

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 September 2013

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APPLICATION REF. NO:	13/00654/DC
STATUTORY DECISION DATE:	15/11/13
WARD/PARISH:	Darlington Central
LOCATION:	Town Hall, Darlington
DESCRIPTION:	Erection of new 4000 square metre office building
APPLICANT:	Darlington Borough Council.

APPLICATION AND SITE DESCRIPTION

This application is for the erection of an office building of some 4000 square metres intended to accommodate the proposed relocation of the Department for Education (DfE) from its Mowden Hall premises. The proposed building which is L-shaped would be sited within the existing Town Hall car park. It would be directly linked to the eastern (rear) elevation of the Town Hall returning southwards between the eastern end of the car park and the existing single storey extension to the Town Hall. The overall site area is some 0.27 hectares.

The site is bounded by the Town Hall, the River Skerne, a car park on the site of the old bus station and to the north, the Grade I Listed St Cuthbert's Church.

The majority of the building would consist of 4 storeys with a shorter two storey section where it adjoins the Town Hall. It would have a maximum height of some 17.5 metres excluding the roof top plant and as such would not be as tall as the existing Town Hall. The external materials for the site comprise a combination of profiled metallic cladding panels, terracotta cladding to the 'main' east facing elevation, curtain wall glazing and red brick. A 3.5 metre wide 'hard landscaping' strip is proposed adjacent to the outer edges of the building.

The proposal will lead to a net loss of some 45 parking spaces and will incorporate 25 spaces (including 10 no. disabled parking bays) in a courtyard arrangement. Vehicular access would be from Feethams at the point of access to the existing car park on the former bus station site. The main point of pedestrian access would be via the ground floor of the Town Hall itself with two direct alternative points of access.

The proposed office development is expected to secure around 400 jobs in the Borough.

PLANNING HISTORY

There have been no planning applications on this site since the car park was created in the 1990s.

PLANNING POLICY BACKGROUND

The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 5 Provision of Land for Employment Use, Policy CS7 The Town Centre and Policy CS14 Promoting Local Character.

Saved Local Plan Policy T20 – Town Centre Surface Car parks

RESULTS OF CONSULTATION AND PUBLICITY

The development was advertised by notices in the press and on site and nearby business' and land users were notified directly. To date no comments have been received however as the consultation exercise is outstanding at present any comments that are received will be reported directly to the meeting.

Consultee responses –

Highways Engineer – No objections subject to certain conditions should planning permission be granted.

Conservation Officer – Comments as follows :

The new building is well designed as a contemporary solution to the provision of office accommodation in this location. Consideration has been given for the setting of St Cuthbert's Church, given the height of the building at a level with the eaves height of the Church. The type of materials proposed, as shown on the coloured images from the 3D modelling appear appropriate and more akin to colours found on historic and traditional buildings within the Town Centre than the Town Hall. Whilst the colours indicated appear appropriate, they should not be overly reflective, which could compete with the Church.

The Conservation Officer also requests that final details of the lighting scheme be agreed in the interests of the setting of the adjacent listed building.

Durham Archaeologist – The application site is of considerable archaeological significance and so the comments are reproduced in full bearing in mind the potential implications for the development of the site.

The Archaeology Section has had extensive pre-application discussions with the applicant and their agents in the lead-up to the application being submitted. We advised very early on in the

process that heritage, specifically in relation to the setting of the listed Grade I St Cuthbert's Church and with regards to buried archaeological resources, would be highly significant and sensitive to any development in this area. Colleagues in Conservation at Darlington and English Heritage are dealing with the impact to significance and setting of the Gr I listed building and I will make no significant comments here. Regarding the archaeological impacts of the proposed development I do have comments to make.

The proposed development site lies to the south of St Cuthbert's Church and is sandwiched between the canalised banks of the River Skerne to the east and the 1970s town hall to the west. However, the site was originally occupied by the Bishop's Palace or Manor which was constructed around 1164. The building remained in use in some guise (most latterly as part of the 19th Century Work/Poorhouse) until being finally demolished in the late 19th century to make way for Luck's Square and Luck's Terraces which in turn were demolished in the 1960s to be replaced by the Town Hall.

The applicants have provided a full and detailed Heritage Impact Assessment which clearly sets out the known development of the site and should be referred to for full details. It was clear that the site had the potential to contain highly significant buried archaeological resources directly related to the use of the site as the Bishop's Palace/Manor and then latterly as a the less significant workhouse.

An evaluation was required in order to understand the potential significance of the site and to help determine the function of the site - i.e. was it more a manor complex than an ecclesiastical palace complex? It should be noted that Bishop's Palaces in England are rare assets which casts a light on the potential national significance of the buried archaeological resource at this site and how such features are dealt with in planning terms - this brings into consideration para 139 of the NPPF which states "Non-designated assets of archaeological interest that are demonstrably of equivalent significance to scheduled monument, should be considered subject to the policies for designated heritage assets." (i.e. paragraphs 132-133 in particular). and that substantial harm to designated assets of highest value (Gr I and Scheduled archaeological assets) must be wholly exceptional. Local Authorities must refuse consent "...unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss" (NPPF para 133).

Bearing this in mind, and taking into consideration the policies of the NPPF para's 128-129; 131-133, and Darlington Borough Council's Core Strategy Policy CS14(E) we advised that pre-determination archaeological evaluation was required in order to inform the planning authority and the developer.

An archaeological evaluation was carried out by Archaeological Services Durham University according to an agreed scheme of works approved by the Archaeology Section. A copy of the report has been submitted in support of the planning application and is available to view on-line. Five trenches were opened up within the footprint of the proposed new build and slightly to the east within the landscaping zone. Archaeological features were recorded in all trenches including remains of the base of stone walls in 3 of them. Their orientation suggests that they relate to the 19th century poorhouse and the Bishop's manor/palace complex. A small number of linear features and small pits were found beneath the walls suggesting Medieval or earlier activity pre-dating the complex may be found on the site. A small but significant collection of Medieval pottery was recovered from the evaluation as well as some Medieval window glass and a

fragment of Medieval floor tile. Ecofactual remains (animal bones, cereal grains) suggest that a high status diet in the food waste found on site.

The archaeological deposits were found at depths between 37.20m OD and 36.16m OD across the site - within the zone of disturbance by the proposed piling foundation design. It should be noted that there have been various episodes of disturbance to the remains of the Bishop's complex, namely its reuse as a poorhouse; its final demolition in the late 19th century; the construction and demolition of Luck's Terraces etc; the construction of the Town Hall in the 1960s and the insertion of storm drains and water mains along the east side of the site. These have all had significant impact on the state of preservation and survival of intact archaeological remains – such that it can be argued, when taking into account the evaluation results, that the quality of the remains are potentially not significant enough to warrant statutory protection.

Additionally, it should be noted that the development footprint does not appear to be impacting on the main range of the former Bishop's palace/manor. This is clearly shown in Figure 45 of the Heritage Statement prepared by Archaeo-Environment Ltd which shows the development footprint overlain on top of the 1856 OS. This map edition shows the workhouse and the final surviving north wing of the Bishop's complex. It seems more likely that the development impact will be to secondary outbuildings of the complex as the north wing is within the landscaping zone, to the east of the main footprint.

This leads us to conclude that, subject to a suitable, agreed mitigation strategy, the archaeological significance of the site can be protected through the full excavation, recording, analysis and publication of the results secured by a condition of planning permission. Given the site's location, in full view of the public in the heart of the town, the public benefit for advancing the appreciation, understanding and knowledge of local people in their heritage will be considerable. We have advised the applicant and the planning authority that this opportunity should be capitalised on and that some aspect of public involvement in the excavation and its findings should be included in the mitigation strategy. Consequently, the Archaeology Section has had discussions on behalf of the LPA with the applicant, their agents and the Planning Officer about a proposed mitigation strategy. A scheme has been agreed which will allow for:

- (1) Removal under archaeological supervision of modern car park surfaces and overburden across the footprint of the development and associated areas of disturbance, followed by archaeological cleaning to expose the extent of surviving in-situ remains.*
- (2) Excavation of archaeological deposits within the two identified areas guided by the agreed research and investigation strategy to include appropriate palaeo-environmental sampling and application of scientific dating techniques.*
- (3) Conservation of finds and any samples recovered.*
- (4) An archaeological watching brief of associated development works (in identified areas).*
- (5) Providing public interpretation and if possible a range of opportunities for community involvement or access.*
- (6) Production of a post excavation analysis report including specialist assessment of finds and samples, identification of the need, appropriate scale and costs of any further work, publication and archiving.*
- (7) Further analysis and publication of results as required, and to be the subject of a future costing and contract award.*

Environmental Health – No objections providing certain contamination, noise and construction management conditions are attached to any planning permission.

D A D – At the time of drafting, objections are raised relating to the proposed means of disabled access to the new office via the Town Hall. A ramp is preferred to the proposed platform lift.

Environment Agency – Comments awaited, to be reported verbally to the meeting

English Heritage - Comments awaited, to be reported verbally to the meeting

Darlington History/Civic Society - No comments received at the time of drafting

Northumbrian Water – No objection to the development. Comment that surface water should drain directly to the River Skerne.

Northern Gas - No objections to development

Police Architectural Liaison Officer - Comments awaited, to be reported verbally to the meeting

PLANNING ISSUES

The main issues relevant to this proposal can be put under the following headings :

- Planning Policy including transport issues
- Design
- Impact on Heritage Assets
- Environmental Impacts

Planning Policy

Core Strategy Policy CS7 encourages sites within the defined Town Centre Boundary to be developed for non retail purposes such as offices. Indeed a “first priority” location for the development of non retail town centre uses is identified as the “Feethams/Beaumont Street area within the Policy text. The principle of the proposed office development is therefore strongly supported by the Council’s up to date policy framework.

Saved Policy T20 of the Local Plan indicates that surface car parks – including the Town Hall – should be retained for public use, however it is important to bear in mind that the NPPF indicates that less weight should be given to Development Plans adopted before 2004 (Darlington’s was 2001) than more up to date policies. Notwithstanding this the loss of town centre car parking is a material issue to be taken into account and is discussed further below.

There is to be a reduction of car park spaces from approximately 70 to 25 (as shown on the plans) and these will be likely to be taken up by office staff. The Highway Engineer has commented however that he is satisfied that emerging car parking policy for the town centre will more than compensate for the small reduction in provision as a result of this development. In addition the increased number of car trips

resulting from the development will be accommodated by existing car parks nearby which are currently under subscribed.

The site is well served by public transport and easily accessible on foot and by bicycle (40 cycle parking spaces are to be provided) so it is expected that the number of car trips generated by the development will be reduced accordingly. The application is supported by a travel plan aimed at encouraging staff to consider their travel choices to and from the site.

Overall therefore it is considered that in general policy terms, and more specifically in terms of impacts on town centre car parking provision, the proposal is in conformity with the Development Plan and the general thrust of the sustainable development policies within the NPPF.

Design

The proposed scale, form and use of materials for the building is considered to result an attractive contemporary development which is sensitive to the setting of the Grade 1 listed St Cuthberts Church.

The submitted Design and Access Statement gives an insight into how the current proposals were arrived at, however the main points are summarised as follows:

- The overall size of the building was dictated by the need to accommodate some 375 staff.
- The overall height of the building will be some 17 metres above car park level and reflect the scale of the Town Hall, being about one storey lower.
- The layout is intended to reinforce the building line running north – south alongside the river (as proposed on the mixed use site to the south) and acts as an attractive backdrop to the proposed riverside bank enhancements.
- Certain design details are incorporated to retain the prominence of the church from distant views.
- It is intended that hard and soft landscaping of the site be incorporated in the riverside enhancement proposals.

The building has been designed taking into account the need for inclusive access. The main part of the building will incorporate a lift. Furthermore a platform lift will be installed to allow for the changes in level between the ground floor of the town hall and the ground floor of the new building to accommodate the needs of wheelchair users seeking access from the town hall.

The building is designed to be energy efficient with a BREEAM ‘Excellent’ rating. It would also be efficient in terms of usage allowing for certain elements of office and ancillary accommodation to be shared between the users of both buildings thereby creating a ‘public sector hub’.

Impact on Heritage Assets

It is considered that the design solutions for the new building have taken full account of the setting and architectural merit of the Grade I Listed church, and that the overall impact will be positive in view of

the existing context and be in conformity with both the NPPF and Policy CS14 of the Darlington Core Strategy. Impacts on the nearby Conservation Areas are considered to be minor and positive.

As described above this is a sensitive site in term of its archaeological significance however it is considered that conditions can be imposed to allow for a scheme of excavation, interpretation and recording at appropriate stages of the development.

Comments from English Heritage are awaited at the time of drafting the report.

Environmental Impacts

The development would result in the loss of five trees, some of which are quite prominent on the site. Whilst this is unfortunate it is important to consider this in the overall context of the scheme aimed at retaining a substantial number of jobs in the town and also the future plans to enhance the landscape setting of the adjacent riverside area. Also a large number of trees around the development particularly in the vicinity of the church will be retained.

Supporting information for the application indicates that the site and its immediate surroundings are generally of low ecological value. The most likely impacts would be on bats in relation to proposed lighting and consequently a planning condition is recommended to control lighting in the vicinity of the river Skerne. Any disturbance to nesting birds can be mitigated by the timing of tree and shrub removal works.

The comments of the Environment Agency in relation to flood risk and drainage and any necessary mitigation measures considered necessary will be reported to the meeting.

Conclusion

The principle of the proposed office development is considered to be acceptable, taking into account current up to date Saved Local Plan and Core Strategy planning policies referred to above, and in conformity with the NPPF which presumes in favour of sustainable development .

It is considered that the proposed development's overall design, scale and massing is acceptable within the context of the existing natural and built environment and respects the setting and architectural merit of St Cuthberts Church, and the setting of the adjacent River Skerne.

It is anticipated that environmental impacts will not be significant and where necessary, be minimised by appropriate mitigation measures and design solutions.

Impacts upon the significant archaeological remains below the site can be satisfactorily mitigated through a scheme of site excavation, interpretation and recording.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do

all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

RECOMMENDATION

That subject to the receipt of no comments that would lead to a contrary recommendation, the application be **APPROVED with** the following conditions:

1. A3 – Implementation time limit
2. B5 – In accordance with plans
3. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and delivery vehicles, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority. REASON – In the interests of highway safety
4. Prior to the commencement of the development precise details showing the cycle and pedestrian infrastructure linking into the surround network and vehicular access to the development including remodelling of the remaining Pay and Display Car Park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details REASON – In the interests of highway safety
5. 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 details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, compound set up and temporary parking arrangements for the general public and construction staff, road maintenance, 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 and public amenity.
6. No development shall take place until the completion of a programme of archaeological work in accordance with details to be previously submitted to and agreed in writing by the Local Planning Authority. This programme must be set out in a final mitigation strategy document in accordance with the submitted document (Proposed Office Development, Feethams, Darlington. Written Scheme of Archaeological Investigation for Archaeological Excavation by Archaeo-Environment for Willmott-Dixon and Darlington Borough Council. August 2013). The development shall then be carried out in full accordance with the approved details. REASON To comply with Policy CS14(E)(12) of Borough of Darlington Core Strategy Document (2011) and Section 12 of the NPPF (para's 129 and 135) as the site contains features of regional archaeological importance
7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the

County Durham Historic Environment Record. This may include full analysis and final publication. Final reporting and publication must be within one year of the date of completion of the development hereby approved by this permission. REASON To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

8. Before the development hereby approved commences a gas risk assessment which demonstrates whether or not gas protection measures are required and if so details these measures shall be submitted to and agreed in writing by the Local Planning Authority. All required gas protection measures shall be installed before the development is first occupied or used. REASON In the interests of public safety
9. Any contamination not considered in the Phase 2 Site Investigation but identified during the construction works shall be subject to further risk assessment and if required remediation proposals which shall be submitted and agreed in writing with the Local Planning Authority. The development shall then be completed in accordance with any further agreed amended specification of works. REASON In the interests of public safety
10. Prior to any external plant being installed on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure and air borne sound, in accordance with a scheme to be agreed in writing by the Local Planning Authority. REASON In the interests of public amenity
11. The rating level of noise emitted from external plant whether operating individually or when all plant is operating simultaneously, shall be at least 5 dB below the background noise level, when measured and assessed in accordance with BS4142:1997. The background noise level and the location at which the measurements will be taken shall be agreed in writing with the Local Planning Authority. REASON In the interests of public amenity.
12. Before the commencement of any works on site a scheme for controlling dust and noise during the construction phase of the development shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust and noise emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall also detail when piling of foundations at the development will take place and the measures taken to minimise noise and vibration during this aspect of the construction phase. [The development shall be constructed in accordance with the approved scheme.](#) REASON In the interests of public amenity.
13. Removal of permitted development rights in relation to boundary treatments REASON In the interests of visual amenity.
14. Prior to the commencement of development details of a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details. REASON In the interest of bats and in the interests of protecting the setting of the adjacent Grade 1 listed building.

15. Unless otherwise agreed with the Local Planning Authority no tree and shrub removal work shall be carried out outside the nesting season of mid-March to mid-August REASON In the interest of nesting birds.
16. Prior to the commencement of development final details of external materials to be used in the construction of the building and the proposed hard landscaping areas shall be submitted to and agreed by the Local Planning Authority. REASON In the interests of visual amenity.
17. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be implemented in accordance with the Travel Plan submitted by WSP dated 16 August 2013 REASON: In order to promote sustainable means of travel to the site

Further conditions may be required to be appended upon receipt of outstanding consultee comments; these are likely to include Environment Agency conditions relating to flood mitigation and drainage disposal.