) are set to be removed to enable the proposed development, and this largely consists of two groups of trees along the eastern boundary and part of a separate group of trees to the western boundary. The report explains that expected tree loss is mainly low-level scrub that has self-seeded on site and part of a conifer block of trees. However, the plantations within the south west corner and along the southern boundary of the site are to be retained.

20. To mitigate the loss of any areas of natural landscape features, a landscaping plan has been developed which identifies areas that are proposed to be enhanced to ensure that the development is assimilated successfully into its surroundings and to enhance the appearance of the area, and to meet biodiversity compensatory requirements. The landscaping scheme includes the formation of a balancing pond and substantial areas of perimeter landscaping, including tree retention, significant tree and shrub planting, as well as the creation of species rich wetland and grassland areas, species rich flowering lawn grassland and mixed species native hedge planting, all intended to maximise biodiversity opportunities on site.
21. Conditions are recommended in respect of the implementation of the landscaping scheme. Subject to this, as a whole, the proposed development is considered acceptable in respect of its design and layout and its impact on the visual amenities of the locality both at site level and within the wider context and is considered to comply with the requirements of Policy DC1, ENV3 and ENV4 in this regard.

**(d) Impact on residential amenity**

22. The application has been submitted together with a Noise Assessment prepared by njd Environmental Associates dated April 2022. This has looked at how noise from the proposed development could impact on the nearest existing residential receptors which are located at Lingfield Close to the south west of the site. Noise sources assessed included:
  - Any increase in road traffic noise;
  - Industrial noise from deliveries to the proposed units, HGV movements on site and vehicle movements within the carparking areas;
  - Mechanical plant noise from mechanical and electrical services plant associated with the proposed units.
23. The report has concluded that noise should not be a prohibitive factor in the determination of the planning application. The layout of the proposed development has been designed to minimise the potential noise impact on the dwellings at Lingfield Close. The access road for the units runs to the eastern side of the proposed buildings maximising the separation distance between the homes and the road. The buildings themselves will then provide some degree of noise mitigation from vehicles on this road. The smallest of the proposed buildings, Unit 3 (which is also predicted to have the lowest traffic flows), is the building located closest to the properties on Lingfield Close.

24. The proposed layout includes plans for a 2m high earth bund to the rear of unit 3 between the loading bays and the properties on Lingfield Close. This bund is an essential noise mitigation feature, and a planning condition should be attached to any approval to secure its implementation prior to occupation of the buildings.
25. The noise assessment makes use of traffic predictions from the transport assessment. The road traffic noise survey concluded that noise resulting from an increase in road traffic noise levels at the closest existing sensitive receptors is not significant and the Environmental Health Officer has agreed with this assessment.
26. In addition to the above, a BS:4142 assessment has been undertaken as well as Cadnaa noise modelling for industrial noise. Data on the noise levels from HGV manoeuvres, car parks and unloading in the delivery bays of the proposed units has been inputted into the model. The report assesses average noise levels from the development. The Environmental Health Officer is satisfied that the report sufficiently demonstrates that the proposed development will be able to operate in a way which does not cause a noticeable and intrusive effect on the existing dwellings.
27. The exact specification of the required plant for ventilation of the proposed buildings and any associated electrical equipment is not yet known. Given the distances to the existing residential units for any such plant which is installed, with suitable noise mitigation in place it should be possible to ensure it is inaudible within the garden areas of the existing dwellings. To ensure that any plant which is installed is not heard by nearby residents, a planning condition is recommended to secure acceptable noise levels, with the background levels to be used in any assessment to be agreed in advance, together with the implementation and retention of any agreed noise mitigation measures.
28. In terms of lighting, the applicant has submitted a proposed lighting layout. The Environmental Health Officer is satisfied that the proposed lighting scheme will not cause a nuisance to nearby residents.
29. In addition to the above, a Health Impact Assessment was submitted in support of the application in accordance with Policy DC3, detailing how health considerations have informed design and taking into account the results of the technical studies detailed.
30. In view of the above, and subject to the conditions in respect of the implementation of the bund and the sound levels for plant and ventilation, the proposal is acceptable in the context of policies DC3 and DC4 in this regard.

**(e) Air quality**

31. The application has been submitted together with an Air Quality Assessment prepared by Njd Environmental Associates dated April 2022. This has looked at the impact of the development on local air quality during both the construction and operational phases of the development.



32. For the construction phase the report has determined that dust generated can be minimised to a degree where it is 'not significant' provided that suitable mitigation measures are adopted, and the Environmental Health Officer agrees with this approach and raises no objections. A Construction Management plan can be required by condition, which will set out further detail on how dust will be controlled during the construction phase of the development. During the operational phase of the development the assessment has concluded that the impact on existing sensitive receptors will 'be negligible'. The Environmental Health Officer has agreed with the conclusion that because of the prevailing good air quality conditions in the area the impact of this development on local air quality will be negligible.
33. In view of the above, the proposal raises no significant air quality issues and complies with Policy DC3 and DC4 in this regard.

**(f) Contaminated land**

34. The application has been submitted with a Phase 2: Ground Investigation Report prepared by Arc Environmental dated 30th May 2022 and a subsequent ground gas addendum letter report also by Arc Environmental. The site investigation included: 5 cable percussive boreholes; 10 windowless sampling boreholes; 17 mechanically excavated trial pits; 5 ground gas / ground water monitoring locations. The locations chosen for the above investigations provided good spatial coverage across the proposed development.
35. The site investigation has confirmed what was suspected in the desk top study, notably that the site is covered in a layer of made ground >1m thick which is likely to have been deposited when the adjacent Lingfield Point factory was developed as the 'Paton and Baldwin' wool factory in the late 1940s and early 1950s. It appears that excess spoil from that site's development was placed on the adjacent fields and the site investigation appears to confirm this. Prior to being developed as the wool factory the site was in agricultural use and it was not anticipated that this material would be contaminated. These samples taken during the site investigation have confirmed that this material is suitable for use in type of commercial development being proposed.
36. The ground gas monitoring investigation has undertaken 4 rounds of ground gas monitoring at 5 different locations across the site. Although depleted levels of oxygen and elevated levels of carbon dioxide were recorded in one of the monitoring locations (CP05) there was no flow of gases recorded during any of the monitoring episodes. It seems likely that the results at CP05 could be attributed to localised soil conditions and they are not indicative of wider ground gas issues which could be impacting the site. The Arc ground gas assessment has placed the site which Characteristic Situation one, with no special gas protective requirements being required for the site and the Environmental Health Officer agrees with this assessment.

37. Taken as a whole the Arc Site Investigations have been sufficient to demonstrate that contaminated land will not be an issue for the proposed commercial end use of the development. On the basis of this further information if the application were to be approved there is no requirement to attach any conditions relating to contaminated land to any approval and the proposal complies with Policy DC5 in this regard.

**(g) Highway safety**

**Access**

38. Vehicular access is to be taken from the existing roundabout on Eastpoint Road which is located along the western boundary of the site. This is fully constructed and adopted highway under the control of the Highways Authority and includes a 4<sup>th</sup> arm access stub which was built as enabling infrastructure. As such offsite highway works to enable vehicular access are minimal given the existing infrastructure is largely completed.
39. Works will be required however to provide suitable pedestrian/cycleway crossing facilities at the eastern roundabout stub, including dropped crossings and tactile paving to route movements across the splitter island along with appropriate keep left reflective bollards and footway/cycleway signage and markings in accordance with TRSGD 2016 and the relevant Traffic Signs Manual guidance. Appendix 'E' of the Transport Assessment gives an outline engineering layout of the proposed roundabout works.
40. Existing Pedestrian and cycle links are to be further improved via an extended footway to an existing bus stop located to the north of the site on Tornado Way as presently footway infrastructure does not extend eastwards from the northern end of Eastpoint Rd. An additional footway/cycleway is to be provided though the site and offers connectivity from Lingfield Way.

**Parking**

41. The applicant wishes for two scenarios for the proposed development to be considered for either B2 or B8 industrial use, in varying magnitude with the associated office use to offer flexibility for potential end users.
42. A total of 533 car parking spaces are to be provided across the site. Each unit/operator has allocated parking which includes a total of 54 or 10% EV Charging spaces.
43. Unit 1 has 241 spaces with the 10% EV equating to 26 spaces. Analysis of parking standards within the Tees Valley Design Guide demonstrates that 190 spaces would be required for B8 use with an additional 31 spaces. The provision proposed is therefore in accordance with accepted guidance for B8 occupation. Where a potential B2 occupier is proposed however a significant shortfall of 209 spaces is apparent. Based on TVDG standards for Industrial occupation, 1 space is required per 45 Squ m gross floor area. (18,859 Squ m) This equates to 419 spaces with an additional 31 office spaces required (total requirement of 450 spaces) or (4 spaces per 10 employees whichever is greater).

44. Whilst both Units 2 & 3 comfortably meet the parking requirements for B8 occupation, again a shortfall is demonstrated when considering B2 use based on the methodology used above. Unit 2 would require 206 spaces + 15 for ancillary office space (total 221) whilst 166 spaces are proposed, giving a shortfall of 55 spaces. With regard to unit 3, B2 occupation would require, 165 spaces + 12 ancillary office use (total 177) whilst 126 spaces are proposed, giving a shortfall of 51 spaces.
45. Under a worst-case scenario, the total shortfall of parking requirements for B2 occupation is therefore 315 spaces. Whilst acknowledging that this is a worst-case scenario, and that ultimately future occupiers are unknown at this time, the applicant has now submitted an alternative Masterplan which demonstrates that additional parking is available in order to meet the TVDG parking standards required for B2 occupation. This is achieved by additional marking of car parking spaces within HGV operational and maneuvering space which whilst required for a B8 operator would not be required for a B2 use class. The scope of works is sufficiently minor to be considered as part of a non-material amendment if required, as it is limited to lining/road marking, and areas of hard paving and surface water discharge would not be changed. Subject to a planning condition which requires submission and agreement of specific details in the context of the anticipated parking demands of the intended occupier and details of any additional parking, should any of the units be brought into B2 use, there would be no objections in terms of parking provision for the site.
46. Regarding the design of parking arrangements, the layout follows accepted guidance with the car parking spaces will have minimum dimensions of 5.0m long and 2.5m wide, with a minimum 6.0m clearance between aisles for access and manoeuvring. Accessible parking spaces will be provided for persons with mobility impairment, with additional zones of 1.2m width to be provided to the side and rear of the accessible parking spaces, which will comprise 5% of the total car parking provision for each unit. The accessible parking spaces will be positioned as close as possible to the main building entrance and with level access to ensure they are as convenient as possible for end users.
47. With regard to operational parking for both B2 & B8 use classes, the TVDG parking standards do not offer explicit guidance on exact numbers but rather the broader guidance of “sufficient operational parking and area of manoeuvring” within the site. It will therefore be necessary for the end user to ensure that sufficient HGV parking is available to meet operational requirements. However large service yards are provided for each unit with, along with HGV parking commensurate to the size of the building.

#### **Internal layout and Connectivity**

48. The internal layout of the site has been designed to accommodate the efficient delivery of goods, and access by service and emergency vehicles. The estate roads will be a minimum of 7.3m wide to accommodate the two-way movements of HGVs in accordance with current TVDG specifications for industrial estate roads.

49. It is confirmed the internal estate roads are not intended to be offered for highways adoption as part of the Section 38 Process, and whilst this is accepted given that roads do not serve a strategic highway purpose, internal estate roads should be constructed to Tees Valley Design Guide standards in both construction and geometry to ensure highway safety and robustness of construction for the life of the development.
50. The internal highway infrastructure of the site is of considerable scale, and as such offers resilience for HGV queueing back from access controls/gatehouses which are located well inside the site a considerable distance from Eastpoint Road. The risk of queueing back onto the public highway is therefore considered very low. Minor changes have been made to gate locations and improvements to turning heads in such an event that a large goods vehicle arrives, and the site is closed, turning facilities are provided except for unit 1, which features a gatehouse, where the size of operations would suggest 24-hour operation and the reasonable expectation that the access controls will be permanently staffed, mitigating any requirements for a turning head.
51. Any HGV parking or waiting periods within private roads would be a matter for the site owners/operators to manage and address. The TA confirms that it is intended that an on-site estate team will ensure on-street parking does not take place at any time, except within designated areas. As such this poses no particular concern to the Highways Authority.
52. Each unit has its own dedicated service yard, which includes a 25m turning/spin space. The layout separates out HGV and car movements as far as is practicable given the common entrance point and internal shared roads, however service yards and HGV access points are distinct and separate from car parking areas minimising conflict between cars and HGVs as far as possible.
53. The site has an extensive network of internal pedestrian infrastructure giving a safe means of access to building entrances, tactile paving and dropped crossing points should be provided at strategic places throughout the site to provide good access for all persons including those with mobility or visual impairment. Widened cycleway/pedestrian routes are also provided to give connectivity to each unit for persons arriving by bicycle.
54. Additionally, a shared 3m wide footway/cycleway is proposed, which runs along the western edge of Plot 2 from the existing roundabout infrastructure at the north to the Northern end of Lingfield Way. The applicant has confirmed that this is not intended for adoption as public highway, however it will be a permissive route with use will be granted to the wider public. The route should be lit in the interests of highway safety where pedestrians and cyclist are sharing the route and for reasons of security/surveillance. The route should be maintained and kept open in perpetuity, other than for reasons of periodic maintenance, with a suitably worded planning condition securing the long-term provision of the route. It is considered an essential element of the overall scheme, given that it provides sustainable transport links to bus services and cycleway/pedestrian infrastructure on Lingfield and Allington Way.

### **Offsite Highway Works**

55. Given that the site is likely to be a significant source of local employment, wider pedestrian and cycleway connectivity to the site will need to be secured to both Lingfield Way and Tornado Way for sustainable transport links to bus services and existing cycleway infrastructure. Footway and cycleway links should connect to existing infrastructure and provide safe well lit, traffic free routes to the site. Existing infrastructure is in place in the vicinity of the site and connectivity into cycleways and footways located on the B6279/access link, Morton Park Way and Lingfield Way is easily achieved.
56. In addition to the roundabout works previously discussed, offsite works are needed in order to connect the route into existing pedestrian/cycleway infrastructure on the eastern side of Lingfield Way, as the route does not demonstrate adequate connectivity for pedestrians or cyclists, given that the route just discharges cyclists and pedestrians onto the carriageway. This is not considered appropriate for either pedestrians or cyclists given that this access road is used for operational traffic to the Councils Depot site and other B2/B8 occupiers. The Highways Engineer has therefore requested that the existing cycleway/footway route on the eastern side of Lingfield Way is extended northwards to meet the southern site boundary, and this should be secured by planning condition as part of offsite highway works and be completed prior to occupation of the site.
57. Pedestrian and cycle links are to be further improved via an extended footway to provide connectivity to an existing bus stop is located immediately to the north of the site on the B6279 Tornado Way as presently footway infrastructure does not extend eastwards from the northern end of Eastpoint Road. This will require the construction of approximately 100m of additional footway construction, along with a review of street lighting column locations and signal heads to ensure that sufficient footway widths are available. This can be dealt with by planning condition and should be completed prior to first occupation of the site.

### **Traffic Impacts & Mitigation**

58. The vehicle trip generation associated with the proposed development has been considered for the weekday AM and PM peak periods (07:00 to 09:00 hours and 16:00 to 18:00 hours), as these time periods represent the maximum impact expected on the local highway network from the proposed development, with regards to the known and anticipated peak patterns of demand for the transport system and development-generated trips.
59. The following operational scenarios have been considered in the order to identify the maximum potential level of vehicle trip generation which could be associated with the proposed development:
- Scenario 1: Full site operation as B8 commercial warehousing units.

- Scenario 2: Full site operation as B2 industrial units.
60. The vehicle trip generation associated with the proposed development, under each operational scenario, has been forecast using average vehicle trip rates derived from the TRICS database. The selection parameters used are considered appropriate and an updated Technical Note has been submitted in response to the queries raised by both National Highways and DBC as a Highways Authority regarding generation rates and car parking provision. The technical Note demonstrates that the 'worst case scenario' based on B8 occupation would generate 166 two-way trips in the AM peak hour (08:00-09:00) and 228 two-way trips in the PM peak hour (17:00-18:00).
61. Whilst the submitted Transport Assessment concludes that the traffic generated by the development will not have a "severe impact" and thus warrant refusal under NPPF guidance, the developer will be required to make a financial contribution towards sustainable transport and highway improvements required as part of the local plan infrastructure delivery plan (IDP). Whilst the methodology for apportioning costs to developers is yet to be finalised, in the interest of expedient decision making and in order to offer certainty to the applicant regarding contribution rates, the DETC Sustainable transport study methodology has been used as is consistent with other significant developments which impact upon the A66/Tornado way.
62. A financial contribution has been secured by the Highway Authority/ LPA in conjunction with National Highways to ensure the future delivery of the required strategic highway improvements as identified in the Adopted Local Plan. This is required to ensure the safe and efficient operation of the strategic and main road network for the life of the adopted Local Plan. It should be noted that National Highways have agreed to the amount and triggers for the contribution and on this basis has raised no objection to the proposed development but will be consulted on the S106 at drafting stage to ensure that they are satisfied with the wording of the agreement.
63. Overall, subject to a series of conditions to secure specific details and implementation of off-site highway works, a Construction Management Plan, and parking levels dependent on the needs of any B2 occupiers, together with the securing of a financial contribution for strategic highway improvements through a Section 106 agreement the Highways Engineer and National Highways have raised no objections and the proposal complies with policies DC1, IN1 and IN4 in this regard.

**(h) Transport policy**

64. Policy IN2 of the Local Plan requires all new development to provide easy access for those who wish to use public transport. In this context there is an expectation that 80% or more of buildings should be within 400m walking distance of a bus stop served by a regular daytime service (at least every 30 minutes). The Transport Policy Officer has requested a public transport contribution to ensure that the site is accessible by public transport to provide a supported or extended bus service for up to five years, at a figure of £150K per year. This is considered further in section (k)(Developer Contributions).

65. Cycle parking/storage has been detailed for each Unit, the cycle parking should be with the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020). Staff and visitor cycle parking should be separate. This detail can be required by a suitably worded condition.
66. At the outset of preparing the detailed planning application, and in accordance with the Council's advice, SAJ produced a Travel Plan utilising the Modeshift STARS Business platform, which sets out opportunities for the effective promotion and delivery of sustainable travel initiatives in connection with the proposed development.
67. The Travel Plan sets out how the proposed development will encourage sustainable travel choices and reduce the need to travel to the site by private car, particularly, single-occupancy journeys. In doing so, the Travel Plan identifies how walking, cycling and public transport can be factored into the development site as sustainable transport modes to minimise the impact of the proposed development on local transport networks. A planning condition is recommended to secure continued compliance with the Travel Plan.
68. Darlington Footpath 35 abuts the southern boundary of this site. The Public Rights of Way Officer had previously expressed concerns (when the outline application was submitted) about the potential of the footpath being overshadowed by one of the proposed buildings. As the car park to the nearest building is situated to the south, to provide a satisfactory distance between the building and the footpath, and a pedestrian link has been provided, the Public Rights of Way Officer has raised no objections to the proposed development and has requested a financial contribution towards improvement of the footpath, and this is considered further in section (k) (Developer Contributions).

**(i) Flooding and drainage**

69. The Environment Agency's Flood Map for Planning indicates that the development site is within Flood Zone 1. Table 3 of the Planning Practice Guidance to the NPPF states that 'less vulnerable' development is appropriate in Flood Zones 1 and 2. Consequently, the development can be considered to be appropriate in this location. The Framework Technical Guidance states that flood risk should be assessed from all sources, including adjoining land, groundwater, flooding from sewers and flooding from reservoirs, canals, and other artificial sources.
70. A Flood Risk and Drainage Assessment has been submitted to accompany the application, including Surface Water and Foul Water Drainage Assessments. This Assessment complies with the requirements of national and local policy, including in respect of the hierarchical approach to surface water drainage.
71. The accompanying Flood Risk Assessment demonstrates that the proposed development would be operated with minimal risk from flooding, would not increase

flood risk elsewhere and is compliant with the requirements of the National Planning Policy Framework.

72. The Local Lead Flood Authority has confirmed that the applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by conditions. Subject to the recommended conditions, the proposal complies with policy DC2 in this regard.

**(j) Ecology issues**

73. A Habitat Survey and Assessment was undertaken by INCA to accompany the application to consider the impact on any ecological receptors as a result of the development of the site. The report considers previously recorded information about protected species in relation to the site. The report recommended no further protected species surveys but does recommend some mitigation for bats in the form of a lighting strategy. It also makes some recommendations in respect of birds, for management of the grassland portion of the site, and that removal of any scrub areas take place outside of the bird-nesting season unless a nesting bird check is undertaken prior to works. It goes on to state that grassland provision should also make up a dominant percentage of any on-site or off-site habitat creation in order to address any loss of this habitat for foraging bird species.
74. The biodiversity value of the site has been calculated within the submitted document using an industry-accepted metric – Biodiversity Metric 3.0. That baseline value is 43.87BDU and this assessment is considered acceptable as a baseline. A Framework Biodiversity Gains Plan was also submitted to set out commitments to achieving a Biodiversity Net Gain through the development.
75. As detailed in section (b) of this report, a detailed landscaping scheme has been submitted for consideration which includes significant measures including the formation of a balancing pond and substantial areas of perimeter landscaping, including tree retention, tree and shrub planting, as well as the creation of species rich wetland and grassland areas, species rich flowering lawn grassland and mixed species native hedge planting, all intended to maximise biodiversity opportunities on site as well as enhancing the visual appearance of the site and the surrounding area. This landscaping scheme was developed in conjunction with INCA, the developers appointed ecologist, in order to fully maximise opportunities for on-site biodiversity enhancements and this has included an increase in the redline boundary from the previous (withdrawn) outline application, enabling a greater extent of amenity planting to be introduced into the scheme, particularly along the Tornado Way frontage, whilst also seeking to achieve additional opportunities for on-site biodiversity enhancements.
76. The achievement of an on-site net gain on industrial development can frequently be very difficult due to the nature of development. In this case, the applicant does not control any land beyond the application site in the immediate surrounding area. As is



often the case with industrial / logistics development, it is not feasible to achieve a biodiversity value, post development, within the application site that amounts to a net gain over the baseline value. In this instance, whilst the proposed landscaping and on-site biodiversity enhancements provide some offset, the net loss on-site is calculated as being 27.49 biodiversity units (BDUs). In recognition of the above and the prevailing planning policy position, there is a commitment to compensating for this deficit by delivering biodiversity enhancements off-site, to a level that achieves an overall biodiversity net gain.

77. DBC does not yet have a system in place for providing off-site mitigation on receipt of any financial contributions, therefore the applicants' appointed ecologist has proposed the following in conjunction with its agent, Lichfields:
- It is proposed that the landscaping scheme will be completed within 12 months of the occupation of the buildings to which the permission relates (in order to enable landscaping to take place throughout appropriate planting seasons).
  - The LPA will be provided with a validation report, confirming that the on-site biodiversity value is (subject to on-going establishment of the planting), achieving the biodiversity value that has been calculated based on the submitted landscaping plan – 16.38 biodiversity units.
  - Within the first 12 months following commencement of development, work will commence on an assumption that the off-site requirement amounts to that of 27.49 BDUs in order to achieve an overall net gain. In that time, a detailed Biodiversity Gains Plan will be devised and submitted to the LPA. The Plan will adopt the following approach and incorporate the following mechanisms:
    - i. The detailed Gains Plan will adopt a hierarchical approach to first seeking to deliver off-site enhancements local to the site: it will first assess the availability of feasible and deliverable opportunities within the Tees Lowland Character Area, as defined by Natural England (that area recorded in DEFRA Magic Mapping, July 2022 and extending across Darlington, towards Richmond and Barnard Castle to the west and to the coast to the east, between Hartlepool and the northern edge of the North York Moors National Park);
    - ii. Engagement with landowners will take place in that area who express a willingness to make available land for implementation and 30-year management of biodiversity enhancements, capable of delivering a minimum of 27.49BDUs;
    - iii. At the end of 12 months following commencement of development, the Biodiversity Gains Plan will be provided, incorporating a progress report, to Darlington Council and the identification of any deliverable opportunities that can be committed to;
    - iv. Where feasible and deliverable opportunities are identified, details of the location, scope of works, anticipated BDU value, and management plan shall be submitted to Darlington Council for approval;

- v. If no feasible and deliverable opportunities are determined in the 12 months' timescale set out above, commitments will be set out in the submitted Biodiversity Gains Plan to achieve net gain through other mechanisms, potentially to include one or more of the following:
  1. A review of opportunities beyond the Tees Lowland Character Area, in the manner set out above;
  2. A review of opportunities available through any Local Nature Recovery Strategies in operation at that time;
  3. Payment to Darlington Borough Council of a developer contribution towards the cost of delivering biodiversity enhancements on Council-owned land. That contribution to be secured through a S106 Agreement entered into at the time of the grant of planning permission (see below);
  4. Payment to a third-party biodiversity credit 'broker' such as the Environment Bank, of an amount sufficient to deliver an enhancement scheme achieving a minimum of 27.49BDUs;
  5. Payment into the anticipated national Biodiversity Credit system of an amount sufficient to deliver an enhancement scheme achieving a minimum of 27.49BDUs.

78. The Framework Biodiversity Gain Plan, and subsequent detailed Biodiversity Gain Plan, will operate alongside, and in accordance with a planning condition and a section 106 agreement, the Heads of Term of which are set out in section (k) of this report. The condition requires the Biodiversity Gains Plan within 12 months of commencement of development, which will demonstrate the viability and feasibility of providing net gain in biodiversity either on site or off-site equivalent to more than 43.87BDU. The condition will be discharged in part upon the submission of the Biodiversity Gains Plan and discharged in full thereafter once the Plan has been fulfilled and a biodiversity net gain achieved and evidenced satisfactorily.

79. The above planning condition, Framework Biodiversity Gain Plan and subsequent detailed Biodiversity Gain Plan will operate alongside a S.106 Agreement; which will deal with a mechanism for payments per unit for any deficit in the event that alternative net gain provision is not achieved. The suggested Heads of Terms are set out in section (k) (Developer Contributions) of this report.

80. In the context of the above, the commitment that the Framework Biodiversity Gains Plan makes to the provision of a net gain, the efforts that the developer has made towards the increase of landscaping on the site through an increase in the redline boundary, the proposed significant level of landscaping to be provided on the site, the acknowledged difficulty in providing any further on-site gain and the lack of any identified DBC sites that any financial contribution at this stage could be used in order to provide a net gain, both the Ecology Advisor and officers consider the approach to be reasonable, and sufficiently ties the developer to achieve the commitments as set out in the submitted documentation and as required by Policy ENV8 and the NPPF.

**(k) Developer contributions**

81. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

82. The agreed Heads of Terms proposes the following:

- A financial contribution of £273,665 in line with the model established as part of the Darlington Eastern Corridor Sustainable Transport Study, with rates based on trip generation, as agreed with National Highways. Payment to be made pro-rata at the time of occupation of each unit (Unit 1 – £144,999.14, Unit 2 £71,481.03, Unit 3 £57,184.83) with the draft 106 to be agreed with National Highways.
- Commitment to providing net gain as set out in the Framework Biodiversity Gain Plan and subsequent detailed Biodiversity Gain Plan will operate alongside a S.106 Agreement; the heads of terms for which, are as follows:
  - a. The agreement will be between the applicant and Darlington Borough Council and will run with any successors in title to the land.
  - b. If required, it will commit the applicant (or any successors) to make a payment to the Council within 3 years of the date of the grant of planning permission;
  - c. That payment will be based upon the biodiversity deficit in the development;
  - d. That deficit amount will be calculated as the difference between the baseline value of 43.87 biodiversity units (BDUs) and the post development biodiversity value of the scheme (calculated as 16.38BDUs);
  - e. That payment will be no greater than £15,000 per biodiversity unit of the deficit amount.
  - f. Any payment will be returned to the payee within 10 years of payment if those monies have not been spent by Darlington Council on works that deliver the deficit amount.
  - g. The payment will not be made if alternative net gain provision is achieved through the measures set out in the Biodiversity Gains Plan and resulting in the full discharge of the above condition within 3 years of the date of the planning permission (or, in the event that a discharge of condition application has been

submitted prior to the expiry of the 3 year period, payment will then be made within 2 months of the date the Council refuses the discharge of condition application (if that time is beyond the 3 year period)).

83. The above were considered with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.
84. As set out in section (h) of this report, a financial contribution to provide a supported or extended bus service for five years was requested by the Transport Policy Officer due to the development not meeting the expected threshold of 80% or more buildings on site being within 400m walking distance of a bus stop served by a regular daytime service.
85. In considering this issue, it is noted that Section 5.5 of the Transport Assessment identified that the site is located within close proximity of a number of existing bus stops. Further, the proposed development has been designed to capitalise on these existing public transport services by ensuring that pedestrian connections are safe and convenient. This includes the following:
- The provision of an extended section of footway along the eastern side of Lingfield Point Road to connect the site to the existing westbound bus stop on B6279 Tornado Way and, onwards, to Morton Park Way.
  - The provision of a new shared-use route for pedestrians and cyclists along the southwestern boundary of the site, linking between the existing facilities on Lingfield Point Road and Lingfield Way. This will improve north-south connectivity between B6279 Tornado Way and Yarm Road Industrial Estate, as well as providing convenient access from the site to bus stops on Allington Way.
86. The applicant has provided details of the safe walking distances to bus stops within proximity to the proposed development (distances measured from the main building entrance of each unit) as follows:
- Units 1 and 2 will be located within the 'reasonable' 400m walking distance to bus stops on B6279 Tornado Way and Eastpoint Road, as set out in Policy IN2 of the Local Plan. These bus stops are served by the Number 2A service which operates approximately every 15 minutes during key shift-pattern periods (i.e. 06:30-09:00, 14:00-17:45 and 21:45-00:15 hours). This frequency of service is appropriate for the proposed industrial development.
  - Units 1 and 2 comprise 79% of the total development floor area, which is only marginally lower than the  $\geq 80\%$  threshold set under Policy IN2 for residential dwellings (NB the policy does not set a threshold for industrial development). Notwithstanding, Paragraph 10.6.6 of the Local Plan suggests that although developments may not be within the 'reasonable walking distance' of 400m, other material considerations should be considered, including the frequency of existing bus services on routes further than 400m away from the development

site and the likelihood, or otherwise, that a supported service will become commercially viable. It is noted that other bus stops exist within proximity to the site which are served by a regular daytime service. These bus stops on Coombe Drive and Allington Way provide access to the Number 2 service which operates every 20 minutes during Monday to Saturday daytime.

- Each unit will be located within 650m walking distance to the bus stops on Coombe Drive and/or Allington Way. This is considered an acceptable public transport walking distance within BREEAM standards and, thus, should be a material consideration to Policy IN2.

87. The applicant has also referred to the Transport Topic paper (February 2021) provided in support of the examination of the submission local plan which identifies the site overall as being located within 400m of a bus route/*train station providing a frequent service*” and is likewise considered to be *“well served by existing cycle routes, footpaths and public transport services”*. The site is given a positive (“+”) public transport performance rating.
88. Based on the above it is agreed that the site is adequately served by public transport and, therefore, the applicant should not be required to pay the financial contributions requested as such a requirement would not meet the tests being not necessary to make the development acceptable in planning terms.
89. The Public Rights of Way Officer has also made a request for a financial contribution towards improvements to the footpath. This is noted, however the site is allocated for employment purposes, and it is not considered that improvements to the footpath via a financial contribution are necessary to make the development acceptable in planning terms.

#### **(l) Other matters**

90. Natural England together with the Department for Levelling Up, Housing and Communities (DLUCH) announced on 16<sup>th</sup> March 2022 that the administrative area of Darlington Borough Council is now located within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation.
91. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. It also affects other applications where development may impact upon water quality, including those seeking to discharge planning conditions relating to foul and surface water drainage for a range of development proposals.

92. The local planning authority has arrived at a view that the proposed development would not be within scope for the following reasons and can therefore be determined without the need for any further mitigation:
- The proposed use does not include any overnight accommodation;
  - The Lead Local Flood Authority has raised no general flood risk or drainage objections to the proposed use.
93. Policy DC1 of the Local Plan requires it to meet BREEAM 'Very Good' standard. A Sustainability Statement has been prepared by KJA (UK) Ltd, which considers the potential for the development to incorporate sustainable design solutions. This states that the development will be constructed to reduce energy loads and consumption where feasible. A range of potential measures are identified in the Sustainability Statement, such as photovoltaic panels, low energy lighting, gas fired combi boilers and high efficiency VRF heat pump technology. Individual buildings will be assessed on a project-by-project basis and the most suitable options incorporated at the appropriate stage.
94. It goes on to outline that an initial BREEAM pre-assessment has been carried out for the development by RedSix to establish the feasibility of achieving Policy DC1 BREEAM performance objectives for non-residential buildings of 1,000 sqm or more:
95. This concludes that the proposed development could provisionally achieve a maximum BREEAM 'Excellent' rating of 70.00% (all reasonable measures targeted), which meets the requirement of Policy DC1 and ensures an adequate sustainability rating and maximum improvement in energy efficiency is achieved, which reflects the proposed building type and function. It should be noted that the ability to achieve BREEAM ratings relies upon a range of factors relating not just to the development proposed and implemented pursuant to this planning application and will also be influenced by factors outside the immediate control of the applicant. Notwithstanding this, the applicant, and its BREEAM assessor, is striving to achieve a BREEAM rating of 'Excellent'
96. Policy DC5 of the Local Plan encourages development proposals such as this which generate a significant number of construction phase jobs to secure appropriate commitments and targets for employment skills and training, including apprenticeships. The supporting information states the following:
- It is likely that a scheme of this nature would cost in the region of £30 million to construct and, in single phasing terms, is likely to be built over the course of 38 weeks (c. 9 months);
  - This construction value could support 330 direct (full time equivalent) jobs and 365 indirect / induced multiplier jobs throughout the construction period;
  - The combined effects of direct and indirect employment could support a temporary uplift in Gross Value Added (GVA) (a measure of economic output) of £45.5 million per annum;

- The operational employment generated by the proposal would be derived principally from the distribution and logistics sector;
- It is estimated that the proposal could deliver between 560 and 870 full-time equivalent (FTE) operational jobs on the site, with a further 245 - 385 FTE indirect jobs induced across the wider region. This direct operational FTE employment has the potential to generate up to £55.4 million in GVA per annum;
- The proposals are likely to lead to a number of skilled jobs being created and / or safeguarded, and it is likely that a wide variety of roles will be provided, offering the potential for training and job progression.

97. The above demonstrates that the development will generate significant employment and that it will provide a variety of skilled jobs, including at construction phase, which will provide opportunities for training and job progression. The proposal therefore complies with Policy DC5 in this regard.

98. Policy IN8 requires the development to ensure broadband connectivity and ducts are provided. A statement detailing the proposal strategy for this, can be required by a suitably worded condition.

#### **THE PUBLIC SECTOR EQUALITY DUTY**

99. 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. Disabled access to the premises has been considered in paragraph 19 of this report and the impact of the proposal on childhood obesity is set out in paragraphs 20 and 21.

#### **CONCLUSION AND RECOMMENDATION**

100. The application site is allocated for employment uses within the Local Plan. Subject to planning conditions and in conjunction with a Section 106 agreement, the proposed development is acceptable in respect of highway safety, visual and residential impact, flooding and drainage, and Biodiversity net gain and complies with the relevant policies of the Local Plan.

#### **THE DIRECT OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITHIN SIX MONTHS TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:**

- i) STRATEGIC NETWORK IMPROVEMENTS;
- ii) BIODIVERSITY NET GAIN.

AS DETAILED IN SECTION (K) OF THIS REPORT.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MIND TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF DARLINGTON LOCAL PLAN 2016-2036, WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE.

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

17475-(P)121N Proposed masterplan  
17475-(P)123 Unit 1 GA Plans  
17475-(P)124 Unit 1 Elevations  
17475-(P)125 Unit 1 Roof Plan  
17475-(P)127 Unit 2 GA Plans  
17475-(P)128 Unit 2 Elevations  
17475-(P)129 Unit 2 Roof Plan  
17475-(P)131 Unit 3 GA Plans  
17475-(P)132 Unit 3 Elevations  
17475-(P)133 Unit 3 Roof Plan  
17475-(P)135A Proposed bin store  
17475-(P)136B Proposed cycle shelter  
17475-(P)137 Proposed substation details  
17475-(P)138 Fencing details  
17475-(P)139 Existing and proposed site sections  
17475-(P)140 Proposed gate house  
17475-VL-L01D\_ Landscape masterplan  
17475-VL-L02D\_ Landscape Plan 1 of 3  
17475-VL-L03D\_ Landscape Plan 2 of 3  
17475-VL-L04D\_ Landscape Plan 3 of 3  
All internal arrangements shown on layout plans are for illustrative purposes only

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

3. The submitted landscaping scheme shall be fully implemented within the first planting season following the occupation of the building to which it relates, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously



diseased shall be replaced (within 5 years of planting) shall be replaced and the landscaping scheme maintained for a period of five years.

REASON - In the interests of the visual amenities of the area and to provide on-site biodiversity enhancements.

4. 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 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;

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. 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 Local Plan and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated Issue P05 Dated April 2022 and the following mitigation measures detailed within the FRA Surface water discharge to Lingfield Beck restricted to 22.8l/s

The mitigation measures shall be fully implemented prior to the occupation of buildings 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.

6. The building(s) hereby approved shall not be brought into use until:-
  - I. 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;
  - II. A robust management and maintenance plan of the approved Surface Water Drainage scheme which includes maintenance of the adjacent watercourse 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.

7. 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 vehicle and pedestrian routes, road maintenance, site compound and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of highway safety.

8. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

9. Prior to the occupation of any building, full and precise details of an off-road pedestrian and cycleway link from the south of the site to existing footway & cycleway infrastructure Located on Lingfield Way shall be submitted for approval. Details shall include a shared footway/cycleway of a minimum of 3.0m wide with appropriate kerbing, signage, and tactile paving. The agreed scheme shall be constructed prior to occupation of the first unit unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

10. Prior to occupation of any buildings, full and precise details of the proposed pedestrian and cycleway links (As drawing 'PROPOSED MASTERPLAN 17475-(P) 121 REV N') from the Eastpoint Rd roundabout to the existing Bus Stop on Tornado Way shall be submitted for approval. The agreed scheme shall be constructed prior to occupation of the first unit unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

11. The proposed internal footway & cycleway link though the site from the site access at Eastpoint Rd roundabout to Lingfield Way shall be completed prior to occupation of the first building unless otherwise agreed in writing with the Local Planning Authority and shall be kept open to the public thereafter other than when temporarily closed for essential maintenance purposes.

REASON: In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

12. The rating level of noise emitted from external fixed plant hereby approved whether operating individually, or when all plant is operating simultaneously, shall be at least 5 dB below the background noise level at all nearby noise sensitive receptors, when measured and assessed in accordance with BS4142:2014+A1:2019. The background noise level to be used shall be agreed in advance of the assessment in writing with the Local Planning Authority. Any noise mitigation measures required to achieve this level shall be installed by the applicant and thereafter retained and maintained for the lifetime of the development.

REASON – In the interests of residential amenity.

13. Prior to the occupation of any building, details of cycle parking and storage shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the cycle parking / storage shall be in place prior to the occupation of any building in accordance with the approved details.

REASON – To encourage and enable users to access the site using sustainable means of transport.

14. Prior to any building hereby approved being brought into a use within the B2 Use Class (as set out in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) evidence shall be provided that the level of parking within the curtilage of that unit is appropriate to meet the anticipated parking demands of the intended occupier. That evidence shall be submitted to and approved by the local planning authority. In the event that it is deemed necessary to increase parking in order to avoid parking displacement onto the public highway, details of additional parking within the curtilage of the unit shall be provided to the local planning authority for approval and thereafter provided prior to the occupation of the unit by the B2 use.

REASON – To ensure adequate parking to serve the development in accordance with Policy IN4 of the Darlington Local Plan 2016-2036.

15. The EV Charging points associated with each building shall be in place prior to the relevant building being brought into use and shall be retained thereafter.

REASON – To ensure provision of EV charging infrastructure in accordance with Policy IN4.

16. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and

be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON- To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

17. The proposed bund to the south western corner of the site, as detailed in drawing number: 17475(P)-121N shall be in place prior to the occupation of Unit 3 and shall be retained as such thereafter.

REASON – In the interests of residential amenity.

18. Within 12 months of the commencement of the development a Biodiversity Gains Plan shall be submitted to the Local Planning Authority which incorporates the approach and commitments set out in the submitted Framework Biodiversity Gains Plan and which demonstrates the viability and feasibility of providing net gain in biodiversity either on site or off-site equivalent to more than 43.87BDU. All of the above shall apply, unless otherwise is agreed in writing with the Local Planning Authority.

REASON – To provide biodiversity net gain in accordance with policy ENV8 and the NPPF.

19. The development shall be carried out in accordance with the recommendations contained within the submitted 'Habitat Survey and Assessment – Fabric – Industrial Park development, Tornado Way, Darlington' (INCA April 2022).

REASON – In the interests of ecology

20. The development shall not be carried out otherwise than accordance with the recommendations set out in the submitted 'Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan' (Ref ARB/AE/2712, Elliott Consultancy Limited, April 2022) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure the necessary protection to retained trees in the interests of visual amenity and ecology.

21. Following occupation, the submitted Travel Plan having already achieved the Green Standard accreditation (ModeshiftStars Community / Modeshift Stars Business) should reach the ongoing required standards as laid out in the DBC Travel Plan Guidance document and shall be continued thereafter in accordance with the details therein.

REASON: To reduce single occupancy car travel and to encourage and promote sustainable transport.

22. Prior to the construction of any buildings, full details of the proposed finished floor levels shall be submitted to the Local Planning Authority for its written approval.

Thereafter, the development shall be carried out in accordance with the approved detail.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

23. Prior to the installation of the ' Landlord Kiosk(s)' and 'Gas Kiosk(s)' as shown on the 17475-(P)121N Proposed masterplan, full details of these structures shall be submitted to the Local Planning Authority for its written approval. Thereafter the development shall be carried out in accordance with the approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

## **INFORMATIVES**

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 the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

An appropriate street lighting scheme and design to cover the new internal highways and where appropriate proposed amendments to the existing arrangements (Section 278) should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr. M. Clarkson 01325 406652) to discuss this matter.

Prior to the commencement of the development 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 enter into an agreement under Section 59 of The Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard The Public Highway from damage caused by any Construction Traffic serving your development. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter