

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 7<sup>th</sup> August 2024**

---

<b>APPLICATION REF. NO:</b>	24/00294/FUL
<b>STATUTORY DECISION DATE:</b>	7 August 2024
<b>WARD/PARISH:</b>	Park East
<b>LOCATION:</b>	Brunswick Street Car Park, St Cuthbert's Way Darlington
<b>DESCRIPTION:</b>	Erection of a new office building (Use Class E(g)(i)) (GIA 9,639 sqm) with means of access, associated parking, hard and soft landscaping and associated works (amended biodiversity assessment and calculator and landscaping plan received 17 April 2024; Archaeology Report Addendum received 23 May 2024; amended plans received 6 June 2024)
<b>APPLICANT:</b>	Government Property Agency

---

**RECOMMENDATION: GRANT PERMISSION SUBJECT SECTION 106 AGREEMENT AND TO CONDITIONS**

---

**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=summary&keyVal=SAP90VFP1100>**

**APPLICATION AND SITE DESCRIPTION**

1. The application site (0.8 hectare) comprises of an area of previously developed land, last used for surface car parking located to the south of Brunswick Street and east of St Cuthbert's Way (A167). The streets immediately surrounding the application site accommodate a wide variety of uses, including retail, commercial, offices, assembly and leisure, schools, restaurants, bars and hot food takeaways, places of worship and residential. The site is within the Parkgate Conservation Area and there are listed buildings in close proximity (See Paragraph 32 of the report)

2. The proposed development involves the erection of a new Class E(g)(i) office building (GIA 9,639 sqm) with associated parking, landscaping and public realm improvements. The proposed office building would be 5 storeys in height with an overall building height of 26.55 metres. The building is set back from the north and south boundaries of the site to allow for the creation of new green space and secure off-street car and cycle parking areas. There would be a total 14 car parking spaces of which 6 are accessible, 2 are enlarged/accessible, 4 are EVCPs with infrastructure to increase to 8 EVCP's, and 4 are visitors. Four motorcycle spaces and 98 cycle spaces are provided.
3. Proposed vehicular access and egress to the site and car park is from the existing entrance on Brunswick Street, with a secondary access / egress route from Tannery Yard to the south of the site.
4. At the Budget in 2021, it was announced that the new economic campus for HM Treasury will be located in Darlington and will be home for the new Treasury Office in the North of England. The Darlington Economic Campus will bring together people across departments and public organisations to play an active role in the most important economic issues of the day. The aim is to have at circa 700 roles based in the Darlington area across the following departments:
  - a) HM Treasury
  - b) Department for Business and Trade
  - c) Department for Energy Security and Net Zero
  - d) Department for Science, Innovation and Technology
  - e) Department for Levelling Up, Homes and Communities
  - f) Office for National Statistics
  - g) Department for Digital, Culture, Media & Sport
5. The application site was selected by the applicant over a number of competing sites as it is situated in a highly sustainable location, adjacent to the town centre, with excellent pedestrian links across St Cuthbert's Way. It is also next to a key sustainable transport corridor and within easy walking distance of the train station, with access to the East Coast Main Line offering a direct route to London and Edinburgh.
6. Amended plans have been submitted to revise the palette of materials to a red brick, to provide further detailing on the bay sections and a deeper "top" finish to the building.

#### *Statement of Community Involvement*

7. A consultation statement has been submitted in support of the planning application. An consultation exercise which involved a letter being issued to approximately 400 properties and businesses occurred in October 2022 in accordance with Council guidance, with further meetings with representatives of The Forum and Borough Road Nursery School took place in November 2023. The Statement advises that the proposals were generally well received welcoming the improved security and benefits that the proposal would bring but noting the limited amount of car parking.

## **MAIN PLANNING ISSUES**

8. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
  - a) Planning Policy
  - b) Impact on Heritage Assets and Surrounding Area
  - c) Climate Change
  - d) Amenity
  - e) Highway Safety and Parking
  - f) Sustainable Transport Considerations
  - g) Trees and Landscaping
  - h) Archaeology
  - i) Health Impact Assessment
  - j) Construction Management Plan
  - k) Noise
  - l) Lighting
  - m) Air Quality
  - n) Ecology Matters
  - o) Contaminated Land
  - p) Flood Risk and Drainage
  - q) Planning Obligations

## **PLANNING POLICIES**

9. The relevant local development policies are as follows:

### **Local Plan (2016-2036)**

SD1: Presumption in Favour of Sustainable Development  
SH1: Settlement Hierarchy  
DC1: Sustainable Design Principles and Climate Change  
DC2: Flood Risk & Water Management  
DC3: Health & Wellbeing  
DC4: Safeguarding Amenity  
DC5: Skills & Training  
H3: Development Limits  
TC1: Darlington Town Centre  
TC3: Additional Site for Town Centre Uses  
TC6: Darlington – Town Centre Fringe  
ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment  
ENV4: Green & Blue Infrastructure  
ENV5: Green Infrastructure Standards  
ENV7: Biodiversity & Geodiversity & Development  
ENV8: Assessing a Development's Impact on Biodiversity  
IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility  
IN3: Transport Assessments and Travel Plans  
IN4: Parking Provision including Electric Vehicle Charging  
IN6: Utilities Infrastructure  
IN8: Broadband Infrastructure

**Other relevant documents**

National Planning Policy Framework (2023)  
Design of New Development SPD (2011)  
Planning Obligations SPD (2013)  
Travel Guidance Note (2024)  
Parkgate Conservation Area Character Appraisal (2015)

**RESULTS OF TECHNICAL CONSULTATION**

10. The Council's Environmental Health Officer, Transport Policy Team, Ecology Officer have no objection to the development subject to requested planning conditions being imposed.
11. Durham County Council Archaeology Team has raised no objections subject to planning conditions.
12. The Lead Local Flood Authority, the Environment Agency and Northumbrian Water have raised no objections subject to requested planning conditions being imposed.
13. Historic England and the Council's Heritage Consultant have no objections to the proposal.
14. Northern Gas Network have raised no objections.

**RESULTS OF PUBLICITY AND NOTIFICATION**

15. Following the Council's publicity and consultation exercise on the original planning application, three objections and four comments were received.
16. The objections can be summarised as follows:
  - *The use of Tannery Yard will impact on Darlington. MIND premises which backs onto this area. There are car parks, a relaxation garden, the Church Hall Mental Health Centre and two residential flats. MIND require access at all times 24 hours per day including emergency vehicles. The safety of residents is paramount with some at risk due to their lack of awareness to their surrounds.*
  - *The relaxation garden is used as a sanctuary and there is a concern about fumes, noise and dust from large vehicles using Tannery Yard. There are the same concerns for users of the Church Hall building.*
  - *Consideration needs to be given to the adjacent Church during events and services, the Hippodrome with articulated lorries unloading stage equipment, the dance studio on the other side of Tannery Yard and the small industrial estate off Tannery Yard*

- *The plans are completely insensitive to the location and will set a low bar for future developments nearby. It looks like it was designed in 1968 for some post-war New Town, and it will not age well.*
- *This plot could be used for a bus station which our town badly needs.*
- *The building should be sympathetic to the surrounding historic architecture of the Hippodrome and Cricketers. St Cuthbert's Way has become an eyesore of concrete boxes.*

17. The comments can be summarised as follows:

- *If Tannery Lane is used for egress, alternative coach drop off areas for the Hippodrome must be considered to avoid them using Borough Road again.*
- *The surrounding neglected areas need to be significantly enhanced.*
- *Increased parking enforcement checks will be required as staff will try and park on Borough Road*
- *Can any vehicle egress onto Brunswick Street be Left Turn only rather than passing Borough Road Nursery and residents.*
- *We are concerned about the lack of parking. Visitors to The Forum have to load in heavy music equipment and drop off students outside therefore increased traffic may impact negatively.*
- *The Forum have plans to erect solar panels and the roof area will now become shaded.*
- *The Forum will need to be advised and assured that building works will not impact on daily business activity.*
- *Parking been very limited at the site would encourage more council/gov staff parking in the small streets adjacent to the building. Could this be looked into as a priority?*
- *It would be nice if Melland, Sanderson and Middleton Street could all benefit from a revamp of traffic, possibly making the cul de sacs into a LTN cutting off the rat run of Borough Road Industrial Estate*

18. Following the submission of the amended plans and a new notification exercise with previous contributors, two further letters of objection and one representation have been received. The objection can be summarised as follows:

- *Regarding the amended plans , nothing has changed to counter my original objection.*

19. The representation can be summarised as follows:

- *Parking is an issue that The Forum already experience, I also would much prefer if the building was at the front of the ring road and not so close to our building however at the same time, I would not want my comment to be a factor if planning permission was not granted.*

## **PLANNING ISSUES/ANALYSIS**

### **a) Planning Policy**

20. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

21. The proposed site is located within the main urban area of Darlington and within the development limits identified within Policy H3 of the Local Plan where development is considered acceptable subject to compliance with other local and national planning policies.
22. The site is also located within the Town Centre fringe identified in Policy TC6 of the Local Plan which states that development and regeneration of the Town Centre Fringe will be promoted throughout the plan period to deliver a range of mixed use development and environmental improvements. It states the uses likely to be acceptable include economic, commercial and residential and that relevant main town centre uses will need to satisfy the sequential approach (Policy TC1) and/or impact assessment (Policy TC6).
23. The proposed development is an office use which falls within a main town centre use definition provided by the National Planning Policy Framework 2023. Policy TC1 of the Local Plan states that proposals for main town centre uses should be located within the town centre boundary identified on the Policies Map. Where main town centre uses are proposed outside of the town centre boundary a sequential test should be applied in accordance with national policy.
24. A sequential test has been submitted in support of the planning application which identified three sites of a suitable scale to accommodate the proposed development for further consideration as to whether they are sequentially preferable. These are Land at Commercial Street/Kendrew Street, the Former Sports Direct site on East Street and Land at Central Park (South). It is agreed that these are the three sites most suitable for further consideration.
25. Commercial Street/Kendrew Street was discounted as the site is too large for the proposed development; much further from the Darlington Railway Station and the Local Plan identifies the site for a range of other town centre uses.
26. The Former Sports Direct site was discounted as it is smaller than the application site and would therefore be unable to accommodate the proposed development.
27. Whilst land at Central Park (South) could accommodate the development and it is closer to the Darlington Railway Station it was not as close to the town centre than the application site and therefore it was discounted. The application site is more sequentially favourable as it is “edge of centre”, and it also has good sustainable links to the town centre.
28. The conclusions reached within the test regarding each of these three sites are supported and officers would agree with the overall conclusion that there are no

sequentially preferable sites that are suitable and available to accommodate the proposed development taking account of the need to allow for a reasonable degree of flexibility on issues such as format and scale.

29. In summary, the proposed site located within the Town Centre Fringe is suitable for office use with the applicant demonstrating there are no sequentially preferable sites which are suitable and available for this particular development. The principle of the development can be supported in general planning policy terms.

**b) Impact on Heritage Assets and Surrounding Area**

30. The application site lies to the far north west boundary of the Parkgate Conservation Area. The character of the conservation area derives from the remaining buildings illustrative of its Victorian/Edwardian expansion which largely focuses on the industrial growth along Parkgate. Currently the part of the conservation area which contains the application site and its character differs from that of the prevalent historic conservation area, which is of a mixed and evolved character, with strong visual connections to the ring road.
31. The planning application has been supported by a detailed Heritage Impact Assessment.
32. The prevalent character largely consists of terraced properties, more notable surviving historic buildings include the Civic Theatre (Grade II listed) and St Hildas Church (Grade II listed) which lie to the south of the site. St Cuthbert's Church is a Grade I listed building located approximately 120m to the south west of the edge of the application site, on the opposite side of St Cuthberts Way.
33. The Character Appraisal for the Conservation Area identifies the application site as a development site. The Appraisal states that new development proposals in and around the conservation area should contribute to the variety of roofscapes but not introduce any large massing which will obscure views of the rich roofscape and should also respect or enhance views to and from landmark buildings. Development should seek to reintroduce high density, small to medium scale development, close up open spaces and seek to reconnect Parkgate with the town centre through high quality design and greater amenity use of the River Skerne opposite of St Cuthberts Way.
34. The application site is currently a large, cleared piece of land which makes no architectural or historic contribution to the conservation area. As part of their consultation response, Historic England consider that visually, the site is more connected to the Inner Ring Road (St Cuthberts Way) which lies outside of the conservation area although the northern edge of the site adjoins buildings which do make a positive contribution to the conservation area.
35. Following discussions with Officers, the colour scheme for the proposed building has been amended from buff coloured facing bricks and stone to red facing bricks and stone. Additional information has been provided to show the detailing of the bay

sections and a deeper top has been added to provide a more defined finishing point to the building.

36. Historic England continue to state that like many contemporary commercial buildings, it balances a regularly arranged façade with visual breaks in storey heights, producing an ordered but not monotonous design. Touches of detail, (decoration or recessed openings) add further elaboration and the landscaping to the front of the site adds an attractive and complimentary space, in what is otherwise a hard and car dominated urban area.
37. Historic England's advice is that the impact of the building on the significance of the conservation area is limited for two main reasons:
  - a) The application site currently has no intrinsic architectural or historic interest,
  - b) The site primarily addresses the character of the inner ring road rather than the main spaces of the conservation area. There will be an abrupt change in character at the western edge of Brunswick Street, but this view is already characterised by the change from the 19th century town to the mid-20th century one.
38. With regard to the impact of the development on St Cuthberts Church, Historic England has advised that it is likely that the proposal would fit into this existing experience of setting. Whilst a large building for the area, its position diagonally away from the church and set back from the roadside is sufficient to allow both buildings to be read distinctly.
39. Historic England have concluded that although a large development, the proposal would have a limited impact on the significance of heritage assets near to the site, retaining existing contrast of character between the 19th and 20th centuries, created around the time of the construction of the inner ring road. Due to this Historic England has no objections to the proposal.
40. The Council's Heritage consultant has reviewed the amended scheme and made the following comments:
  - a) The site at present is considered to contribute little to the overall significance of the conservation area. It is recognised that elements of the scheme itself such as the landscaping proposed to the front of the site will, on balance, when viewing the scheme as a whole create visual improvements and enhancement.
  - b) The red brick/stone is a more locally responsive finishing material than that originally proposed, the majority of buildings in the immediate area are constructed in red brick.
  - c) The general form and scale of the building will set its function apart from its neighbours as a prominent municipal building.
  - d) The development introduces a civic building with an active frontage which responds to the ring road albeit set back within the site to allow for a large, landscaped frontage.



- e) Collectively these alterations have arrived at a design that will sit more comfortably with the prevalent materiality of the Parkgate Conservation Area and neighbouring heritage assets than that originally presented.
  - f) The scheme proposes a large area of quality landscaping towards the ring road which is considered a positive step in creating an area of improved public realm and visual improvements into the town centre approach in general.
41. Due to the scale of the building and its massing, the proposal does not closely align with the parameters suggested within the Parkgate Conservation Area Character Appraisal for the redevelopment of the site. However, the amendments to the materials allow the scheme to more closely align with the objective of achieving a scheme which respects, reinforces and preserves the character and significance of the conservation area. The landscaping proposed to the front of the site will also, on balance, when viewing the scheme as a whole, create visual improvements and enhancement.
42. Additionally, the site lies in close proximity to a number of listed buildings including St Hildas Church (Grade II) to the south and the Hippodrome which fronts Parkgate. The church of St Cuthberts (Grade I) with its landmark spire lies opposite the ring road to the west. The nature of these buildings with public functions means they have a degree of prominence being buildings of note and as a result of a taller scale than their immediate neighbours.
43. In the case of St Cuthberts Church, the verdant churchyard setting with the spire projecting through the established mature trees and landscaping is a particular feature of the town centre. Whilst the proposed building will be a taller building than its immediate neighbours, it will lie on the opposite side of the ring road which is considered to create both a physical and visual barrier to St Cuthberts Church. There will be a change to the general townscape setting in the widest sense, but the proposal is considered to have a negligible impact on the setting of this asset and the proposal will not impact on the intrinsic heritage values of the site.
44. In respect of the setting of St Hildas Church and the Hippodrome there will be an appreciable change to the setting of these buildings in the wider townscape, albeit change will not be to the immediate settings of the buildings and there will be no direct impacts on the building themselves.
45. Having considered the comments from Historic England and the Council's Heritage consultant, the building will cause a degree of harm to the character of the Parkgate Conservation Area and the setting of St Hildas Church and the Hippodrome due to its massing and height and its impact on the visual appearance of the area which generally comprises of buildings of a lower scale with a variety of roofscapes.
46. However, the level of harm is considered to be "less than substantial" and in such cases the National Planning Policy Framework 2023 and policy ENV1 of the Local Plan requires any harm to heritage assets to be considered and balanced against any wider public benefits of the proposal.

47. The proposals offer an opportunity to redevelop the vacant site, which makes no valuable contribution to the Conservation Area and will bring a number of public benefits in terms of economic growth and job creation (paragraph 4 of the Report) as well as environmental improvements through the redevelopment of the site as a whole. It is also likely that there will be wider 'spin-off' benefits for the rest of the conservation area which includes a number of properties between the proposed site and the Darlington train station. Further public benefits can be secured by including historic interpretation display boards within the public realm.
48. It is considered that the public benefits that would be derived from the proposed development would outweigh the harm that has been identified and, in accordance with the National Planning Policy Framework 2023 and Policy ENV1 of the Local Plan the proposed development is recommended for approval.
49. Policy DC1 of the Local Plan states that all new development will be required to have regard to the design principles in the Design for New Development SPD (2011). The application site is located within Character Zone 1: Town Centre and the SPD which advises that developments within this Zone should be a maximum of 5 storeys. Again, the scale and massing of the building does not fully align with the guidance in the Design SPD due to the operational requirements of the end user, which is a material planning consideration in the determination of the planning application.
50. However, the development does align with the Design SPD as the building includes an oversized, recessed entrance which is a characteristic of municipal buildings; rectangular window designs, headers and footers, elevations with vertical rhythm and proportion; a form of parapet roof, coping stone finishes; and a brick and stone finish which now be of a colour that reflects the local environment and will respond positively to the local context. By having the building located closer to the eastern boundary with an extensive landscaped area to the front, important views along St Cuthberts Way would be retained and this public greenspace would be a welcomed addition to the St Cuthberts Way corridor.
51. It is considered that the development will have a positive impact on the general character and appearance of the inner ring road following the amendments that have been made to design and the inclusion of the public landscaped area. A planning condition has been recommended to secure the precise details of the materials that will be used in the external finishes of the building.
52. It is considered that the minor revisions made to the development have greatly improved the visual appearance of the building and how it will assimilate into the surrounding area. The proposed development would accord with policy DC1 of the Local Plan in this regard.

**c) Climate Change**

53. Policy DC1 of the Local Plan states that the layout, orientation and design of buildings (where these factors are not otherwise constrained) helps to reduce the need for energy consumption, how buildings have been made energy efficient and how measures have been implemented to reduce carbon emissions from development; Energy efficiency measures and low carbon technologies will be supported, where this does not result in harm to the significance of a heritage asset.
54. The Design and Access Statement submitted in support of the planning application states the development will incorporate a number of environmental design features such as those listed below, which are all welcomed:
- a) The glazing to façade ratio has been optimized to allow the maximum amount natural light to penetrate as deep into the building as possible.
  - b) By integrating the atrium with a mixed mode ventilation system, the building benefits from improved indoor air quality, reduced energy consumption and occupant comfort.
  - c) During favourable conditions the building will primarily rely on natural ventilation through the atrium.
  - d) The atrium allows natural light to penetrate deep into the building. This reduces the need for artificial lighting during working hours.
  - e) Energy efficient water source and air source heat pumps providing heating and cooling.
  - f) Passive design to reduce heat loss through building fabric.
  - g) Low temperature hot water systems to serve AHU's, trench heating, radiator and underfloor heating.
55. The development aims to achieve BREEAM "Excellent" standard which would exceed the requirements of policy DC1 of the Local Plan, along with Energy Performance Rating A. A planning condition has been recommended to secure appropriate energy efficient measures.
56. The development will accord with policy DC1 of the Local Plan in this regard.

**d) Amenity**

57. The application site is largely flat and is bound by other commercial buildings and Borough Road School. There are residential properties further afield to the north on Tom Raine Court/Wilshire Place and Borough Road with adjoining streets to the west.
58. The building would be approximately 75m from the nearest dwellings on Borough Road. It is acknowledged that the building will be the highly visible above the rooflines of existing buildings within the local area and there are window openings on every elevation.

59. However, it is considered that the building will not have such an overbearing impact on the outlook or the privacy of the dwellings in the surrounding area that would justify a reason to refuse planning permission on such grounds.
60. The proposals involve the creation of a garden area on the shared boundary with Borough Road School and a Sun Path Analysis contained within the Design and Access Statement shows that the development would not create unacceptable levels of overshadowing of the immediate neighbours.
61. The comments made by The Forum in relation to their proposals for the future installation of solar panels is acknowledged but would not be a material planning consideration for this planning application.
62. A planning condition has been recommended for the submission of a Construction Management Plan (see paragraphs 97)
63. It is considered that the proposed development will not in significantly adverse amenity conditions for existing buildings and properties in the surrounding area and it would comply with policies DC3 and DC4 of the Local Plan in this regard.

**e) Highway Safety and Parking**

*Access and Connectivity*

64. All vehicular access into the application site will be via Brunswick Street which offers convenient access via the A167 Inner Ring Road. A simple priority T junction is shown onto Brunswick Street, situated at an existing access point to the east of the northern site boundary, some 20m west of the Brunswick Street North/Brunswick Street Junction and some 95m west of the St Cuthbert's Way/Brunswick Street. Egress from the site is to be taken via Tannery Yard from newly created egress point to the southern boundary of the site. It is accepted that additional daily vehicle movements onto Tannery Yard are limited to exit movements only, and that queuing internally within Tannery Yard is not a material safety concern. Predicted vehicle movements are also limited, given that most parking demand is to be accommodated offsite.
65. Whilst the site generally has good pedestrian and cycle links, access can be further improved by upgrading the existing pedestrian and cycle facilities in the vicinity of the site. A variety of off-site improvements have previously been discussed to ensure that the site is able to best utilise a sustainable location and offer high quality connections to wider active travel and public transport networks. The following offsite highway works are to be secured by a suitably worded planning condition:
  - a) Presently the existing footway provision within Tannery Yard does not meet current national or local design standards, having missing provision, localised pinch points below 2.0m in width, and no dropped crossings or tactile paving. The footway does not offer continuous provision for the secondary staff entrance terminating at the turning head, with no connectivity through to the application site. The applicant has however proposed an initial design solution for mitigating footway connectivity via

this route, which offers improved permeability and offers the most direct and convenient route to Parkgate, Parkgate bus stops and Darlington Station.

- b) Alternative pedestrian routes are also available via St Cuthberts Way and Brunswick Street where the proposed site plans show upgraded pedestrian and cycleway infrastructure in the form of a widened footway on Brunswick Street, and a new segregated footway/cycleway route to the west of the site on St Cuthberts Way. Redundant vehicle access points on Brunswick Street should be removed and reinstated as footway/cycleway with a full height kerb line to match existing. Tactile paving and footway/cycleway markings and signage should also be included/reviewed as required.
- c) Additional off-site highway works are sought on St Cuthberts Way, to provide a continuous cycleway from the site entrance to the existing pedestrian crossing on Parkgate. The crossing should be upgraded to accommodate both pedestrians and cyclists, with an additional cycleway link to be delivered between the Parkgate crossing and application site. . This should be linked across the site frontage as part of Section 278/38 works where a strip of land approximately 1.0m wide is needed at the rear of the highway boundary to enable a 4.0m wide shared footway/cycleway route. Minor realignment would be needed of the kerb-line to mitigate a pinch point at the frontage of the former public house (No55). this could be achieved by narrowing the adjacent traffic island to maintain the required lane widths.

#### *Traffic Impact and Trip Generation*

- 66. A Transport Assessment (TA) has been submitted in support of the planning application to understand all potential highways, road safety and parking impacts, as well as identifying any mitigation measures which may be required.
- 67. The building is designed to accommodate 750 daily occupants with 50% of roles classed as 'new' posts with the remaining 50% transferred from existing offices in Darlington town centre. On this basis 375 of these occupants can be considered new. Whilst the Site aims to provide at least 750 roles, this assessment is considered a robust 'worst case' scenario, as not all these roles will be attended in person at the office each day. The information put forward anticipates that the actual employment practise of the office, staff absence and working from home will reduce the number of daily building occupants.
- 68. The proposed traffic generation of the proposals has been calculated based on a first principles approach. This methodology uses the daily building occupants and converts this number into vehicle trips. Mode share has been derived from the DfT 'Usual method of travel to work by region of workplace: Great Britain, 2021' dataset, which has been interrogated for the Northeast region within which the site is situated to understand the potential travel mode share of building users. This dataset provides the following mode-share percentages: Train 5%, Bus 7%, Car 76%, Bicycle 3%, On foot 10% = 100% (rounded).

69. To derive the number of car borne trips, the percentage of car drivers as set out above, have been applied to the 375 'new' staff trips resulting in a total of 285 arrival and departure car borne trips. These trips have been assigned and distributed across the local highway network.
70. The application site has a proposed parking provision of 14 spaces which is considerably less parking provision than what the GFA of the office building will demand daily. It is expected that all the parking space will be 100% utilised on a daily basis and allocated to staff and visitors with approximately 90% of arrivals and 10% departures occurring during the AM peak hour and approximately 10% of arrivals and 90% departures occurring during the PM peak hour. the proposed car park is therefore predicted to attract 14 two-way vehicle movements during the morning and evening peak hour periods, respectively.
71. The trip generation analysis is focused solely on the AM and PM peak hour generation of the car park and does not account for multi modal trips, or additional vehicular trips generated by pickup and drop-off. It is however accepted that arrival and departure trips to the site, are not off sufficient magnitude to have material impact on junction capacity or to require additional modelling works or mitigation measures.
72. The residual 271 AM and PM peak vehicular trips have also been distributed across the network based on approximately 90% of arrivals and 10% departures occurring during the AM peak hour and approximately 10% of arrivals and 90% departures occurring during the PM peak hour. These trips are predicted to utilise existing town centre parking locations. It is acknowledged that these vehicular movements will be diluted and dispersed across the highway network such as to not have an adverse impact on the local highway network, being diffused broadly across all arterial routes in the town centre.
73. The existing temporary car park which currently operates at the site was surveyed in 2022 to understand the current level of car parking that takes place during both peak hours and across a typical day. This demonstrates that the existing car park attracts 7 two-way vehicle movements during the AM peak hour and 8 two-way vehicle movements during the PM peak hour. Over the course of the day, the car park was recorded as generating 28 two-way vehicle movements. Although historically it is expected that the site previously generated higher movements based on the available capacity, these trips have not been 'netted off' for the purpose of robust assessment.

#### *Parking Demand*

74. Given the town centre location, staff travelling by private car will seek alternative offsite parking within the town. It is also acknowledged that reduced parking provision can be used to influence mode share away from private car use, towards more sustainable means, particularly where good sustainable alternatives are available.
75. The scheme proposes a total of 14 parking spaces which will be located to the east of the site within a secure parking area. At least two spaces will be electric vehicle parking

bays and two oversized spaces. Six accessible parking spaces are to be provided on site, which reflects overall demand the applicant predicts from the proposed development based on staffing numbers. On site parking provision is to be prioritised for those with additional accessibility needs, to ensure that persons with mobility impairment are not inequitably disadvantaged by having to use offsite parking. It must also be ensured that EV charging provision is made fully accessible so as not to preclude EV owning Blue Badge holders from using on-site facilities which can be secured by a planning condition. Additional accessible provision is available within town centre car park, whilst Blue Badge holders would also be able to park close to the site within on-street locations.

76. As fourteen spaces are to be provided on site, the remaining parking demand will therefore need to be accommodated off-site within existing Council and privately owned car parks: Long stay public car parking for staff is currently available in East Street, (337), Chesnut Street (104), Garden Street (72), Park Place East (94)/West (115) and St Hilda's (11), which equates to 733 spaces in total (including accessible). Short stay provision for visitors is available at the above forementioned car parks, except for Chesnut Street. Private car parks such as Cornmill car park are also available and within a short walking distance. In addition, there is a potential for staff to use the Darlington Station car park (650), which is currently under construction (temporary car park currently available at the former Cattle Mart site on Clifton Road).
77. Analysis undertaken of car park occupancy levels (2022) demonstrates that there is ample space to accommodate the anticipated parking demand of the site within existing provision with average occupancy levels across all car parks within the study area at approximately 36%. This demonstrates an average availability of 500 spaces across the sites referred to above, for the residual 271 tips to be accommodated off site. This is considered a very robust estimate, given that home and blended working are expected. Changes in working patterns have similarly been adopted by other town centre occupiers including the Council, with reduced demand for staff parking being apparent.
78. It is therefore accepted that the predicted parking demand of the development can be accommodated within the town centre without impacting other users. Mode share can be further influenced by the successful implementation of a robust Travel Plan (see paragraph 90)
79. As stated the site is within a highly sustainable location with excellent links to rail and public transport and existing town centre car parks. Consideration has been given to the parking demand of the development resulting in an increase in on street parking on the surrounding streets. The Local Highway Authority has a duty to maintain the safe and free passage of traffic, and where required has the power to implement further parking restrictions as a fallback position where nuisance parking causes obstruction or road safety concerns. However, this is based on a need and demand evidence base and would be given future consideration as part of a legal process that falls outside the remit of the planning process.

### *Highway safety*

80. A review of the most recent 5 Year period of accident history is included within the submitted TA. This considers all 17 personal injury collisions recorded between 1st January 2018 to 29th September 2023 within the relevant study area. Five were recorded as serious and one resulted in a fatality. The fatal collision was result of a vehicle failing to stop at the traffic lights whilst heading northbound on A167. Due to the failure, the vehicle collided with two pedestrians on the crossing. Regrettably, the serious and fatal collisions were result of human error and were not attributed to any inherent road safety issues on the local highway network. The frequency of accidents is comparatively low compared to other urban centres. It is not anticipated that the traffic associated with the proposed development would result in any significant safety implications on the adjacent highway network.

### *Internal layout*

81. The main entrance of the office accommodation is on the north elevation facing onto Brunswick Street. A secondary staff entrance is provided to southeastern corner of the building, accessed from the car park. Internally the site has good linkages from the public highway and car park areas to building entrance points. Refuse storage and cycle parking is also logically located.
82. Section 4.6 of the TA states that emergency access will be achievable from both the access and egress (if necessary) to allow for the maximum permeability for emergency vehicles.
83. Whilst the requirement for Hostile Vehicle Mitigation (HVM) measures is understood, all required bollards or other barriers should be placed within the private curtilage of the site, not within public highway and the drop-down bollards which control access to the site via Brunswick Street should be set back further into the site to ensure that a car can pull clear of the public highway, to avoid obstruction of the footway. The general requirement for this is 6.0m. Appropriate planning conditions have been recommended.

### *Servicing*

84. Details of servicing arrangements and requirements are detailed in the submitted TA, which confirms that servicing will be from the Public Highway on Brunswick Street. The construction of a dedicated layby was rejected at an early stage as this was detrimental to footway provision. This arrangement is still referred to within the TA, however the latest proposed site plan reflects later discussions between the applicant and Local Highway Authority, whereby a dedicated loading bay will be provided on carriageway. This will require appropriate consultation and legal orders for permanent changes to Traffic Regulation Orders (TROs). It must also be noted that the loading bay will be available for any lawful user, not just vehicles loading or unloading at the application site.
85. The location of the loading bay offers close and convenient access to the building, as suitable access for deliveries and collections are within 20m of the building with the



supporting information stating that the site is unlikely to have more than one delivery per day. On this basis the proposed loading bay is considered suitable.

86. A refuse store will be positioned close to the northern boundary and the building management team will move bins to the edge of the carriageway on bin collection days. The collection of waste will be undertaken via external waste management contractors. Waste collection frequency will be dependent upon the volume of waste generated, the storage method and the schedules of the appointed waste contractors although it is anticipated that collection will occur typically five times per week. Vehicles will visit the development outside of commuter hours to minimise impact on the road network at the busiest and most constrained times. Based on the information provided, arrangements are considered suitable, with no additional information for servicing or refuse storage/collection being required.
87. Overall, there are no highway objections to the proposed development and the proposal would accord with policies DC1, IN1, IN2 IN3 and IN4 of the Local Plan in this regard.

**f) Sustainable Transport Considerations**

88. The site is within a 400m walking distance of bus stops within the town centre, which are served by a number of regular daytime bus services, operating at least every 30 minutes which complies with Policy IN2 of the Local Plan. The site is also within a short walking distance of Darlington Station (Bank Top) with access to local, regional and national services.
89. The proposed car park layout will include 2 EV car parking spaces with a potential for four further spaces in the future which is welcomed.
90. The Design & Access Statement submitted in support of the planning application refers to a changing area/shower blocks for the building. The submitted Travel Plan provides more detail and indicates that there will 106 lockers, a changing area, drying room, 9 showers including 1 accessible shower and two non-gendered toilet cubicles. It also indicates that cycle parking will be provided to BREEAM parking standards with total of 78 cycle spaces, including 68 in a secure covered cycle store and 10 spaces around the building in the form of Sheffield stands. A planning condition has been recommended to ensure that cycle parking provision meets the most recent cycle guidance (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020)
91. A Travel Plan has been submitted in support of the planning application and a planning condition has been recommended that the document needs to be added to the Modeshift Stars Community/Modeshift Stars Business/Residential site in order to comply with the Council's Travel Plan Guidance Note. There will be financial contributions associated with the Travel Plan which will be secured via a Section 106 Agreement.

92. The proposed development would accord with policies IN1, IN2, IN3 and IN4 of the Local Plan in this regard.

**g) Trees and Landscaping**

93. The existing site contains clusters of scrub vegetation and very limited number of individual trees, none of which are worthy of a tree preservation order. There are some trees on the eastern and south west boundaries but outside the planning application site. Again, these trees are not covered by a tree preservation order, and it is not envisaged that they will need to be removed to facilitate the development. A planning condition has been recommended to secure the submission of an Arboricultural Method Statement and a Tree Protection Plan.
94. The proposed development includes an extensively landscaped public realm area to the west of the main building. The landscaping scheme is well designed and will contribute to both the visual appearance of the surrounding area and biodiversity net gain. The development would accord with policies DC1, ENV3, ENV4 and ENV5 of the Local Plan in this regard.

**h) Archaeology**

95. The planning application has been supported by archaeology reports which conclude that an archaeological trial trench evaluation needs to be undertaken prior to development commencing on site in order to confirm the presence of any significant archaeological remains. Should such remains survive then a further stage of mitigation involving excavation and/or preservation in situ may be required. All work would be undertaken in accordance with a written scheme of works approved by the Durham County Council Archaeology Section.
96. The Durham County Council Archaeology Section agree with the conclusion of the reports. Planning conditions have been recommended and the development would accord with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

**i) Health Impact Assessment**

97. A Health Impact Assessment has been submitted in support of the planning application in accordance with Policy DC3 of the Local Plan. The Plan identifies the many ways that the development will impacts on various health related impacts and opportunities such as EV parking bays, the use of a Travel Plan to promote sustainable modes of transport, the submission of a Construction Management Plan, the findings of an Air Quality and Flood Risk Assessments; good quality landscaped areas; the sustainable location of the application site.

**j) Construction Management Plan**

98. A draft Construction Management Plan (CMP) has been submitted in support of the planning application. The CMP is in draft form because a principal contractor for the build has not yet been appointed and they would need to agree to any CMP controls.

99. The submitted CMP does make reference to Tannery Yard as being the route for construction vehicles which has resulted in strong concerns from DARLINGTON MIND who are based on Borough Road and use Tannery Yard as access to their rear car park. There is a relaxation garden to the rear of the premises used by residents (accommodation located to the rear) who reside within the site and DARLINGTON MND have concerns over the impact of construction traffic in terms of highway safety, noise and dust.
100. The applicant is aware of the concerns that have been raised and as they are not able to submit a detailed CMP at this stage, they have agreed to the imposition of a planning condition for the submission of a Plan prior to the commencement of the development. This will enable the applicant and their contractor further opportunity to consider the concerns that have been raised and consider alternative solutions in conjunction with the local planning authority and local highway authority. There would be an opportunity for the local planning authority to notify local residents and businesses on any future planning application to discharge the planning condition.
101. Notwithstanding the above, a planning condition has been recommended at this stage to control the hours of construction and deliveries.

**k) Noise**

102. The application has been supported by a noise report which has assessed how the construction noise from the proposed building could impact on existing nearby noise receptors and how noise from plant associated with the building could impact on nearby noise sensitive receptors once the building is in use.
103. To do this, the existing background noise levels in the vicinity have been measured and then compared against predicted noise levels from the construction plant. At the time that the report was written the proposed piling methodology was not known, and so it was assumed that impact driven piles would be used. It has since been clarified the CFA piles will be used on the site and this will significantly reduce both the noise and vibration impacts on nearby receptors when the site is being built.
104. At the time the report was written the exact details of the necessary rooftop plan and the associated noise levels were not known. It is proposed to screen this plant from views at ground level by erecting an acoustic barrier around the roof edge. The design criteria for the building have required that noise from plant associated with the building will be -5dB below background noise levels. This should be achievable but may require additional mitigation as well as the acoustic screen. To ensure a suitable noise environment for nearby receptors when the building is operational, appropriate planning conditions have been recommended and the application is considered to accord with policies DC3 and DC4 of the Local Plan in this regard.

**l) Lighting**

105. An external lighting strategy has been submitted in support of the application. Having assessed this document and taken account of the building's location within the town

centre, the Council's Environmental Health Officer does not envisage any issues with the lighting impacting on the amenity of the area and would not recommend that any conditions are necessary to avoid or mitigate unwanted effects from lights associated with the development. The development would accord with policies DC3 and DC4 of the Local Plan in this regard.

#### **m) Air Quality**

- 106.** The application has been supported by an Air Quality Assessment which included a review of the impacts of the development on local air quality during both the construction and operational phases of the building utilising appropriate guidance documents. The assessment has correctly stated that DBC does not have any Air Quality Management Areas (AQMA) and that monitoring of air quality in the borough has consistently shown pollutants to be below levels at which an AQMA would be required. The latest air quality monitoring results since this air quality assessment was completed in 2022 show a continued adherence to air quality objectives in the local area.
107. The proposed building will be heated by air source heat pumps and water heat pumps, there will be no combustion of gas. Pollutants from onsite combustion sources can therefore be scoped out of the assessment. The Air Quality Assessment has used predicted traffic data to calculate the impact of workers accessing the building on local air quality. As the application includes limited on site car parking the impact of worker's vehicles accessing the building has been assessed by averaging their vehicle movements across existing town centre car parks. This has shown that during the operational phase of the building any increase in vehicle movements will have very little impact on local air quality.
108. The Council's Environmental Health Officer would agree with this conclusion and the Air Quality Assessment's overall conclusion that it is not anticipated that any significant adverse impacts on local air quality will occur during the operation phase of the development. The assessment of the construction phase of the development has shown that without suitable mitigation there is a medium risk of dust soiling to nearby receptors as the site is developed.
109. Suitable mitigation measures are outlined in Appendix C of the report and these measures will need to be incorporated into any Construction Management Plan. The assessment has demonstrated that the impact of the development on local air quality will be minimal and no conditions relating to air quality mitigation are required to be attached to any approval. The development would accord with policy DC3 of the Local Plan

#### **n) Ecology Matters**

110. An ecological impact assessment (EclA) has been submitted in support of the planning application which considered the impacts during and post-construction. The report is considered to be a sound assessment of the development impacts to ecology. The assessment identifies a potential risk to roosting bats in the buildings south of the development site. The risks identified are predominantly through the use of artificial

lighting and noise during construction and operation of the development. As such, the following mitigation is outlined within the assessment, and which will be secured through planning conditions:

- a) Construction Phase - Construction in a 10 m zone around the building with PRFs will exclude any significantly disturbing activities (e.g. piling). The access road will be built outside of the summer roosting period to minimise disturbance to any maternity roosts that may be present. Minimal noise and lighting will be used during construction and will all be directed away from the buildings. The above works within 10 m of the buildings will take place under a Precautionary Method of Working (PMW) for roosting bats.
- b) Operational Phase - No lighting facing the building, and no lampposts within 10 m of the identified potential roosting features. Any lighting will face away from the building and have measures to prevent back spill of lighting. No permanently noisy or otherwise disturbing features within 10 m of the buildings such as generators and other items of plant emitting noise or vibration.

111. The assessment also highlights some biodiversity measures which are considered to be acceptable, namely,

- a) The landscaped garden will include native grass species and native tree species of local provenance to enhance the ecological value of habitats on the Application Site.
- b) Inclusion of features for sheltering invertebrates, such as log piles, rock piles, or 'insect hotels' in areas of the Application Site that are subject to the least amount of human disturbance.

112. The species proposed within the Soft Landscape Proposal drawings are acceptable, with a mix of native and nonnative species. There are no invasive non-native species (INNS) proposed within the plan.

113. A mandatory Biodiversity Net Gain (BNG) assessment has been conducted in line with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory metric has been submitted, alongside a Biodiversity Net Gain Assessment report. The BNG assessment outlines an uplift of 0.49 habitat units (88.84%) and 0.27 hedgerow units (0% due to lack of existing hedgerows on the baselines assessment). The trading rules are satisfied, and no additional units would be required to meet the minimum 10% uplift. As such, the BNG Assessment is accepted as correct. The following documents will be required at post-determination stage, which would be secured by planning conditions:

- a) A Biodiversity Net Gain Plan (BNGP)
- b) A detailed Habitat Management and Monitoring Plan (HMMP)

114. As Invasive Non Native Species are present onsite in the form of wall cotoneaster horizontalis (Schedule 9: The Wildlife and Countryside Act 1981 (Variation of Schedule

9) (England and Wales) Order 2010) and butterfly bush *Buddleia davidii*, a biosecurity plan will need to be submitted. This can be a standalone document, or within the Construction Management Plan (CMP). The HMMP should also include the biosecurity protocols for the management and monitoring of the INNS onsite.

115. The proposed development would accord with policies ENV7 and ENV8 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

#### **o) Contaminated Land**

116. The application has been supported by a Phase 1 Desk Top Study into possible ground contamination which has looked at historic Ordnance Survey maps of the area as well as photographs from a site walkover. The historic mapping has identified that parts of the development site were formerly terraced housing on Brunswick Street and on what was Bowes Street off Parkgate. More likely sources of contamination could have come from the central part of the site's use as a garage since the late 1950s and the former 'Tannery' (1898-1915) and 'Chemical Works' (1955- 1972) shown as part of Claytons Yard which forms the southern boundary of the site. The site walkover has shown extensive fly tipping of asbestos sheeting has occurred on parts of the site and this will need to be addressed in the remediation strategy. Overall, the Phase 1 adequately outlines the history of the site and likely contaminants.

117. A Phase 2 Site Investigation has also been submitted alongside the application. Since 2022 the design of the development has been altered significantly with the building being moved eastwards in the plot further from the river Skerne to protect it against flooding. This has enabled the creation of large area of public open space to the western edge of the building alongside St Cuthbert's Way. Fortunately, the site investigation had used conservative generic assessment criteria in 2022 of Residential Public Open Space with 1% soil organic matter. This is an assessment standard more stringent than a park, so the assessment is still valid despite the changes in design.

118. The site has been subject of site investigations and ground gas monitoring.

119. The Reports have both been considered by the Council's Environmental Health Officer who has recommended the imposition further planning conditions related to land contamination. The proposal would accord with policy DC1 of the Local Plan in this regard.

#### **p) Flood Risk and Drainage**

120. The proposed building partially sits within Flood Zone 2 (medium risk of flooding) whilst the red line boundary of the site lies encompasses a small area of Flood Zone 3 (high risk of flooding). However, the majority of the site lies in Flood Zone 1. The planning application has been supported by a Flood Risk Assessment (FRA) and a Drainage Strategy.

121. The building has been positioned as far back within the site to create a landscaped area within the floodplain of the River Skerne. The landscaped area will include

compensatory flood measure such as a low level bund to prevent water passing through it. The bund wraps the compensatory floodplain on three sides being 50mm on the north side; 190mm on the west and 120mm on the south. The bund would be located in south west corner of the site. The FRA concludes that the development will not cause adverse impact on flood risk elsewhere with the compensatory landscaped floodplain replacing the displaced floodwater created by the proposed development. The FRA recommends that the proposed building has a finished floor level above 38,33mAOD and that the construction works do not store plant and materials on the western boundary of the site to avoid impact to and from the 1% annual exceedance probability event (1 in 100-year return period). The FRA shows that the development meets the Sequential Tests set out by the National Planning Policy Framework 2023 and Policy DC2 of the Local Plan and that an Exception Test is not required.

122. The Drainage Strategy advises that the proposed development will incorporate permeable paving, filter drains and a proprietary treatment system to intercept and treat run-off, where required. These SuDS techniques have been shown to deliver the required degree of water treatment for the areas that they will serve. It is proposed that the foul drainage within the site will discharge into the existing combined sewer within the site boundary. The proposed surface and foul water drainage system will be owned and maintained by the Government Property Agency.

123. Both the FRA and Drainage Strategy have been considered by Northumbrian Water, the Environmental Agency and the Lead Local Flood Authority. The consultees have raised no objections to the principle of the development subject to the imposition of requested planning conditions which have been included within the recommendation of this Report. The development would accord with Policy DC2 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

#### **q) Planning Obligations**

124. 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:

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

125. The agreed Heads of Terms, based on the information submitted within the planning application, proposes the following.

- a. A Travel Plan including a monitoring fee; a personalised Travel Advice fee and a Travel Plan Implementation bond.

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

126. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the

exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposed development would include up to six accessible spaces, an accessible drop off area and the footways will be constructed to gradient levels with seating areas to ensure that they are accessible for persons with mobility issues. The footways will have tactile paving where appropriate. The access arrangements into the buildings and the internal areas within would be accessible. The proposed development would accord with policy IN2 of the Local Plan

127. Following comments received from MIND regarding use of Tannery Yard for construction vehicles, the local planning authority has not agreed to the Construction Management Plan that has been submitted in support of the planning application. As a result, a planning condition has been recommended to secure the submission of a Plan which will give the applicant the opportunity to consider an alternative route for construction traffic movements

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

128. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION AND RECOMMENDATION**

129. The proposed development comprises a five storey building which will provide office space for the new Treasury Office in the North of England bringing together people across multiple departments and public organizations. The site is within the Parkgate Conservation Area and within proximity of listed buildings. It is considered that the proposed development will have less than substantial harm on these heritage assets but the public benefits that would be derived from redeveloping this currently vacant site outweigh the harm that has been identified and the development can be supported in accordance with National Planning Policy Framework 2023 and local development plan policy.

130. Amendments have been building to the design of the building to ensure that it is more reflective of the local character.

131. The site is within a highly sustainable location with excellent and accessible transport links. There are no highway safety objections to the proposed development and the site is easily accessible to public car parks, bus routes, cycle lanes and Darlington Railway Station.

132. Biodiversity net gain has been achieved through the landscape proposals within the public realm area on the St Cuthberts Way frontage.



133. Appropriate planning conditions have been recommended and overall, it is considered that the proposed development accords with the Darlington Local Plan and the National Planning Policy Framework 2023.

**THE CHIEF EXECUTIVE 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:**

- a. A Travel Plan including a monitoring fee; a personalised Travel Advice fee and a Travel Plan Implementation bond.

**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 MINDED 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**

**GENERAL**

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a) Drawing Number DAR2-ATK-MB-XX-VS-A-007101 Rev P3 Planning External Visuals Sheet 1 Of 4
  - b) Drawing Number DAR2-ATK-MB-XX-VS-A-007102 Rev P3 Planning External Visuals Sheet 2 Of 4
  - c) Drawing Number DAR2-ATK-MB-XX-VS-A-007103 Rev P3 Planning External Visuals Sheet 3 Of 4
  - d) Drawing Number DAR2-ATK-MB-XX-VS-A-007104 Rev P3 Planning External Visuals Sheet 4 Of 4
  - e) Drawing Number DAR2-ATK-MB-ZZ-DR-A-104051 Rev P3 – Typical Façade Study Bay
  - f) Drawing Number DAR2-ATK-MB-ZZ-DR-A-023052 Rev P03 Contextual Sections
  - g) Drawing Number DAR2-ATK-MB-EE-DR-A-012101 Rev P3 North Elevation
  - h) Drawing Number DAR2-ATK-MB-EE-DR-A-012102 Rev P4 East Elevation
  - i) Drawing Number DAR2-ATK-MB-EE-DR-A-012103 Rev P4 South Elevation
  - j) Drawing Number DAR2-ATK-MB-EE-DR-A-012104 Rev P3 West Elevation
  - k) Drawing Number DAR2-ATK-MB-ZZ-DR-A-013103 Rev P3 Planning Section C
  - l) Drawing Number DAR2-ATK-MB-ZZ-DR-A-013104 Rev P2 Planning Section D

- m) Drawing Number DAR2-ATK-XX-XX-DR-L 100007 Rev P05 Soft Landscaping Proposals
- n) Drawing Number DAR2-ATK-ZZ-ZZ-DR-A-021003 Rev P3 Proposed Site Plan
- o) Drawing Number DAR2-ATK-MB-00-DR-A-011101 Rev P4 Level 00 General Arrangement
- p) Drawing Number DAR2-ATK-MB-01-DR-A-011102 Rev P4 Level 01 General Arrangement
- q) Drawing Number DAR2-ATK-MB-02-DR-A-011103 Rev P4 Level 02 General Arrangement
- r) Drawing Number DAR2-ATK-MB-03-DR-A-011104 Rev P4 Level 03 General Arrangement
- s) Drawing Number DAR2-ATK-MB-04-DR-A-011105 Rev P4 Level 04 General Arrangement
- t) Drawing Number DAR2-ATK-MB-05-DR-A-011106 Rev P4 Roof Plant Level General Arrangement
- u) Drawing Number DAR2-ATK-MB-RS-DR-A-011107 Rev P4 Roof Level General Arrangement
- v) Drawing Number DAR2-ATK-XX-RF-DR-A-811207 Rev P02 Building Services Level
- w) Drawing Number DAR2-ATK-XX-RF-DR-N-811217 Rev P02 Building Services Level
- x) Drawing Number DAR2-ATK-XX-WS-DR-E-641201 Rev P01 External Lighting Strategy Plan
- y) Drawing Number DAR2-ATK-XX-DR-H-100001 Rev P03 Vehicle Turning Movements Access & Egress
- z) Drawing Number DAR2-ATK-XX-DR-H-100002 Rev P03 Vehicle Turning Movements Access & Egress
- aa) Drawing Number DAR2-ATK-XX-XX-DR-H-100004 Rev P02 Site Access Vehicular GA
- bb) Drawing number DAR2-ATK-XX-XX-DR-L-100001 Rev P01 Site Context Plan
- cc) Drawing Number DAR2-ATK-XX-XX-DR-L 1000004 Rev P04 Site General Arrangement
- dd) Drawing Number DAR2-ATK-XX-XX-DR-L 1000005 Rev P04 Landscape General Arrangement
- ee) Drawing Number DAR-ATK-XX-XX-DR-L 1000006 Rev P04 Surfacing Plan
- ff) Drawing Number DAR-ATK-XX-XX-DR-L 1000008 Rev P03 Site Level Design
- gg) Drawing Number DAR-ATK-XX-XX-DR-L 1000014 Rev P02 Site Sections and Elevations
- hh) Drawing Number DAR-ATK-XX-XX-DR-L 1000015 Rev P02 Site Sections and Elevations
- ii) Drawing Number DAR-ATK-XX-XX-DR-L 1000016 Rev P02 Site General Arrangement South
- jj) Drawing Number DAR-ATK-ZZ-ZZ-DR-A 0211001 Rev P2 Location Plan

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

#### **EXTERNAL MATERIALS**

3. Notwithstanding any description of the external materials in the submitted application, no building shall be constructed above damp proof course until details of all the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

#### **CONSTRUCTION MANAGEMENT PLAN**

4. Prior to the commencement of the development, a site-specific Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirements specifically and in writing:
  - a) Details of the dust control measures to be put in place during the construction phase of the development taking account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" August 2023. Appendix C of the Air Quality Assessment by Hydrock submitted with the development contains details of the mitigation measures required to control dust during the construction phase and should be incorporated into the CMP.
  - b) Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites."
  - c) Details of any piling to take place including duration and equipment type to be used. This shall include details of mitigation measures to control dust and vibration. The piling works must then be completed in accordance with the agreed methodology.
  - d) Ecological lighting scheme in accordance with the submitted Ecological Impact Assessment dated January 2024
  - e) Details of any temporary construction access to the site including measures for removal following completion of construction works
  - f) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - g) the parking of contractors' site operatives and visitor's vehicles;
  - h) areas for storage of plant and materials used in constructing the development clear of the highway;
  - i) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
  - j) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
  - k) protection of carriageway and footway users at all times during demolition and construction;

- l) protection of contractors working adjacent to the highway;
- m) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- n) an undertaking that there must be no burning of materials on site at any time during construction;
- o) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- p) details of the measures to be taken for the protection of trees;
- q) details of external lighting equipment; 18. details of ditches to be piped during the construction phases;
- r) a detailed method statement and programme for the building works; and
- s) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON – In the interests of the amenity of the surrounding area and highway safety

#### **BIODIVERSITY NET GAIN**

5. Prior to the commencement of the development, a Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved Plans.

REASON – In the interest of securing biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)

6. Prior to the commencement of the development, a Biosecurity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan can be submitted as a standalone document or as part of a Construction Management Plan and the development shall not be carried out otherwise than in complete accordance with the approved Plans.

REASON – In order to manage existing Invasive Non Native Species present onsite.

#### **ARCHAEOLOGY**

7. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON: To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework (NPPF) and Policy ENV1 of the Darlington Local Plan

8. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework (NPPF) ) and Policy ENV1 of the Darlington Local Plan

### **LANDSCAPING**

9. The approved landscaping scheme shown on Drawing Number DAR2-ATK-XX-XX-DR-L 100007 Rev P05 shall be fully implemented concurrently with the carrying out of the development, 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, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

Any changes to the landscaping scheme which impact upon Biodiversity Net Gain values on the site, shall result in an update of the submitted Biodiversity Net Gain metric and be submitted to and approved by the Local Planning Authority

REASON - In the interests of the visual amenities of the area and in the interests of biodiversity net gain

### **FLOOD RISK AND DRAINAGE**

10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the agreed 30 litres/second total. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for

that document).The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and policy DC2 of the Darlington Local Plan 2016 – 2036

11. The development hereby approved shall not be implemented otherwise than in complete accordance with the drainage scheme contained within the submitted document entitled “Drainage Strategy P03” dated “March 2024”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 2608 and ensure that surface water discharges to the surface water sewer at manhole 2602 which discharges ultimately to a nearby watercourse. The surface water discharge rate shall not exceed the available capacity of 3.5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and policy DC2 of the Darlington Local Plan 2016 - 2036

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment dated 15 March 2024 and produced by Atkins Realis and the following mitigation measures it details:
  - a) Finished floor levels shall be set at 39.32 metres above Ordnance Datum (AOD) as per section 5.5.25 page 35.
  - b) Compensatory storage shall be provided to offset the volume of water displaced by the scheme occupying the design flood event with an allowance for climate change (as per section 5.5.17 page 33 highlighting a compensatory storage volume of 16m<sup>3</sup>); and
  - c) The proposed bund will be installed to the dimensions in section 5.5.19 page 34, as to not increase off-site flood risk, and will be maintained for the lifetime of the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON –To reduce the risk of flooding to the proposed development and future occupants. And to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

## **LAND CONTAMINATION**

13. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.

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

14. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

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

15. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

## **HIGHWAYS AND SUSTAINABLE TRANSPORT**

16. The following schemes of off-site highway mitigation measures must be completed prior to the first occupation of the development unless agreed otherwise in writing with the Local Planning Authority:
- a) Footway and cycleway infrastructure works on Brunswick Street & St Cuthberts Way prior to: Occupation of the site.
  - b) Footways and pedestrian dropped crossing provision at Tannery Yard prior to: Occupation of the site.
  - c) Upgraded signalised crossing facility on Parkgate. prior to: Occupation of the site.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON - To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

17. Prior to the first occupation of the development, the access, parking, manoeuvring, and turning areas for all users shall be constructed in accordance with details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON - To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

18. Notwithstanding the details shown on the approved plans, all Hostile Vehicle Mitigation (HVM) measures (bollards or other barriers) shall not be located within public highway.

REASON – In the interests of highway and pedestrian safety



19. Notwithstanding the details shown on the approved plans, the drop-down bollards which control access to the site via Brunswick Street shall be set back further into the site to ensure that a car can pull clear of the public highway, to avoid obstruction of the footway. The general requirement for this is 6.0m.

REASON – In the interests of highway and pedestrian safety

20. No building shall be constructed above damp proof course until precise details of cycle parking provision has been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

REASON: To comply with policy IN4 of the Local Plan and the guidance in LTN 1/20 on Cycle Infrastructure Design.

21. Notwithstanding the requirements for a Stage 1 & 2 Road Safety Audit at submission of detailed design, further independent Stage 3 & 4 Road Safety Audits must be carried out in accordance with DMRB GG119 - Road Safety Audits or any superseding regulations. Audits shall cover all off-site highway works on Parkgate, Brunswick Street, St Cuthberts Way, and Tannery Yard. The design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within a timescale to be agreed in writing with the Local Planning Authority.

REASON - To ensure that the design is appropriate in the interests of the access, safety, and convenience of highway users.

22. The electric charging spaces shown on the approved plans shall be designed to be fully accessible and be in situ prior to the first occupation of the development. The spaces shall be made permanently available for the lifetime of the development.

REASON – To ensure that the development accords with policy IN4 of the Darlington Local Plan 2016 – 2036

23. No building shall be constructed above damp proof course until details of the accessible car parking bays has been submitted to and approved in writing to the Local Planning Authority in consultation with the Local Highway Authority. The development shall not be occupied until the accessible parking bays has been implemented and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the lifetime of the development.

REASON: To ensure that sufficient parking for disabled people is provided.

24. Notwithstanding the Full Travel Plan dated January 2024 (Rev 1) submitted in support of the planning application and prior to first occupation of the development, a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The Travel Plan shall be added to the Modeshift Stars Community / Modeshift Stars Business/Residential site, and the Travel Plan shall be continued in accordance with the details contained therein, including attaining Good standard within 12 months of the occupation of the development and the submission and approval of annual reviews until five years post completion of the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling and comply with policy IN3 of the adopted Darlington Local Plan

25. Tannery Yard shall not be used as a primary vehicular access, and shall be used for no vehicular access purposes other than for maintenance and Fire and Emergency purposes unless otherwise agreed in writing by the Local Planning Authority

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

#### **AMENITY**

26. No fixed external mechanical plant, equipment or machinery shall be installed on site until an assessment has been carried out and submitted to the Local Planning Authority to show that the rating level (LAr,Tr) of any external plant, equipment or machinery associated with the development (whether operating individually or simultaneously) shall be less than -5dB below the existing daytime and night-time background sound level (LA90,T) at noise sensitive receptors. The assessment must be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) and be in accordance with BS4142: – ‘Method for rating and assessing industrial and commercial sound’. The noise sensitive receptors and background sound levels to be used in the BS4142 assessment shall be agreed in advance with the Local Planning Authority. Any mitigation measures shown to be necessary following the assessment shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of safeguarding the general amenity of the surrounding area.

27. No construction 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, 09.00-13.00 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 safeguarding the general amenity of the surrounding area.

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

REASON - In the interests of amenity

#### **ECOLOGY**

29. The development shall not be carried out otherwise than in complete accordance with the submitted document entitled “ Darlington Economic Campus – Brunswick Street. Ecological Impact Assessment” dated January 2024 produced by Atkins Realis unless otherwise agreed in writing by the Local Planning Authority

REASON – In the interests of biodiversity and the visual appearance of the development.

#### **HERITAGE**

30. Prior to the first occupation of the development, precise details of historic interpretation boards to be located within the public realm areas shall be submitted to and approved in writing by the Local Planning Authority.

REASON – To secure a means of revealing the significance of the Parkgate Conservation Area and the historic contribution of the application site within the Area.

#### **BREAAM STANDARDS**

31. The development hereby approved shall meet a minimum of BREAAAM “Very Good” standard.

REASON: To ensure that the development complies with Policy DC1 of the Local Plan 2016 - 2036

#### **CLIMATE CHANGE**

32. Prior to the commencement of development, precise details of energy efficiency measures and low carbon technologies for the relevant development cell shall be submitted to and approved in writing by the Local Planning Authority. The development of the relevant development cell shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to comply with Policy DC1 of the Darlington Local Plan

### **GENERAL DESIGN**

33. Notwithstanding the details shown on the approved plans and submitted with the planning application, precises details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development:

- a) Details of perimeter fencing
- b) Details of retaining/boundary walls and gates
- c) Details of seating and benches
- d) Details of railings
- e) Details of cycle store building
- f) Details of Generator and Tank Enclosure
- g) Details of Bin Store
- h) Static and retractable bollards
- i) Details of Sprinkler Pump Enclosure and Sprinkler Tanks
- j) Details of Dog Spend

REASON:- In the interests of the visual appearance of the development and surrounding area

### **BROADBAND CONNECTIVITY**

34. Prior to the any commencement of development above damp proof course level, a statement shall be submitted to and approved in writing by the Local Planning Authority detailing the measures necessary for providing broadband connectivity, including ducts, to the building hereby approved. The approved infrastructure shall be laid out in accordance with the details as approved at the same time as other services during the construction process and be available for use on the first occupation of each building and thereafter be so maintained for the lifetime of the development.

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.

### **TREES**

35. Prior to the commencement of the development, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

REASON – In the interests of the visual appearance of the development and to protect retained trees within/or outside the application site.

### **INFORMATIVES**

#### **Highways**

Applicants are reminded that in addition to securing planning permission other permissions may be required from Darlington Borough Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and Darlington Borough Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.

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 applicant is advised that further discussions will need to take place in relation to the proposal to implement a loading bay (southern side Brunswick Street) . Contact must be made with the Assistant Director; Highways, Design and Projects (Delegated contact Mr Chris Easby 01325 406707) to discuss this matter.

### **Northumbrian Water**

Northumbrian Water advise that public sewers cross the site and could be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus. Northumbrian Water will work with the developer to establish the exact location of our assets if any are identified, and ensure that any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application. Further information is available at <https://www.nwl.co.uk/services/developers/>

### **Environment Agency**

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. Further advice is available at:

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- a) on or within 8 metres of a main river (16 metres if tidal)
- b) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- c) on or within 16 metres of a sea defence
- d) involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- e) in the floodplain of a main river if the activity could affect flood flow

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advise the applicant to consult with them at the earliest opportunity.