

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 January 2007

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APPLICATION REF. NO:	06/00953/FULE
STATUTORY DECISION DATE:	15 January 2007
WARD/PARISH:	CENTRAL
LOCATION:	Queen Street Shopping Arcade, And Land At Commercial Street, Kendrew Street And St Augustine's Way, Darlington
DESCRIPTION:	Erection of an extension to Queen Street Shopping Centre comprising new retail and leisure uses (Use Classes A1, A3 and D2) on site of Commercial Street car parks, construction of pedestrian bridge over St Augustine's Way and erection of multi storey car park, 26 No. apartments and shop unit on site of Kendrew Street car parks.
APPLICANT:	COBALT ESTATES (DARLINGTON) LIMITED

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of an extension to the Queen Street Shopping Centre comprising new retail and leisure uses (Use Classes A1, A3 and D2) on the site of the existing Commercial Street car parks, the construction of a pedestrian bridge over St Augustine's Way, the erection of a multi-storey car park, apartments and a shop unit on the site of the Kendrew Street car parks and associated highways improvements.

The application site extends to some 3.1 hectares and includes the existing Queen Street shopping centre, together with land to the north, separated into two parcels by St Augustine's Way. The proposed extension would adjoin the northern end of the shopping centre, with access to the extension created roughly in the position of the existing pedestrian ramp up to Commercial Street and the site of the former Poundshop. The southern and larger parcel of land lies to the south of St Augustine's Way and includes both Commercial Street surface car parks (approximately 320 spaces), The Lounge bar and nightclub, Regent House, a five storey office building presently occupied by the Inland Revenue, numbers 10 (presently vacant) and 12 Union Street, a former United Reform Church now occupied by Fisher Carpets and Curtains and a parcel of land to the north of Commercial Street in private ownership.

The site area also includes Commercial Street and other sections of public highway as well as a subway running north under the ring road, all of which would be assumed by the proposed development. The smaller parcel of land lies to the north of St Augustine's Way and presently comprises Kendrew Street East and West surface car parks (approximately 120 spaces) and part

of Kendrew Street itself. Part of St Augustine's Way is also included in the application site as it will be necessary to modify a short stretch of the ring road to allow for the construction of a traffic signal junction to access the proposed car park and an at grade pedestrian crossing.

The site slopes from west to east and to a lesser extent from south to north. The larger of the two parcels of land, to the south of St Augustine's Way, includes the Queen Street shopping centre, which currently has entrances on Prospect Place and Northgate. The southern most edge of the site, part of the existing shopping centre, lies within the Town Centre Conservation Area although this part of the site would be unaffected by the proposed development. There are two listed buildings adjacent to the application site, on Prospect Place and Bondgate, however neither of the buildings would be affected by the proposed development.

The Kendrew Street site is flanked by a mixture of commercial and residential properties on its east and western boundaries and by St Augustine's Way to the south. To the north of the site is Gladstone Street beyond which lies North Lodge Park, which is surrounded on two sides by terraced housing on North Lodge Terrace and Elmfield Terrace. The northern most part of the site fronting Gladstone Street lies within the Northgate Conservation Area.

In summary the proposed development will comprise:

A 35,403 sq m extension to the Queen Street shopping centre on the site of the existing Commercial Street surface car parks. The extension will provide additional retail (22,029 sq m) and leisure (5,994 sq m) floorspace over three levels, anchored by an 8,000 sq m department store trading over two levels and a Winter Garden at the north eastern most part of the site. The Winter Garden will provide an indoor recreation and amenity space available for public use with a café/coffee shop and will be accessed at ground floor level. There will be a mezzanine level above ground floor, which will mainly comprise an access balcony to leisure units and ancillary food and drink units. At first floor level will be additional retail units accessed via an escalator with first floor access to the department store. At second floor three leisure units, including a 9-screen cinema, and associated food and drink uses would be provided. Associated plant, servicing, management and mall areas would also be provided within the extension.

The Winter Garden will provide a focal point of the scheme when approaching from Northgate by foot and from the Northgate roundabout by car, sweeping round St Augustine's Way to adjoin the three storey department store. The main elevation of the department store will be predominantly glazed, with a palette of render and timber cladding. The main entrance to the centre will have a tensile feature canopy over the entrance to provide a frontispiece to the development. The elevation beyond the entrance west towards King Street takes on a more solid form, with a predominantly brick and render palette. The cinema and associated leisure and restaurant uses on the third floor of the shopping centre will be set back considerably from the edge of the main part of the shopping centre extension. The upper storey will be clad in light metal panelling.

The southern and eastern elevations of the proposed extension will be largely obscured by existing buildings on Northgate and by the existing Queen Street shopping centre and other buildings on Prospect Place and Bondgate. As such where elevations are not prominent in view more functional materials are proposed.

Access to the new extension would either be through the existing Queen Street shopping centre or from a new pedestrian entrance off St Augustine's Way street level (ground floor level) or via a pedestrian bridge link over St Augustine's Way, which will link the proposed multi-storey car

park with the shopping centre. Access from the bridge link will be at first floor level into the new mall. Once inside the escalators will provide access between floors. The new mall will be covered with a tensile fabric canopy although will, to all intents and purposes, remain an open mall. The remainder of the new mall will be lit by a glazed roof, with the exception of part of the mall, which will be covered by the proposed cinema.

As the scheme turns onto King Street, the scale of the development reduces to a range of two storey kiosk shops facing the existing shops and bars on King Street. Brick would be the predominant material, with limited amounts of timber and glass. A secondary access into the centre will also be provided from King Street. Due to the change in levels at this part of the site a lift or stairs will take shoppers from King Street to the first floor of the centre. Two small kiosk shop units are also proposed on the western side of the centre. Access to the units will be direct off King Street although there will be no access into the centre from the shop units themselves. A small two-storey office building is also proposed at the northern end of the National Schoolwear Centres building and adjacent to the eastern gable end of Bondgate House. The second leisure unit would also be accessed from King Street/Bondgate.

Servicing to the new centre and to existing shop units and premises within the Queen Street shopping centre, Northgate and King Street is to be provided via three new service areas. The department store and units along the eastern side of the mall and those existing properties on Northgate are to be serviced by a new yard created off Northgate roundabout, via what is presently Commercial Street which will terminate in a yard formed between existing properties on the western side of Northgate and the new extension. The existing Queen Street shopping centre has a rooftop service area accessed off Commercial Street, adjacent to Regent House. A new service access would be created on a remaining part of Commercial Street off Bondgate/King Street onto the roof top servicing area. An existing service yard to the rear of 106 and 107 Bondgate would also be maintained. Service vehicles would also be able to use King Street although service access would be restricted to between the hours of 4pm and 10am to encourage better pedestrian flows though this part of the site. The servicing hours are reflective of those in place within the Pedestrian Heart areas of the town centre. A one-way system would be in place with vehicles entering by Bondgate and King Street and leaving by St Augustine's Way.

The proposed multi-storey car park on the Kendrew Street site will provide 900 car parking spaces over six levels. Of these spaces a total of 44 special needs spaces are to be provided including disabled and parent and child parking spaces. Users of the car park will be able to access the shopping centre either via the pedestrian bridge which links the second floor of the car park with the first floor of the centre, or via the proposed at grade pedestrian crossing over St Augustine's Way. A covered walkway to the front of the car park, at second floor level, will give easy access for users of the special needs car parking spaces provided adjacent to the southern elevation of the car park on this level to the pedestrian bridge, without having to negotiate their way through the car park.

Vehicular access into the car park will be via a new signalised junction on St Augustine's Way. Cars will leave the car park via Holly Street returning to the new entrance/exit on St Augustine's Way. A total of 26 one and two bedroom flats are to be provided on the north and east flank elevations of the car park facing Gladstone Street and King Street respectively. The car park reduces to 5 levels adjacent to the Gladstone Street and King Street elevations such that the proposed residential accommodation will screen the multi-storey car park from these aspects. Parking for residents of the flats will be provided in the basement level of the car park with

access off Gladstone Street. There will be no access to the remainder of the car park off Gladstone Street.

The car park is to be predominantly open in form, with curved timber screen cladding used in conjunction with glass to the circulation cores on the south and east elevations. The residential development is to have a more traditional form, constructed of brick and slate to reflect the existing housing on North Lodge Terrace and beyond.

Hard and soft landscaping will be provided around the entire site, including within the Winter Garden and on the two levels of the car park facing St Augustine's Way will receive a support system for climbing/trailing planting species, to create a 'green' wall.

As previously, a new traffic signal controlled junction on St Augustine's Way will incorporate at grade pedestrian crossing facilities to replace the existing subway under the ring road. In order to facilitate the development, it will be necessary to secure the closure of the existing public highways in the site. This will involve the submission of a separate application for a road closure order.

The developer would also be required to acquire all the third party land interests within the application site. If this cannot be achieved by negotiation, then Cabinet approval exists for the Council to use its Compulsory Purchase Order (CPO) powers to secure the land necessary to deliver the scheme.

The application is one that falls to be considered under the Environmental Assessment Regulations. An Environmental Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application. The ES considers the impact of the development under the following headings:

- Planning Policy Context
- Socio-Economic Issues
- Townscape and Visual Assessment
- Cultural Heritage and Archaeology
- Air Quality
- Noise
- Ground Conditions and Contamination
- Flood Risk and Hydrology
- Transportation
- Construction Impact and Phasing

These matters, together with other relevant planning issues, will be considered within the main body of this report. The ES is a lengthy document, however a non-technical summary of the Statement has been prepared and is appended to this report for information purposes.

In addition to the ES, a Planning Support Statement, including a Retail Assessment, and a Design and Access Statement have also been submitted with the application. Prior to the submission of the application, the applicants carried out a number of exhibitions and consultation events for local stakeholders, residents and interested parties during September and November 2005 and further exhibitions in July 2006. The exhibitions and events were held in accordance with the guidance set out in the Councils "Statement of Community Involvement"

document and the results of the consultation are presented in the Statement of Community Involvement also submitted with the application.

PLANNING HISTORY

The site has a lengthy planning history, the most relevant of which is set out below:

03/00456/OUT – Erection of a building as an extension to the Queen Street Shopping Centre for A1 (shopping), A3 (food and drink) and D2 (Assembly and Leisure) purposes with roof top parking and a separate multi-storey car park with a link bridge. GRANTED 14 October 2003.

04/00388/OUT – Amendment to approved outline planning permission for extension to Queen Street Shopping Centre and associated car parking, to include enlarged retail area by incorporating 10 and 12 Union Street (amended plans and additional reports received 28.4.04). GRANTED 3 August 2004.

PLANNING POLICY BACKGROUND

The following policies and strategies are relevant:

Development Plan

RPG1 – Regional Planning Guidance for the North East 2002

H1 – Existing Housing Stock, Housing Clearance and Renewal

H4 – Re-Use of Previously Developed Land and Buildings

TC1 – Town Centres

TC2 – Hierarchy of Centres

TC3 – Function of Centres

TC4 – Traffic Management

RD1 – Retail Development

LD1 – Urban Commercial Leisure Development

T1 – Location of Development

T2 – Design of Development and Promoting Mixed-use Development

T4 – Transport Infrastructure and Services of Local Significance

T5 – Public Transport

T11 – Demand Management

T12 – Parking Standards for New Development

T13 – Control of Public Parking

T14 – Walking and Cycling

EN7 – Energy Efficiency in Buildings

(The following policies of the emerging Regional Spatial Strategy for the North East, Submission Draft 2005, need to be given appropriate weight as material considerations: 2 – Sustainable Development; 3 – The Sequential Approach to Development; 5 – Locational Strategy; 7 – Tees Valley City Region; 11 – Connectivity and Accessibility; 24 – Delivering Sustainable Communities; 25 – Urban and Rural Centres; 51 – Regional Public Transport Provision; 52 – Strategic Public Transport Hubs; 54 – Parking and Travel Plans).

Tees Valley Structure Plan (2004)

SUS2 – Sustainable Development

STRAT1 – Spatial Strategy

ENV10 – Archaeological, Historic and Cultural Features

ENV12 – Conservation Areas and Listed Buildings
ENV17 – Standards of New Development
ENV21 – Improvement of the Urban Environment
ENV30 – Contaminated Land
H1A – Housing Sites Search Sequence
H4 – Residential Densities
T5 – Cycling Facilities
T6 – Pedestrians
T25 – Priority in New Developments
T26 – Maximum Parking Standards
TC1 – Maintaining and Enhancing Town and District Centres
TC3 – Hierarchy of Centres
TC4 – Sequential Approach to Development

Borough of Darlington Local Plan (1997, with alterations 2001)

E2 – Development Limits
E9.2 - Protection of Parklands (North Lodge Park)
E10 – Protection of Key Townscape and Landscape Features
E12 – Trees and Development
E14 – Landscaping of Development
E16 – Appearance from Main Travel Routes
E27 – Flooding and Development
E28 – Surface Water and Development
E29 – The Setting of New Development
E34 – Archaeological Sites of Local Importance
E35 – Conservation Areas
E46 – Safety and Security
E47 – Contaminated and Unstable Land and Development
E48 – Noise-Generating/Polluting Development
H3 – Locations for New Housing Development
H4 – New Housing Development in and around the Town Centre and Other Centres
H5.16 – New Housing Development Sites (Kendrew Street)
H11 – Design and Layout of New Housing Development
H15 – The Amenity of Residential Areas
H16 – The Improvement of Older Residential Areas
R1 – Designing for All
R2 – Access for People with Disabilities
R3 – Provision of Public Facilities in New Buildings
EP11.5 – Central Area Development Sites (Commercial Street)
S1 – New Shopping Development
S2 – Safeguarding the Town Centre
S5 – Town Centre Food and Drink Uses
S16 – Small Local Shops
T2 – Highway and Transport Management – New Development
T8 – Access to Main Roads
T12 – New Development – Road Capacity
T13 – New Development – Standards
T16 – Access for Deliveries, Buses, Cyclists, Taxis and People with Disabilities
T17 – Rear Servicing
T19 – Multi-Storey Car Parks
T20 – Town Centre Surface Car Parks

T22 – Priority in Town Centre Car Parks
T24 – Parking and Servicing Requirements for New Development
T25 – Parking and Servicing Requirements for New Development in the Town Centre
T31 – New Development and Public Transport
T36 – Cycle Route Network
T37 – Cycle Routes in New Developments
T38 – Public Cycle Parking

Supplementary Planning Guidance

Adding to Quality, A Development Strategy for Darlington Town Centre (adopted by the Council, 2001) is relevant as supplementary planning guidance. It aims to promote a retail-led mixed use development in the Commercial Street area, of a scale and quality which will significantly increase the town centre's mass of attractions and raise its position relevant to competing centres. It says the key is to provide larger shop units, of a size to attract national multiple retailers not otherwise able to find units in Darlington. The development should complement and be well integrated with existing attractions and amenities of the town centre. To help take the proposal forward, a brief setting out the Council's *Planning and Highway Requirements* for development at Commercial Street was approved (2001, revised 2004).

National Planning Policy

Parts of the following Government Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs) are important material considerations:

PPS1 – Creating Sustainable Communities (2005)
PPS3 – Housing (2006)
PPS6 – Planning for Town Centres (2005)
PPG13 – Transport (2001)
PPG15 – Planning and the Historic Environment (1994)
PPG16 – Archaeology (1990)

RESULTS OF CONSULTATION AND PUBLICITY

Statutory Consultees and Responses from the ES Procedures

Government Office for the North East

The content of the Environmental Statement is a matter for the local planning authority involved. However, the First Secretary of State reserves the right to require further information at a later date.

One North East Regional Development Agency

The proposed development falls within Criterion C of the notification criteria, namely: all retail, casino and leisure, theme park, sports venues, employment or industrial and commercial development over 10 hectares and/or 2,500 sq m of floor space. One NorthEast is investing in the Pedestrian Heart Project, which seeks to enhance and improve the public realm to High Row and the surrounding area. The Agency is supportive of the proposal. The investment combined with the Pedestrian Heart Project will create a high quality Town Centre environment. The proposal would encourage more people to use the Town Centre and would assist in the development of Darlington's role as a sub-regional centre for retail and other town centre activity.

Tees Valley Joint Strategy Unit

The application is in general conformity with both the emerging Regional Spatial Strategy for the North East and the adopted Tees Valley Structure Plan. The submission draft Regional Spatial Strategy sets out a locational strategy for the Tees Valley City Region. Policies 7 and 25 state that the majority of new retail and leisure developments should be located in the sub-regional centres of Middlesbrough and Darlington. In particular the RSS recognizes the sub-regional role of Darlington in providing a wide range of services to a large hinterland. The adopted Tees Valley Structure Plan also identifies Darlington as a sub-regional Town Centre (Policy TC3), which should be a focus for major new retail and leisure developments.

Natural England

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse affect in respect of species protected by law. The Local Planning Authority may wish to attach an informative based on the information in ODPM Circular 06/2005 Part IV B and C if planning permission is granted, to make the applicant aware that such species may be present in the general area and the legal protection afforded to the species. The applicants should also be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses as described in Part IV B of the Circular.

Environment Agency

The information provided divides the development area into sites A and B. The surface water drainage proposals for site B are acceptable from a flood risk viewpoint. Due to uncertainties in establishing the existing drainage layout at site A, the proposal suggests two possible options. Either option could be acceptable to the Environment Agency in principle, providing the assumptions made in option 2 are proven. Request that a condition be included requiring the approval of surface water drainage works prior to the commencement of development.

The developer should satisfy themselves that no pollution to controlled waters in being, or will be, caused in relation to this application. PPS23 states that it is the developer's responsibility to ensure the site is safe and suitable for its intended purpose, having regard to previous contamination. In respect of the foul drainage proposals I have no objection, however, the sewage undertaker should be consulted to ensure that there is sufficient capacity in the existing surface water sewer.

English Heritage

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

CABE (Commission for Architecture and the Built Environment)

Find it difficult to form any clear view on the potential merits of this proposal from the information provided. There are no drawings that illustrate the relationship of the proposal to the existing town centre or how the development fits in with the existing pattern of uses. It is also not clear how the development will fit in with the existing urban fabric and connect to existing routes and spaces.

An important component of the scheme is the proposed link between the multi-storey car park and the main shopping centre, south of St Augustine's Way. Concerned that the drawings show this link as being subservient to the development and therefore we have yet to be convinced that this approach can work. Recommend that alternatives to a footbridge are explored, for example a link at ground level may be more appropriate. Furthermore, we believe that a stronger case

needs to be made for a link in this position; using perspectives to show what the crossing will be like to walk across.

We are encouraged by the proposal to screen the multi-storey car park with residential units, particularly when these units will overlook the park. The units fronting Gladstone Street are however north facing and of single aspect. The quality of this accommodation needs to be considered carefully.

If further information can be provided on this scheme would be happy to comment again.

CE Electric UK (Northern Electric Apparatus)

No objection to the application.

Northumbrian Water

The proposed drainage from the Valeting Bays is acceptable. Northumbrian Water has no objection to the application.

DCC Archaeology

On reading the archaeological desk-based assessment, I can recommend that a negative condition relating to the need to conduct archaeological works is imposed on this development. This will allow for a suitable evaluation and mitigation strategy to be agreed between the developer and the Council prior to development commencing on site. The developer, or their archaeological consultants, should liaise with this office as soon as possible so that a suitable scheme can be devised and timetabled accordingly into the larger picture.

Results of Local Consultation

Over 1000 letters of consultation were sent out to local residents, local interest groups and all town centre business. In addition the application was publicised in the Darlington and Stockton Times and 12 site notices were posted in and around the application site. As a result of this consultation exercise a total of 7 responses have been received, 6 letters of objection and 1 representation.

GVA Grimley obo Noteglass Ltd (owners of existing Queen Street Shopping Centre)

Our client is currently progressing discussions with Cobalt Estates in respect of this proposed development and a possible joint venture. Until any formal agreement is in place we would like to reserve our position and formally object to the planning application, subject to the review of all the supplementary information. Our client is concerned about this proposed development and its impact on their landholdings in Darlington town centre. Our client would like to take the opportunity to view all supplementary information submitted in support of the application. In the meantime our client is concerned with the impact of the development, in accordance with the adopted Darlington Borough Council Local Plan 1997.

The Local Plan states in Policy SC1 (New Shopping Development) that not all types of shopping development will always be acceptable in the town centre of Darlington. Consideration needs to be given to design, traffic and servicing issues dependent upon the location of the site. Furthermore, the plan states that if a development would be at the expense of other town centre uses, which it is desirable to retain, the potential impact on the vitality and viability of the centre should be examined.

Friends of North Lodge Park

Concerned about the impact of the multi-storey car park on North Lodge Park but are pleased to see the proposals to include apartments in the style of North Lodge Terrace to act as a screen. The aim of the Friends (which comprises approximately 70 members) is to 'enhance, protect and conserve' North Lodge Park. We remain very concerned that the scale of this development will have a negative impact as follows:

- *Height and capacity are inappropriate so close to a park, children's play area and Conservation Area containing two listed buildings. Enjoyment of the park will be impaired by the increase in noise, pollution and blocking of light. Although these factors may be within legal limits, the car park will still have a negative impact.*
- *The capacity of the car park is outside the Town Centre Development Strategy, which recommended only 300 spaces at Kendrew Street with 650 proposed for Commercial Street.*
- *The car park is outside the ring road and therefore outside the Town Centre and within a residential area. This is one of the most disadvantaged areas in the town and has the least amount of private space available to its residents. The park is an extremely important community space.*
- *The height of the car park will block light and may affect the health of the trees bordering Gladstone Street. The social housing in Grace Court facing east will be overshadowed by the mass of the building and will lose a great deal of daylight.*
- *The height will affect views from the Conservation Area, which is contrary to paragraph 4.14 of Planning Policy Guidance Note 15. Although this has been mitigated to some extent, I did not find evidence that this had been eliminated. It will also affect views from the northerly approach to the town and be more visible.*
- *Increase in traffic rat running and parking in the streets around the park to avoid queues on Northgate and West Auckland/Woodland Road and paying for car parking. These are already heavily congested routes for much of the day. This must not be allowed to happen, especially because of the lack of private space for residents and children. Increased traffic also increases pollution and noise and this is already evident at rush hours when traffic uses the streets to avoid queues on Northgate.*
- *Increase in noise from extraction fans and engines. Although this appears to be within recommended guidelines, it constitutes another nuisance for park users and residents to bear.*
- *Increase in pollution. There must be a significant increase from queues at Northgate roundabout, stop/starting whilst accessing parking spaces and from the extractor fan vents.*
- *Impact on people's enjoyment of the park, taking into account the above.*
- *Effect on the 'disadvantaged' area of Northgate in which it will be situated. How can this contribute to 'regeneration'?*
- *All parks need to be 'cherished and protected' and have many increasingly recognised values. North Lodge Park needs even more support given that it is the only green space for many homes and is also a resource for office workers in the immediate area.*
- *The area is one of low car ownership so the park becomes even more important to residents for leisure and recreation.*
- *The car park will be the 'dirty' service end of the shopping centre. All the car parking will be imposed on a Conservation Area, a park and a disadvantaged residential area.*
- *The impact could be easily mitigated by spreading the car parking equally using other existing nearby surface car parks at Garden Street and Archer Street, although this will not suit the economic viability of the developer.*
- *Height impact could also be mitigated by providing some parking underground.*

- *Some of the parking could be provided on the roof of the shopping centre itself. This has been taken up by a multi-screen cinema. The Local Plan earmarks Feethams for leisure.*
- *If the car park is approved then please can the Council and the developers make a clear commitment to enhance this park as an attempt to counteract the above impacts. Understand that this could be achieved by a Section 106 Agreement intended to enable developers to mitigate and offset the impact of their developments by improving the area they will affect.*

National Schoolwear Centres, 18 King Street

Objects to the development as believes that will result in the closure of the store and force bankruptcy. Concerns relating to health and safety that could result in a parent or child being injured with a development taking place so close to the shop. Went to a consultation meeting in 2005 with the developer and expressed my concerns. An opportunity existed to take advantage of a break clause in my lease and for me to move to another location. Asked the developer for financial assistance with this but was told that this was not an option. Am therefore forced to continue trading on the edge of a large building site for 2 – 3 years with no passing trade if this development goes ahead. My main concerns are set out below:

- *No site entrance should open onto King Street to ensure parents and children visiting my store are not put at risk. This would also minimise disruption and allow parents with disabled children to continue to park outside.*
- *When a barrier goes up around the site would the developer agree to pay and erect signs stating that National Schoolwear Centres still open for business? During the site development I would have zero passing trade.*
- *Will the developer accept responsibility for the fact that my sales will drop due to their development and agree to compensate me per annum?*
- *When the development is complete will I still be allowed to receive deliveries during the day? Will parking still be available adjacent to my store for disabled customers.*

Donaldsons obo House of Fraser

Concerned at the level of assessment the applicant has made in relation to the guidance set out in PPS6. The application proposal, whilst partly within the town centre boundary, is not within the defined primary shopping frontage and in the absence of a defined primary shopping area within the Adopted Plan the application should address the relevant tests in PPS6. It is our view that the applicant has failed to address these issues, particularly the issues of scale and impact. The proposal seeks to provide 22,029 sq m gross of retail floorspace in an edge-of-centre location and of an application of this magnitude should be supported by the required analysis on the key issues of need, sequential approach, scale and impact. Therefore object to the proposal until such time that we feel the application has been adequately justified. Respectfully request that the application is deferred until more detailed evidence is submitted.

JWPC Town Planning & Development Consultants obo Dukedom Ltd, 12 & 17 King Street

Object for the following reasons:

- *The proposed buildings are out of scale with their surroundings and will have a severe overbearing impact on existing, long-established development.*
- *The proposed multi-storey car park will dominate views in the locality and will detrimentally affect the character and appearance of North Lodge Park, contrary to Policy E9 of the adopted Local Plan.*
- *Loss of land identified for new housing and employment-generating uses is contrary to Policies H5.16 and EP11.5 of the Local Plan.*

- *There is no identified need for the additional retail floorspace proposed and such new provision will conflict with allocated retail sites in the town centre, contrary to Policies S3 and S7 of the Local Plan.*
- *The proposed car parking provision conflicts with the Council's adopted strategy for town centre parking provision and the proposal conflicts with Policies T19 and T20 of the Local Plan.*
- *The application site is not suitable for development in isolation from the strategy for town centre development proposed in the adopted Local Plan. Due to the nature of the proposals and the detrimental effect on adopted planning policies and development potential for the site should be reviewed as an integral part of the Local Plan review process.*
- *Existing, established shops and businesses located on the periphery of Queen Street will be blighted.*

Two letters of objection has been received from individuals, which raise the following issues:

- *Shops in the Cornmill and Queen Street are empty and have been empty for a long time;*
- *Read in the press that the shop units are sought after, so why are they not taken? Are the rents too high?*
- *The housing facing onto Gladstone Street has no relationship to the design of the overall scheme, which generally makes a positive contribution to urban design and has the potential to benefit the area.*
- *The housing block is retrograde and its relationship to the multi-storey car park is a very low quality of environment for its inhabitants. It appears an afterthought and purely a boundary wall to Gladstone Street.*
- *One could envisage housing of a contemporary design making a visual link to North Lodge Park.*
- *It would be disastrous to follow the present approach – slums for the near future. It is therefore at the developer's interest to reconsider this aspect of the present proposal.*

PLANNING ISSUES

The principle of major, retail-led, mixed-use development on this site has been accepted by the granting of outline planning permission in 2003 and 2004 respectively. Changes in national planning policy since that time are, in general terms, even more supportive of such development taking place within town centres than previously. Nevertheless, the following paragraphs assess the extent to which the submitted detailed proposals accord with up-to-date policy.

The proposed total retail floorspace, which includes approximately 30 class A1 shops, the anchor department store and some A3 restaurants, equates to a very similar amount (at 22,100 sq m gross) when compared to the most recent scheme considered in 2004. The current scheme however now includes a substantial amount of leisure floorspace (6,000 sq m) at the upper floor level in the form of a 9-screen cinema and three other leisure units. The 2003 permission did also however permit class D2 assembly and leisure uses. The multi-storey car park proposed for Kendrew Street is of a similar capacity to the 2004 proposal but the omission of the earlier proposal for additional parking on the roof of the main retail block reduces overall parking provision by approximately 180 spaces to 850. The multi-storey car parking is now to be bounded by residential properties screening it from Gladstone Street and King Street and incorporating a small corner shop. A small, infill, class B1 office unit is proposed on the end of King Street, next to Bondgate House in order to make better use of the site.

The most pertinent change in planning policy since the previous permissions were determined has been the publication of PPS6 – Planning for Town Centres in 2005. PPS6 sets out the Government's key objectives for town centres, to promote their vitality and viability, applying a 'town centres first' approach. PPS6 sets out five key considerations against which proposals for main town centre uses (notably retail, leisure and entertainments facilities and offices) should be assessed. The key considerations are:

- The need for the development;
- Appropriateness of scale;
- That there are no more central, 'sequentially preferable' sites;
- That there will be no unacceptable impacts on existing centres; and
- Accessibility by a choice of transport.

Proposals within an existing town centre are exempted from some of the tests, to different extents, depending on their nature.

In the context of the current application, the need, sequential and impact assessments do not have to be applied to the leisure and office components because they would be located within the town centre, as defined by the Local Plan. PPS6 imposes more stringent requirements on retail proposals, which to be exempt must be located within the primary shopping area of the town centre or be in accordance with an up-to-date development plan strategy. Because of the way the new development would link into and partly redevelop the existing Queen Street shopping centre (a defined primary shopping frontage in the Local Plan) a small proportion of the proposed retail floorspace would fall within the existing primary shopping area and so be exempt from the tests. The remainder of the new retail floorspace would technically be in an 'edge-of-centre' location, but is also exempt from these assessments because the proposal accords with the adopted planning strategy in the form of both the Local Plan and the supplementary planning guidance 'Adding to Quality', both being confirmed as being up-to-date in respect of this site by the Commercial Street planning brief approved by the Council in 2004.

The findings of the Darlington Retail Study 2004, carried out by independent consultants for the Council, contains a robust retail assessment of the catchment area of the town centre and confirms that there is both a qualitative and quantitative need for the kind of comparison goods shop units which would be provided by this proposal. Furthermore the study confirms that there will be sufficient capacity to accommodate the proposed floorspace without causing unacceptable impacts for other centres. In sequential terms, the location of the proposal is such that a more central one could not be found.

Of the remaining PPS6 tests, which the application must satisfy, officers consider that the scale of the proposal is acceptable. The town centre presently contains around 103,000 sq m of class A1 shop floorspace. The proposed increase in floorspace, deducting the floorspace set aside for class A3 restaurants and units lost from Queen Street as part of the development, will be around 19,000 sq m, which equates to an 18.4% increase over and above the existing town centre retail floorspace. The planning brief for the site required the scheme to comprise at least 25 new shop units and to have a minimum retail floorspace of 12,000 sq m but did not set a maximum size limit. Given this, the identified need for a department store which itself would have a floorspace of over 8,000 sq m and the capacity conclusions of the Retail Study, an increase in town centre floorspace of 18.4% is considered to be appropriate.

The applicants' supporting statements have addressed the test of accessibility at length. There is no more accessible location within the Borough by a choice of means of transport, including public transport, walking and cycling, than the town centre. This test is met convincingly.

The 'non PPS6 uses' which are proposed all satisfactorily accord in use terms with development plan policy and Government guidance. The car parking provision is less than previously permitted, but helps meet the Council's aspirations for a balanced distribution of public parking, primarily for short-stay needs and serving the town centre as a whole, from a previously-identified location. The reduced number of spaces to be provided represents an increase, over and above those to be removed, which is reasonable to serve the additional attractions which would be provided within the town centre without on the other hand causing an imbalance in the attraction of the car, compared with alternative, more sustainable modes of transport.

The current proposals do not raise any new issues in respect of their accordance with the Borough of Darlington Local Plan or the Tees Valley Structure Plan. Policies S1 (New Shopping Development) and S2 (Safeguarding the Town Centre) of the Local Plan and Policy TC1 (Maintaining and Enhancing the Vitality and Viability of Town and District Centres) of the Structure Plan are satisfied once again. Although the additional quantity of retail space proposed within the development will increase the likelihood of an adverse impact on some existing retailers and retail frontages within the town centre when it opens, it is considered that this should be short-term and the development will increase the attractiveness of the town centre to shoppers from within its catchment area and, consequently the vitality and viability of the centre as a whole.

Local Plan Proposal EP11.5 (Central Area Development Sites - Commercial Street) and Policy R24 (Leisure Facilities) indicate that a site such as this would be appropriate for the development of new leisure facilities for the town.

With regard to the Planning and Highway Requirements brief document prepared for the redevelopment of the Commercial Street site by the Borough Council in September 2001, and updated in 2004, the amended proposals do not raise any new issues in respect of their accordance with the Requirements.

The proposed residential development, as well as screening views from the car park from existing residential areas and from the Northgate Conservation Area, also accords with Local Plan Policy H5.16 (New Housing Development Sites – Kendrew Street) and 'Adding to Quality' to provide dwellings in the Kendrew Street area. The proposed corner shop, because of its very limited scale, similarly accords with Local Plan Policy S16 (Small Local Shops).

The principle of the proposed retail and leisure development is considered acceptable within the context of the national and local planning policy framework as set out above.

The proposal does however, give rise to a number of issues, the acceptability or otherwise of which need to be considered in greater detail as part of the decision making process and the report goes on to consider the application in the context of the following topics:

- Townscape and Visual Assessment
- Residential Amenity
- Cultural Heritage and Archaeology
- Air Quality
- Noise

- Ground Conditions and Contamination
- Flood Risk and Hydrology
- Transportation
- Construction Impact and Phasing
- Operational Relationship with the Existing Queen Street Shopping Centre
- Other Issues Raised by Objectors

Townscape and Visual Assessment

This section of the ES assesses the townscape and visual impact of the proposed development. Although outline planning permission has been granted for two similar schemes, the impact of the proposed development is considered in respect of the detailed proposals for the development of the site on the application site and surrounding area.

The northern and southern parts of the site lie within the Northgate and Town Centre Conservation Areas respectively. The part of the site that lies within the Town Centre Conservation Area includes the existing Queen Street Shopping Centre entrance on Bondgate/Prospect Place. Although the application does not propose any changes to this part of the site, the proposal must nevertheless be considered in terms of its impact on the character and appearance of the wider Conservation Area.

Policy E35 (Conservation Areas) of the Borough of Darlington Local Plan 1997 states that proposals for development in or adjacent to Conservation Areas will be permitted where they preserve or enhance the character or appearance of the area. In assessing the impact of development proposals, the Council will pay special attention to the loss of gardens and open spaces, to matters of detailed design and to the use of traditional materials. Policy E29 (The Setting of New Development) also requires new development, including alterations and extensions to existing buildings, to respect the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features, including gardens and other open spaces which contribute to the character of the setting, and not to materially detract from the appearance of its surroundings.

Policy E10 (Protection of Key Townscape and Landscape Features) states that development which, because of its height, scale, location or design would materially detract from the character and appearance of the skyline of the central urban area, will not be permitted. Policy E16 (Appearance from Main Travel Routes) also states that the appearance of the Borough from the main road network, the railway lines, the Teesdale Way and the proposed recreation routes will be maintained and enhanced by requiring new development to respect its setting, and to incorporate landscaping, which makes a positive contribution to the appearance of its surroundings.

Policy E9.2 (Protection of Parklands – North Lodge Park) states that development affecting the parks and gardens of landscape or historic interest listed, will not be permitted where it detracts from their character or appearance or prejudices either the survival or reinstatement of historic features including designed plantations.

The methodology used for the purpose of the assessment draws upon guidance contained with the ‘Guidelines for Landscape and Visual Assessment’ (Second Edition 2002) published by the Landscape Institute and Institute of Environmental Management Assessment and ‘Preparation of Environmental Statements for Planning Projects that Require Environmental Assessment – A Good Practice Guide 1999’. Relevant national and local planning policies have also been considered as part of the assessment. The assessment sets out the following aims:

- To establish the visual characteristics of the proposed development in relation to its surroundings to identify the likely effects of that development on the townscape;
- Estimate the magnitude of perceived changes in respect of townscape character and quality; and
- Provide an assessment of the nature and significance of these effects in accordance with the guidelines set out in Environmental Impact Assessment preparation.

In terms of baseline landscape character, the ES states that the land lying to the south of St Augustine's Way is presently in a mixture of commercial, retail, ancillary and car parking uses. It comprises a mix of development forms and sizes, which are predominantly two or three storeys in nature (with the exception of Regent House which is five/six storeys) and the Former United Reform Church on Union Street. Land to the north of Commercial Street is mainly in use for car parking although there are individual buildings located within or adjacent to the car park such as The Lounge, Regent House and the Church. In townscape terms this part of the site is mainly viewed from points along St Augustine's Way and the assessment considers it to be unattractive. The large surface car park does not contribute to the quality of the townscape and the individual buildings that are visible from St Augustine's Way have little or no architectural merit.

The former United Reform Church is considered to be a building of historic interest and value, which makes a positive contribution to the character of the area. It has townscape value in having an identifiable spire which is a landmark feature visible from both the Town Centre and Northgate Conservation Areas. Nevertheless as the building does not lie within a Conservation Area, nor is listed as a building of special architectural or historic interest, the Council has no control over its demolition. The demolition of the building has however been accepted by way of the previous outline planning permission. In the context of the redevelopment of the application site as a whole it was considered that the loss of the building was outweighed by the wider benefits a large-scale retail development such as this would bring to the economy of Darlington and the wider area. As such, the ES has not considered the loss of this building in townscape terms given that the loss of this building has been previously accepted.

The part of the site lying south of Commercial Street mainly comprises the existing Queen Street shopping centre. The external views of this part of the site from surrounding streets are extremely limited due to topography and the presence of existing buildings and the assessment considers the existing entrances to Queen Street shopping centre to have little or no functional merit in the overall townscape.

The Kendrew Street part of the site is currently occupied by a surface car park. The buildings surrounding the site have little townscape merit and include the Junior Unionist Club, Dr Piper House on King Street and the commercial/leisure buildings (public house and nightclub) on Gladstone Street. The assessment considers the site to have the appearance of backland, which does not contribute to the overall townscape of Darlington.

The northern part of this site and the area beyond lies within the Northgate Conservation Area and comprises North Lodge Park immediately opposite the proposed car park and the neighbouring residential areas. The residential properties around North Lodge Park are mainly two or two and a half storey terraced houses, of brick built construction with tiled roofs. The assessment considers the park itself to be a pleasant recreation space with a mature landscape, including a number of tall trees located along its southern boundary with Gladstone Street. It

considers the existing car park site to represent a transition area between the commercial and retail areas to the south of St Augustine's Way and the residential area to the north.

Having identified the baseline landscape character of the application site and the wider study area, the ES also contains a detailed analysis of the visual impact of the proposed development. The assessment considers the impact of the proposed development on a number of viewpoints in and around the application site, which were agreed at the scoping stage.

For the purpose of the visual assessment, the assessment plans show the principal northern elevation of the main retail and leisure scheme, which will face onto St Augustine's Way and which comprises the winter garden area in the north-eastern corner and the department store. Moving westwards along St Augustine's Way is the main atrium entrance of the scheme and the pedestrian bridge linking the proposed car park to the scheme. Further west of the entrance is the fenestration of the side/rear of the retail units which face King Street. The south elevation is shown, although views from the town centre (Prospect Place/Northgate) are very limited.

In terms of heights of the proposed development, the typical height of the department store fenestration above street level on St Augustine's Way will be approximately 16 – 17 metres (given St Augustine's Way slopes slightly upwards from east to west) with the glazed winter garden area in the north-eastern corner of the site being some 10 – 12 metres above street level. The atrium entrance and feature roof at the centre of the northern fenestration is also shown with the atrium being approximately 20 metres above street level and the feature roof being approximately 30 metres above street level.

The proposed development on the Kendrew Street site shows the residential development on the northern elevation abutting Gladstone Street with a three and a half storey development with a ridge height greater than the upper level of the car park. The residential development turns the corner onto King Street to further screen views of the car park behind from that direction. The southern elevation of the car park, facing St Augustine's Way, has an overall height of 13 metres above street level. The bridge link over St Augustine's Way will be brought into level two of the car park and into the first floor level of the shopping centre.

In the case of all 16 viewpoints the ES provides an analysis based on a series of before and after photographs and an assessment of the significance in environmental impact terms. The impact is defined on a scale ranging from substantial beneficial to substantial adverse. A plan showing the position of the 16 viewpoints is appended to this report.

In summary, in terms of the impact of the proposed retail and leisure element of the development (Commercial Street site) when viewed from key areas along St Augustine's Way, especially the principal entrance to the town at the Northgate roundabout, the ES concludes that in visual terms, the development is regarded as having substantially beneficial visual effects with the remaining views of the scheme along St Augustine's Way having between moderate and minor beneficial effects. With regard to the impact of the development on the Kendrew Street part of the site, the combination of changes in view is regarded as lying between negligible and moderate beneficial. The assessment considers that no particular mitigation of the scheme is necessary in the context of the visual effects. The potential impact of the multi-storey car park on the Northgate Conservation Area, most specifically North Lodge Park and the surrounding residential areas, has been mitigated by the residential element of the proposed development on the Gladstone Street and King Street elevations.

In terms of the impact of the proposed development on the character and appearance of the Town Centre Conservation Area, the proposed development is considered to preserve the existing character of the Area. As the visual assessment demonstrates, significant views of the proposed development from the south will not be gained, due to the change in levels and the presence of existing buildings. In respect of the Northgate Conservation Area, the proposed development is considered to enhance the character and appearance of this part of the Conservation Area. The proposed development will result in the loss of an existing surface car park, which cannot be considered to make a positive contribution to the character of the area. The proposed multi-storey car park, although significant in scale, does due to the presence of the residential development, which flanks its north and east elevations, limit the impact of the proposed car park when viewed from within North Lodge Park itself and the surrounding residential areas. The residential development has been carefully designed so as to reflect the predominant character of existing residential properties around North Lodge Park and the scale of the housing on the King Street elevation has been reduced to a more domestic scale, reflective of the recent development on Grace Court. There are other tall buildings within the vicinity of the site including Central House on Gladstone Street and Dr Piper House on King Street.

Concern has been expressed regarding the impact of the proposed development on North Lodge Park, in terms of the scale of the proposed development and the potential for the development to impair people's enjoyment of the park. The visual impact of the proposed development on the Kendrew Street part of the site was based on a total of 4 viewpoints within the Park itself and a further 4 on Gladstone Street and North Lodge Terrace. Of the 4 viewpoints within the Park itself, two of the viewpoints were assessed in terms of the proposed development having a negligible to minor beneficial impact, one assessed as minor beneficial or negligible visual impact and the fourth as having a minor beneficial impact. Views of the development from within the Park will be limited to a large extent by the tall trees on its southern boundary.

In terms of compliance with Local Plan Policy E9.1 (Protection of Parklands – North Lodge Park) the proposed multi-storey car park and residential development is located adjacent to the Park rather than within it. As demonstrated above the proposed development is not considered to unacceptably detract from the character or appearance of North Lodge Park, rather it is considered to enhance its character and appearance by removing the existing surface car park from its wider setting.

In lodging their objection to the proposed development on the Kendrew Street part of the site, the Friends of North Lodge Park have stated that the impact of the proposed development could be offset by a number of improvements to the Park funded by the developer, secured by way of Section 106 Agreement. The Planning and Highways Brief does not state that the developer would be expected to make a financial contribution to improvement works to the Park to mitigate against any perceived impact the proposed development would have on the Park. Rather the brief requires the proposed development to have appropriate regard to the fact that part of the site lies within the Northgate Conservation Area. As is demonstrated above, it is considered that the residential element of the development successfully minimises the impact of the multi-storey car park behind on the character and appearance of the Conservation Area, which includes North Lodge Park.

Office of the Deputy Prime Minister Circular 05/2005 – Planning Obligations states that the purpose of planning obligations is to make acceptable development, which would otherwise be unacceptable in planning terms. Planning obligations may also be used to secure a contribution from a developer to compensate for loss or damage caused by a development or to mitigate a development's impact. In this instance however the impact of the proposed development has

been mitigated against by the appropriate use and design of the residential development flanking the multi-storey car park and therefore additional mitigation is not considered necessary in this instance. A planning condition is attached requiring the residential development to be constructed at the same time as the multi-storey car park to ensure that its impact is mitigated from the outset of the development.

The Council's former Urban Design Officer considered the proposed development and concluded that the development provides a much-needed regeneration of the sites involved and that the retail and leisure element of the scheme will be a high quality extension to the existing shopping centre. The dramatic frontage to St Augustine's Way and the glazed winter garden to the Northgate roundabout make a positive contribution to the surrounding context.

As such the proposal is considered to comply with Local Plan Policies E35 (Conservation Areas), E29 (The Setting of New Development) and E10 (Protection of Key Townscape and Landscape Features).

Residential Amenity

The ES does not specifically address this issue as a separate chapter, rather the ES overall assesses the impact of the proposed development on residential amenity in terms of noise, air quality and construction impacts. The impact of these is considered under the relevant subject headings, however this section of the report specifically examines the proposal in terms of the impact of the multi-storey car park and new housing development upon existing residential development adjacent to the existing Kendrew Street site.

Local Plan Policy H11 (Design and Layout of New Housing Development) sets out a number of criteria against which new housing development should be assessed, to safeguard the amenities of existing residential properties, to ensure that new dwellings have appropriate amenity standards and spaces and to ensure that the proposed development relates well to the surrounding area to provide an attractive, efficient and safe residential development.

The impact of the proposed multi-storey car park and residential development upon the character and appearance of the wider area, including the Northgate Conservation Area has been considered in detail in the previous section of the report. In terms of its relationship with existing residential properties, the proposed residential development on the Gladstone Street facing elevation looks directly over North Lodge Park. As such it will not have a direct impact upon the amenities of any of the properties on Gladstone Street or North Lodge Terrace. The nearest residential property is located on the corner of Gladstone Street and North Lodge Terrace and is some 16 metres away, at an oblique angle, from the nearest proposed residential unit on the corner of King Street and Gladstone Street.

The most potentially sensitive impact of the proposed development will be the relationship with the new development and existing properties at Grace Court, on the corner of King Street and Gladstone Street. The scale of the residential element on the King Street elevation has been reduced to a more domestic two-storey scale, in keeping with the properties at Grace Court. A separation distance of 12 metres has been achieved between the existing properties on Grace Court and the new properties on the King Street elevation, which is comparable with separation distances between existing terraced properties on the surrounding streets.

The multi-storey car park will be visible behind the residential development on the King Street elevation, however this will be set back some 21 metres from the frontage of the properties on Grace Court. In this instance it is considered more appropriate to limit the more immediate

impact of the proposed flats on the existing properties on Grace Court than to impose three and a half or four storey development, which serves to restrict views of the multi-storey car park behind. Although the proposed car park will be visible, it is not considered that views of this part of the car park, which will largely be limited to King Street and Gladstone Street, will be so damaging to the character and appearance of the wider area so as to reduce amenities levels of the existing properties on Grace Court to an unacceptable level.

Although the proposed development could be considered to have an overbearing impact and may restrict light to some of the nearest properties, due to its scale, in an existing densely developed area, close to the existing town centre, in a mixed residential and commercial area, some impact on amenities levels is inevitable. The design of the car park and the flank residential development has been designed so as to keep any impact to a minimum. It is worth noting that no objections to the scheme have been received from any of the adjacent residential properties. On balance, the proposed development is not considered to unacceptably impact upon the amenities of existing residential properties so as to recommend refusal of the application on this basis.

The proposed units will be single aspect as they flank the car park. Bin storage, cycle parking and designated car parking spaces are all provided for within the scheme. None of the units will have any private amenity space, however this is not an uncommon feature in high-density developments in central locations. North Lodge Park opposite will provide amenity space for future occupants if so desired.

Cultural Heritage and Archaeology

Policy E33 (Archaeological Sites of National Importance) of the Borough of Darlington Local Plan states that proposals for development which would adversely affect scheduled ancient monuments or other archaeological sites of national importance or their settings will not be permitted. Policy E34 (Archaeological Sites of Local Importance) also states that where such sites exist or are thought to exist within a potential development site, the developer will be required to carry out an archaeological field evaluation. Proposals which could affect remains of local importance will be permitted provided that they allow for the preservation in situ of the remains or, where the Council decides that such preservation is not justified, that appropriate measures are made for the excavation and recording of the remains and the publication of the results. Planning Policy Guidance 16 (Archaeology and Planning) also advocates the preservation of archaeological remains in situ.

A desk based assessment of the application site, including a further 500 metres around it, has been undertaken. The assessment has considered information contained within the Durham County Council sites and Monument Record (SMR), the Durham County Record Officer and the Darlington Local Studies library. The application site does not contain any sites of national archaeological importance.

There are nine records within the site boundary, which appear on the Durham County Sites and Monuments Record. Five of the records relate to previous archaeological works in the form of desk based assessments and trial trenches. The remaining four records however are of particular relevance of the current application and include SMR 6418, which relates to the site of the First Methodist Church on the north side of Bondgate, which is now incorporated into the Poundstretcher retail unit. SMR 6960 relates to the site of the Primitive Methodist Chapel in Queen Street on the southern side of St Augustine's Way. SMR 6967 relates to the Union Street 'Bethel' chapel which was replaced by a new building in 1862. SMR 6968 relates to the Union Street Congregational Church, which was built in 1862 to replace the earlier Bethel.

The assessment reveals that the application site has a moderate to high potential for archaeological remains from the early medieval, medieval and post-medieval periods. Most notably the proposed development will result in the loss of 10 and 12 Union Street, the United Reform Church and Caretakers Cottage, which date from the post-medieval period.

In mitigation, the ES suggests that an assessment of the site, using aerial photographs and map regression, is undertaken to identify any areas that are available for archaeological trial trenching that may indicate the likelihood of surviving deposits. This will also take account of whether the type of development proposed is likely to have an effect on any potential below ground deposits. It is also recommended that a rapid building survey be undertaken in order to ascertain the level of building recording that may be needed within the application site.

The proposal has been considered by Durham County Council's Assistant Archaeology Officer who has advised that a planning condition be attached relating to the need to conduct further archaeological work on the site. This is to allow for a suitable evaluation and mitigation strategy to be agreed between the developer and the Local Planning Authority, in conjunction with the Durham County Council Archaeology Section, prior to the commencement on site.

Air Quality

Local Plan Policy E48 (Noise-Generating/Polluting Development) states that planning permission will not be granted for development which, by reason of the emission of noise or other pollutant, would be materially harmful to the amenities of existing or proposed residential or other pollution-sensitive areas. Policy H15 (The Amenity of Residential Areas) is also relevant and states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character with the quiet enjoyment of dwellings and garages in particular. The issue of noise is specifically addressed in the following section of this report.

The ES considers air quality with particular reference to the impact of the proposed development on local air quality from traffic emissions arising from the increased number of visitors to the site following its development. At the scoping stage it was identified that particular consideration should be given to the impact of traffic emissions on the residential properties in the vicinity of the Gladstone Street/King Street/North Lodge Terrace junction. This chapter also considers short-term nuisance impacts due to dust generated during the construction phase of the development and also the post-development uses of the site i.e. retail, leisure, housing and ancillary facilities. The chapter therefore considers the construction and traffic impacts of the proposed development.

The ES identifies a number of potentially sensitive receptor points for the purposes of this assessment, which were selected to be representative of the areas where exposure to traffic emissions generated by the development will be greatest. The receptor points comprise:

- 1: Offices at Bondgate House
- 2: Doctor Piper House, King Street
- 3: Offices at Lanson House
- 4: Housing on the corner of King Street and Gladstone Street.

Baseline air quality for the application site has been established using data from the Council's monitoring stations at St Cuthbert's Way and Cockerton Bridge and from Local Air Quality

Management (LAQM) datasets. Traffic flow data was also provided by Dennis Wilson Partnership, the transport engineers for the proposed development. The assessment of the proposed impact is based on a Stage 2 assessment provided in Volume 11, Section 3, Part 1 of the Design Manual for Roads and Bridges (DMRB). Traffic data is inputted for each road link being assessed, along with background air quality data for the LAQM grid square that the receptor falls within. The model then calculates the impact of traffic emissions at the receptor being assessed and adds it to the background values to give total pollutant levels at those locations. The process is repeated for each scenario under consideration, in this case '2008 no action' (assuming no development) and '2008 post development'. This enables a direct comparison between air pollutant levels in the two scenarios and allows the additional contribution of traffic generated by the proposed development to be quantified.

The model considers the key pollutants in respect of traffic emissions; nitrogen dioxide and particulate matter less than 10 microns in diameter (PM10). The long term National Air Quality Strategy (NAQS) objectives for each of PM10 and nitrogen dioxide, expressed as an annual mean concentration is 40ug/m³. The assessment indicates that a slight negative impact will arise at two receptors, housing on the corner of King Street/Gladstone Street and at Doctor Piper House. Although the '2008 post development' scenario shows increases in levels of both nitrogen oxide and PM10 over and above the '2008 no action' scenario, at each receptor both levels will remain well under the NAQS objective of 40ug/m³.

The ES states that it is difficult to effectively mitigate against the impacts of traffic emissions however the proposed development has been designed to make the development as accessible as possible to non-car users, designing a road layout that minimises traffic congestion and siting the entrances and exits for the site in such a way that vehicles are directed away from residential areas.

In terms of construction impacts, the ES identifies that during the construction phase dust emissions may potentially arise due to demolition, site preparation, construction and associated activities. Any impacts will by their nature be short-term and reversible and will be dependent upon wind direction and the relative location of potentially sensitive receptors. The prevailing wind direction in the UK is from the south-west and any dust generated during the construction phase will most frequently be carried towards the east and north-east of the application site. Such areas comprise the retail, commercial and leisure premises on Northgate and the north side of St Augustine's Way, those in the vicinity of Holly Street, Gladstone Street and the northern section of Northgate. The ES considers these locations as being of low sensitivity. The residential receptors at the junction of King Street and Gladstone Street and at North Lodge Terrace are of greater sensitivity and are located immediately to the west and northwest of the proposed car park. The ES considers that a nuisance impact may be caused to these properties on the infrequent occasion that the wind is blowing in this direction (from southeast to northeast).

This chapter of the ES concludes that dust emissions during the construction phase are likely to be minimal and that well-managed construction sites are unlikely to give rise to significant dust emissions. Dust emissions are readily mitigated and the ES sets out a number of good practice measures, which will be implemented to ensure that any residual impact due to dust emissions is negligible.

The Council's Environmental Health Officer has considered the proposed development both in respect of its impact on air quality arising from both traffic emissions and construction activities and is satisfied that the overall levels of air pollutants will remain within acceptable limits at all of

the receptors considered. Given the slight nature of the predicted impacts, a significant impact on air quality is not envisaged. The impact of construction activities on local air quality is identified as being short term and reversible. An appropriate planning condition is recommended to secure the implementation of a dust action plan. In view of the above considerations and subject to appropriate planning conditions, it is not considered that the proposed development, in respect of its impact on air quality, would have an unacceptably adverse impact upon the amenities of nearby residential properties and therefore complies in this respect with Policies E48 (Noise-Generating/Polluting Development) and H15 (The Amenity of Residential Areas) of the Borough of Darlington Local Plan 1997.

Noise

Once more Local Plan Policies E48 (Noise-Generating/Polluting Development) and H15 (The Amenity of Residential Areas) are applicable to this section of the ES. The content of both policies is set out in the previous chapter on air quality.

The ES considers the impact of the proposed development in terms of the noise impact arising from the use of the proposed multi-storey car park and also from the proposed service areas. In respect of the proposed noise impact associated with the proposed multi-storey car park, three receptor points were selected and background noise monitoring was carried out at these three points. These receptors include:

1. The entrance to North Lodge Park on the corner of Gladstone Street and North Lodge Terrace;
2. The corner of Gladstone Street and King Street; and
3. King Street on the north-east corner of Doctor Piper House Medical Centre.

The ES identifies that the principal noise sources during the day time noise survey were road traffic noise on Gladstone Street and St Augustine's Way, as well as noise from the park. Road traffic on Gladstone Street was the dominant road traffic noise. The assessment also considered the baseline traffic flow predicted for the development year (2008) as set out in the Transport Assessment, which also forms part of the ES.

When considered in the context of the additional traffic generated by the proposed development, based on a 2008 development year, the assessment identifies that in terms of direct impacts, there will be additional noise impacts resulting from on-site vehicle movements including those in the proposed multi-storey car park. However, the assessment considers that the proposed traffic noise from on-site movements should be transient in that any noise will be temporary as cars are driven in and out of parking bays and around the car park. The impact will also be mitigated, and noise levels attenuated, with localised screening from the new residential properties, as well as the construction design of the façade of the car park.

In terms of direct impact on the nearest residential properties on King Street (Grace Court), which are considered most susceptible to noise from the proposed development, the assessment shows that the greatest impact from the multi-storey car park is associated with afternoon peak road traffic. The proposed development would result in an increase of 2.9dB(A) over and above existing background noise levels. Based on guidance contained in The Calculation of Road Traffic Noise (CRTN), which provides information on road traffic noise assessment significance criteria, such an increase in noise levels would judge the impact of the proposed development at King Street to be at the upper threshold of the minimal change criteria. This increase in noise levels would have also a slight probability of being perceptible (3dB(A)) is recognised as the

threshold of perceptibility) but taken in the context of the existing noise climate, already dominated by road traffic noise, the assessment considers the impact to be insignificant.

Planning Policy Guidance Note 24 (Planning and Noise) refers to British Standard BS8223 for 'Guidance on Acceptable Noise Levels within Buildings', which sets appropriate standards for exposure to noise within buildings. The assessment demonstrates that the road traffic in the multi-storey car park will not result in significant noise levels within the proposed Gladstone Street residential properties, flanking the car park, and the noise levels specified in BS8223 can be achieved.

In terms of indirect impact, the assessment has also considered the impact of the additional traffic resulting from the use of the multi-storey car park i.e. the noise that is not physically associated with the operation of the multi-storey car park itself. The Transport Assessment identifies that the development would increase traffic gaining access to the site. Vehicular access to the proposed car park will be from St Augustine's Way, exiting back to St Augustine's Way via Holly Street and will not therefore pass directly in front of any of the noise sensitive receptors. This in turn will reduce traffic on Gladstone Street and surrounding roads, which use the existing parking facilities on Kendrew Street.

The assessment demonstrates that the increase in road traffic noise directly associated with the additional road traffic to the multi-storey car park will be insignificant. The associated increase in noise levels are barely perceptible to the human ear at the worst case and will be less as traffic is distributed over the road network. The assessment further considers that the noise specifically arising from the multi-storey car park traffic will not be detectable from the road traffic noise from the remaining vehicles on St Augustine's Way.

The assessment also considers the impact of the proposed service areas associated with the proposed development. In view of the frequent use of these areas by service vehicles such areas are considered as potential noise sources. Three service areas are proposed within the development. The main service yard will be created off the Northgate roundabout with the service area provided to the rear of existing properties on Northgate. Two other service areas are to be created, one which will be accessed off King Street to provide rooftop servicing to the existing Queen Street shopping centre, as presently exists nearby, and a smaller service area at the northern end of King Street, close to St Augustine's Way.

The assessment concludes that none of the service areas has the potential to create significant noise impact in respect of the nearest residential properties which are approximately 150 metres away on King Street and North Lodge Terrace. Significant noise attenuation will be provided by the proposed shopping centre extension and multi-storey car park and the assessment considers that the built development will provide at least 10 to 15dB(A) of attenuation. The plant room associated with the proposed development will be located in the lower ground floor (below the development), which will provide substantial noise attenuation and therefore create no direct noise impact.

The Council's Environmental Health Officer has considered this chapter of the ES and concurs with the conclusions of the report. It is suggested that a planning condition be attached requiring full details, including noise emissions, of all plant and machinery to be submitted and approved by the Local Planning Authority.

The Environmental Health Officer considers that there is potential for noise associated with the public house and nightclub on Gladstone Street to affect some of the new dwellings next to the

car park. This has not been specifically considered as part of the noise assessment. Although the gable end of the new dwellings facing the public house does not have any windows, it is recommended that a planning condition be attached to any permission requiring an assessment of this noise source and the impact of the dwellings, together with details of any noise attenuation measures for the nearest dwellings to be submitted and agreed with the Local Planning Authority. Such mitigation measures may include upgraded acoustic glazing and acoustically insulated trickle vents.

Similarly the proposed ground floor shop unit on the corner of Gladstone Street and King Street may be a potential noise source, however in the absence of any details regarding its intended use, the Environmental Health Officer suggests that it would be prudent to limit the use of the shop to either an office or shop and to prevent any hot food takeaway or restaurant use. It is also suggested that the opening hours of the shop be restricted by planning condition to avoid disturbance to adjacent residential properties due to late night or early morning use.

Ground Conditions and Contamination

This chapter of the ES considers the assessment of existing ground conditions and potential ground contamination of the site following a desk study. The ground investigation is to be undertaken in two phases. The first phase of investigation has been completed as part of the desk study, the findings of which are presented in the ES. This phase involved boreholes being dug on the site with depths of 25 metres and 46 metres respectively to determine geotechnical properties and geochemical analysis. Historical maps for the area were also assessed to consider the former uses of the site. The second phase would be a more rigorous and intrusive investigation and would be scoped to suit the needs of the development if planning permission is granted.

The Phase I investigation revealed that the site is underlain with glacial deposits and alluvium at varying depths. The upper layers consist of soft to stiff sandy/gravelly clay and loose to very dense silty/clayey/gravelly sand. The surface of the site is overlain by tarmac and concrete and made ground of varying depths.

The assessment suggests that there is a low probability of contamination on the site based on its former usage. Prior to its current use a surface car park, the area predominantly consisted of terraced housing. It is however believed that a petrol tank is buried on part of the site, which was formerly used as petrol filling station. Although the borehole logs do not show contamination of any significance, more detailed sampling and testing would need to be undertaken as part of the second phase site investigation to verify the initial conclusions.

The chapter concludes that following the first phase of site investigation no special measures would be required to address human health risks associated with the proposed development. The assessment also notes that the proposed development is also unlikely to affect any below ground aquifers. (Drainage is considered as a separate matter under the next heading). However further investigation work will be undertaken as Phase 2, the scope of which and any remediation measures would be the subject of further discussions with the Council as Local Planning Authority.

The Environmental Health Officer has considered the results of the preliminary ground investigation submitted as part of the ES. It is not considered that this raises any issues of major concern, however an appropriate planning condition, relating to land contamination, is attached to ensure that the appropriate level of site investigation and remediation is undertaken as part of the Phase 2 investigations, if Members are minded to approve the application.

Flood Risk and Hydrology

The application site lies outside of the flood zone. The flood zone maps indicate that the site lies entirely within flood zone 1 and is at little or no risk from flooding. However due to the scale and nature of the proposed development, the Environment Agency's Standing Advice clearly recommends that a Flood Risk Assessment (FRA) is required for the development in line with Planning Policy Guidance Note 25 (Development and Flood Risk). In preparing a Flood Risk Assessment, PPG 25 requires the development to be assessed in terms of flood risk generated by the proposed development and to address those risks by providing descriptions of methods to be employed to eliminate flooding.

Local Plan Policy E27 (Flooding and Development) states that development in areas at risk from flooding will not normally be permitted. Policy E28 (Surface Water and Development) requires new development to make provision for handling surface water run-off without increasing flooding risks.

The assessment states that based on Environment Agency advice, 1 in 100 and 1 in 200 year flood levels for the River Skerne local to the development area are 38.26m AOD and 38.42m AOD respectively. The lowest finished flood level in the development is 47.00m AOD at the point at which it connects to the existing Queen Street Shopping Centre. The assessment concludes therefore that the site is not at risk from river, tidal or coastal flooding.

The application site is served by a combination of combined sewers, surface water sewers and highway drainage. It is proposed to discharge surface water flows generated by the proposed development in two locations. Flows from the Kendrew Street part of the application site will be discharged into the existing surface water sewer in Gladstone Street. It is proposed to utilise the existing highway drain in Commercial Street to dispose of surface water flows from the development on the Commercial Street site. The use of this drain will require the Council's permission, however if this were not to be forthcoming, the assessment states that a separate connection to the existing public surface water sewer in Gladstone Street will be required. Both the surface water sewer in Gladstone Street and the highway drain in Commercial Street discharge direct to the River Skerne. Foul water will be discharged into existing combined sewers. As surface water flows are to be removed from the combined sewer network, the assessment assumes that there will be sufficient capacity for the proposed foul water discharges.

The assessment states that Northumbrian Water will not permit surface water flows into the combined sewer network and that the Environment Agency has advised that flows into the River Skerne either need to be restricted to the equivalent of existing run off or to the discharge from a 1 in 1 year storm event. This results in the need to provide surface water attenuation within the development. The assessment presents options for on-site attenuation for site A (the Kendrew Street site) and site B (Commercial Street site). Two options are given for site A either to restrict flows to a 1 in 1 year storm event or to restrict flows to the existing discharge rates as the initial drainage investigation works for this part of the site proved to be inconclusive. The proposal for site B is to provide on site attenuation of the required volume of 279m³.

The Environment Agency has considered the proposals for surface water drainage and considers the proposals for site B to be acceptable. Either of the options presented for site A are considered to be acceptable to the Agency in principle, however a planning condition is suggested requiring details of the surface water drainage works to be approved by the Local Planning Authority, in conjunction with the Environment Agency, once the preferred option for site A has been chosen. The Agency also raises no objection in respect of the foul drainage

proposals, although advises that the sewage undertaker (Northumbrian Water) be consulted to ensure that there is sufficient capacity in the existing surface water sewer. Northumbrian Water has also considered this part of the application and raises no objection.

As such the proposed development is considered to comply with the requirements of Local Plan Policies E27 (Flooding and Development) and E28 (Surface Water and Development).

Transportation

This chapter of the ES considers the transport effects of the proposed development and is read in conjunction with a Transport Assessment (TA), the scope of which has been previously agreed with the Council's Highways section. Capacity assessments are based on an assessment year of an assumed opening of the car park of 2008, plus an assessment in 2018.

Local Plan Proposal T19 (Multi-Storey Car Parks) safeguards land for multi-storey car parks at three sites within the town centre, one of which is Commercial Street. Proposal T20 (Town Centre Surface Car Parks) identifies the surface car park at Kendrew Street (East) as being retained for public use. 'Adding to Quality' the Town Centre Development Strategy identifies both the Commercial Street and Kendrew Street car parks as contributing some 950 parking spaces towards the overall parking provision in the town (600 at Commercial Street and 300 at Kendrew Street).

The proposed development includes several elements directly related to transport and access. The erection of the proposed multi-storey car park on the Kendrew Street site will provide 900 car parking spaces. The application site currently comprises surface car parks at both Commercial Street and Kendrew Street, which cumulatively provide 535 spaces. As such the proposed multi-storey car park will provide a net increase of 365 spaces. Although the overall parking provision will result in a shortfall of 50 spaces when considered against the target set by the Town Centre Development Strategy, the wider benefits of the scheme as a whole are considered to outweigh what is considered to be a relatively modest shortfall in parking numbers.

A total of 30 spaces for the new apartments built on the north and eastern flanks of the proposed multi-storey car park would be provided within the basement of the car park, with access to these spaces only off Gladstone Street. The car park will have segregated pedestrian links to the shopping centre via a high level bridge link over St Augustine's Way. In addition, a surface level link, replacing the subway, will be provided for pedestrians and cyclists in conjunction with the new traffic signal junction access to the car park.

The new traffic signal junction onto St Augustine's Way will provide vehicular access to the car park and this junction arrangement will also include pedestrian and cycle facilities across St Augustine's Way. These facilities will link to local cycle routes and pedestrian routes in the vicinity. Pedestrian and cycle links are to be provided at a number of locations. A bus lane is also to be provided westbound on St Augustine's Way. The development of the existing Commercial Street car parks will involve the stopping up of Commercial Street, part of Kendrew Street and the subway beneath St Augustine's Way. It will therefore be necessary to stop up this, and other sections of public highway, within the site and this would be subject to a separate process under Section 247 of the Town and Country Planning Act. This process would be undertaken by the Government Office for the North East.

The assessment identifies that there will be some disruption to the local highway network during the construction phase, however it is not anticipated that there will be any long term road

closures or diversions, although the installation of the pedestrian bridge is likely to require some closures, probably at weekends. It may also be necessary to reduce St Augustine's Way to one lane in each direction at times during the construction phase. The assessment considers the impact of the construction phase of the development to be minor adverse for the initial construction phase, becoming negligible for the main building phases.

The assessment of the proposed development on the local highway network is based upon capacity studies of agreed junctions within the vicinity of the site, based on the opening year of 2008 and also 10 years hence, in 2018. The assessment concludes that the greatest impact will occur at the Bondgate, Freeman Place/St Cuthbert's Way and Parkgate/St Cuthbert's Way roundabouts. A reduction will however be seen at the Northgate roundabout as the existing car parks on Commercial Street which use this arm of the junction will cease to exist. Beyond these junctions the impact diminishes given the number of routes available for the traffic to disperse. The assessment considers that the overall impact of the development would result in minor adverse effect on the local highway network.

In terms of the impact of the development on pedestrian facilities around the site, most notably the subway beneath Kendrew Street will be closed and replaced by an at grade crossing for pedestrians and cycles. The presence of both the proposed multi-storey car park on Kendrew Street and the shopping centre on Commercial Street will however prevent direct access across the existing surface car parks. There is presently a large volume of pedestrian traffic which use this route to access the town centre from the densely populated residential areas to the north of the application site. The scheme proposes that alternative routes for pedestrians will be provided around the edge of the multi-storey car park linking up with the new at-grade crossing over St Augustine's Way. Pedestrians will then be able to access the town centre either through the shopping centre during opening hours or will be able to walk alongside St Augustine's Way to access Northgate to the east or King Street to the west, outside of the centre's opening hours. The assessment considers the impact of the proposed development on pedestrian facilities to be minor beneficial.

Parking for cycles and motorcycles is to be provided at various points around the application site. The proposed development will also provide new links to the local cycle network.

Bus services pass close to the site and also travel along St Augustine's Way. A new bus lane is proposed westbound on St Augustine's Way. The developer is also agreeable to providing a new bus stop on the western side of St Augustine's Way close to the main entrance of the shopping centre. This matter will be dealt with by planning condition. There is insufficient width to provide another bus stop on the opposite side of the carriageway. The assessment concludes that the provision of a priority bus lane and the new bus stop would have a beneficial effect on public transport.

The new access to the multi-storey car park direct onto the ring road will also have the effect of removing existing traffic from roads within the town centre and concentrate those movements and the additional traffic onto a higher order road within the overall highway hierarchy. Most notably traffic currently associated with the existing surface car parks on Kendrew Street will be removed from Gladstone Street. Although access to the 30 residents spaces in the basement level of the car park will be gained from Gladstone Street, there will be no access to the multi-storey car park itself from this entrance. A Section 278 Agreement will be required for the proposed new access within the public highway.

The Council's Highway Engineer accepts the findings of the TA which demonstrates that there will be no adverse impact on the surrounding highway network. The design of the junction onto St Augustine's Way from the car park is a layout that has already been agreed by the Council in respect of the two previous outline planning permissions. As such no highway objection is raised to the proposal. Various planning conditions have been suggested relating to highway improvements on St Augustine's Way, location of cycle and motorcycle parking, works to the service accesses, street lighting and improvement works to the footway adjacent to the proposed residential development.

A Travel Plan has been prepared and submitted with the TA and considers various measures to promote and manage access to the site by means other than the private car. The travel plan specifically considers this both for customers of the centre and staff working within the centre. This has been submitted to the Council's Transport Policy Section for consideration and no objection has been raised to the proposed travel plan.

Construction Impact and Phasing

The ES considers the proposed development in respect of construction impacts and the phasing of development. Construction effects can be quantified in terms of those works, activities and processes involved in carrying out the proposed development, including excavation and earthworks, the erection and dismantling of buildings and structures, demolition and other works. Environmental effects arising from the construction period are inevitable and are likely to include noise and vibration generation, emissions to air (including pollutants, odour and dust), traffic movements (particularly HGVs) and the potential for sedimentation and pollution of water resources.

The assessment sets out the proposed sequence of development, which will be constructed on a phased basis to permit a controlled/manageable level of construction activity and associated construction traffic to be maintained, thereby minimising the local and environmental impacts during the overall construction programme period.

1. Enabling works – Assumed to commence in Autumn 2007, three months ahead of Phase 1.
2. Phase 1 – Construction of new multi-storey car park on the Kendrew Street site. This will enable the continued provision of car parking for the town centre while the development on Commercial Street takes place. Currently identified as commencing in early 2008.
3. Phase 2 – Construction of new retail development and interface with the existing shopping centre commencing summer/autumn 2008. Off-site highway works necessary for the operation of the completed development to run concurrently with this stage of the works.
4. Phase 3 – Construction of the new residential element of the scheme. Commencing spring 2008 and partly running concurrently with the new parking facilities.

In terms of impact of the proposed construction works, it is anticipated that the overall duration of construction works will be 30 months. The assessment identifies that the period for demolition and excavation is likely to be the most intensive period in terms of impact and will last approximately 6 months, in two phases, Autumn 2007 and Summer 2008. The areas where construction impact will be of significance will be traffic, noise, air quality and impact on permeability. The specific issues of noise, air quality and traffic have been considered previously under the relevant headings in this report and appropriate mitigation measures dealt with by way of planning conditions.

In terms of permeability, the assessment states that pedestrian access routes through the site will be interrupted for various time periods within the overall construction programme of

approximately 3 years. This will have an adverse impact of local significance and will particularly apply to the central part of the application site during Phase 2. It will be possible, however, due to Phase 1 comprising the construction of the new multi-storey car park on the existing surface car park at Kendrew Street, for access to be maintained through and/or around the main body of the site south of St Augustine's Way up to the commencement of Phase 2 which will be approximately 9 months into the construction programme, at which time the multi-storey car park will be available for public use. During Phase 2, pedestrian access will need to be diverted around the construction site.

The chapter concludes that the principal construction impacts relate to the operations on the site for an approximate two and a half to three year period, which primarily relate to traffic, noise, air quality, and to a lesser extent, permeability impact. These impacts are however temporary and estimated to be minor, particularly as the construction period will be controlled by a variety of other legislation and best practicable means for matters such as control of noise and dust emissions.

In view of the relatively short-term nature of the proposed development, it is not considered that the proposed construction impacts would have an unacceptable adverse impact upon the amenities of nearby residential properties or upon the general character and amenity of the surrounding area. Although some of the impact can be lessened by way of appropriate planning conditions, construction activities are also controlled by a variety of other legislation, which will further reduce the impact of the proposed development during the construction period.

Operational Relationship with the Existing Queen Street Shopping Centre

The existing Queen Street shopping centre is in separate ownership to the land at Commercial Street. Nevertheless the developer intends that the proposed development will form an extension to the existing Queen Street shopping centre and that the development, once complete, will operate as a single shopping centre. All the submitted internal layout plans show that this will be the case.

The developer has been in negotiations with the owners of the Queen Street shopping centre with a view to a possible joint venture between the two companies. The developer will be required to reach an agreement with the current owners in the same way that they will be required to acquire all other land interests within the application site. The scheme architect has advised that the developer and his team have been instructed by the current owners of the Queen Street shopping centre to prepare a planning application for Queen Street (alterations to existing entrances and signage) in due course. The intent is that a single, unifying design be implemented across both retail developments and as such it is anticipated that the interface with Queen Street will be seamless.

The connection with the existing shopping centre is considered essential not only to the success of the scheme but also to permeability through the town centre from the residential areas to the north. As such a planning condition is attached requiring the submission of details as to how the two centres will operate, including proposed operating hours.

Other Issues Raised by Objectors

The majority of objections raised have been addressed elsewhere in the report. The particular points raised by the proprietor of the National Schoolwear Centre have been passed to the developer for consideration. It is not for the planning process to determine whether or not a developer should compensate an individual for any losses or damage to business which may occur during the course of a particular development. If the developer is minded to fund

additional signage for the shop then such signs may need to be the subject of applications for advertisement consent.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

The principle of the proposed development has been accepted by the previous two outline planning permissions. The application has therefore been considered in respect of the detailed design of the proposed mixed-use retail, leisure and residential development in terms of compliance with any changes since 2004 in national and local planning policy, its townscape and visual impact, impact on residential and general amenity and the local highway network. The application was accompanied by an Environmental Statement (ES), which has been taken into consideration in determining the application.

The Transport Assessment (TA) submitted with the application demonstrates that the local highway network can accommodate the predicted development traffic in the opening year and 10 years hence (2008 and 2018), although there may be direct short term impacts to pedestrians and by the use of HGVs during the construction period.

The visual assessment undertaken as part of the ES demonstrates that the proposed development, while of a significant mass and scale, will not have significant impacts on any of the viewpoints considered. In the case of the development on Commercial Street the assessment considers that the provision of the new buildings, the feature entrance to the scheme and the pedestrian bridge will lead to an enhancement of the site in visual and townscape terms. Development of the multi-storey car park on the Kendrew Street, which includes part of the Northgate Conservation Area, has been designed so as to minimise its impact both on the character and appearance of the conservation area and also upon the amenities of nearby residential properties.

The proposed development complies with all relevant national and local planning policies, including a planning brief for the site.

RECOMMENDATION

THAT UNDER THE TOWN AND COUNTRY PLANNING (SHOPPING DEVELOPMENT) (ENGLAND AND WALES) (NO 2) DIRECTION 1993, THE APPLICATION BE REFERRED TO THE SECRETARY OF STATE (GOVERNMENT OFFICE NORTH EAST) AND THAT IN THE EVENT SHE DECIDES NOT TO INTERVENE, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)

- 4) B10 Test panel of materials
- 5) B11 Design and fitting of windows
- 6) Prior to the commencement of the development hereby approved, a scheme of phasing of development shall be submitted to, and approved by, the Local Planning Authority and shall be implemented in accordance with that scheme, unless otherwise agreed in writing, with the Local Planning Authority. The submitted scheme shall provide for the multi-storey car park on Kendrew Street to be constructed and be operational prior to the commencement of the shopping centre extension on Commercial Street and for the residential development to be built concurrently with the multi-storey car park.

REASON - To ensure the development is carried out in accordance with the planning permission and scheme of works, and to avoid any detriment to amenity that may be caused by any phase remaining incomplete.

- 7) Details of the proposed landscaping, to include landscape planting within the Winter Garden, shall be submitted and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. The submitted details should include a timetable for the implementation of the approved landscaping running concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally approved and plans.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

- 8) Prior to the commencement of the development hereby permitted, or any other such extended time as may be agreed by the Local Planning Authority, full details of all external plant and machinery, including noise emissions, shall be submitted to and approved by the Local Planning Authority. Thereafter noise emissions from such plant shall not exceed the background noise level by more than 5dB(A) when measured in accordance with BS 4142, 1997, at the nearest affected residential property.

REASON – To prevent noise and disturbance to nearby properties.

- 9) Notwithstanding the submitted noise assessment, prior to the commencement of the development of the residential development on the Kendrew Street site, a noise assessment shall be undertaken in respect of the licensed premises on Gladstone Street and its impact upon the residential properties on the Gladstone Street elevation of the multi-storey car park. The assessment should provide details of appropriate noise attenuation measures for the nearest dwellings, and shall be submitted to and approved by the Local Planning Authority in writing. Thereafter noise attenuation measures shall be carried out in accordance with the approved scheme.

REASON – To prevent noise and disturbance to nearby properties.

- 10) The proposed new service yard on King Street shall be used only by service vehicles between the hours of 4pm and 10am on any day.

REASON – In the interest of the safety of pedestrians using this area and to accord with the servicing arrangements in place elsewhere within the town centre.

- 11) The use of the ground floor shop unit on the corner of Gladstone Street and King Street shall be limited to retail use only defined as falling within Use Class A1 (Shops) of the Town and Country Planning Act 1990, as amended by the Use Classes (Amendment) Order 2005 and the General Permitted Development (Amendment) Order 2005.

REASON – In the interest of protecting the amenities of adjacent residential properties.

- 12) In accordance with condition 11 above, the ground floor shop unit shall operate only between the hours of 8am and 11pm.

REASON – In the interest of protecting the amenities of adjacent residential properties.

- 13) J2 Contamination

- 14) Prior to the commencement of the development a Dust Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To protect the amenities of the neighbouring dwellings.

- 15) J5 Wheel Washing Facility (Details)

- 16) Prior to the commencement of development hereby approved, a scheme for the piling of foundations (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, such a scheme shall include the following:

- a) An assessment of the likely vibration levels and details of any necessary mitigation measures;
- b) Details for the monitoring of vibration levels and details of any necessary mitigation measures;
- c) If necessary, a risk assessment for the protection of groundwater from any contamination which may be present on site.

REASON - To minimise any adverse impact on surrounding properties due to vibration and to protect groundwater resources.

- 17) Prior to the commencement of the development hereby permitted details of all external lighting to be provided within the development, including during the construction period and once operational, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, specification and a Lux contour plan to show the impact of the lighting on any surrounding residential properties. Thereafter the lighting shall be provided in accordance with the approved details and thereafter so maintained.

REASON – To minimise any adverse impact upon the amenities of adjacent residential properties.

- 18) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such a scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

REASON – To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 19) No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include evaluation, the implementation of an appropriate programme of building recording/analysis, and where appropriate, mitigation in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Local Planning Authority.

REASON – The site is in an area of high archaeological potential and contains buildings which are of architectural/historic significance. The specified works are required to record features of interest, inform works and mitigate impact.

- 20) J2 Contamination

- 21) Prior to the multi-storey car park hereby approved first being brought into use, or any other such time as may be agreed in writing by the Local Planning Authority, a scheme of highway improvements to include the construction of a traffic signal controlled junction and an at-grade pedestrian and cycle crossing on St Augustine's Way, shall be carried out in full to the satisfaction of the Local Planning Authority.

REASON – In the interest of highway safety and efficient traffic management.

- 22) The access and highway proposals required by condition 21 above shall include provision for the following matters, which shall first be agreed in writing by the Local Planning Authority:

- a) Details of a queue detector;
- b) Location of cycle and motorcycle parking;
- c) Precise location of the cycleway through the site.
- d) Improvement works to service accesses to the site from Northgate and Bondgate to include improvement works to the carriageways, footways and street lighting.
- e) Improvement works to the carriageways, footways and street lighting on Gladstone Street and King Street as part of the approved residential development.

The car park hereby approved shall be designed to Secure Car Park standard.

REASON – To ensure that the car park incorporates design features to deter crime.

- 23) Prior to the commencement of the development hereby permitted, or such other timescale which may first be agreed in writing by the Local Planning Authority, a management plan for the car park (which shall be formulated to ensure that priority is given to short stay parking) shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter the car park shall be run in conformity with the approved management plan.

REASON – To ensure that the car park is available predominantly for short stay parking to serve the needs of people visiting the town centre for shopping trips.

- 24) The development hereby approved shall not be commenced until all additional highways have been formally stopped up in accordance with the relevant statutory procedures.

REASON – The development as approved includes development on a number of public highways.

- 25) Prior to the apartments hereby approved first being occupied the residents and visitor parking as shown on drawing number P130 shall be provided and made available for use and thereafter maintained for that purpose.

REASON - To ensure that appropriate provision is made for off-street parking to serve the residential element of the proposal.

- 26) Prior to the opening of shopping centre hereby approved, details of public transport provision on St Augustine's Way, to include a bus shelter equipped with real time bus information and raised kerbs, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the occupation of the shopping centre.

REASON – In order to facilitate public transport access to the site in accordance with adopted planning policy.

- 27) No occupation of the development hereby approved shall take place until the Travel Plan prepared by Denis Wilson Partnership dated September 2006 and submitted as part of this planning application has been implemented in full.

REASON – To encourage the use of more sustainable and integrated modes of transport in accordance with adopted planning policy.

- 28) Prior to the commencement of the development hereby approved, or such other extended timescale that may be agreed by the Local Planning Authority, details of the gates or barrier to the proposed service yard to be created at the eastern side of the proposed shopping centre extension, accessed off the Northgate roundabout, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the gates or barrier shall be provided before the service yard becomes operational and in accordance with the details as approved.

REASON – In the interest of visual amenity and to deter public access to the area.

- 29) The refuse storage arrangements, shown on the approved plan (Drawing No. P130), shall be completed prior to any part of the accommodation hereby permitted being occupied.

REASON - To ensure that refuse can be properly stored and removed from the site as soon as the proposed use of these premises commences.

30) J8 Artwork

31) Notwithstanding any of the details of the proposed shop frontages and display windows shown on the approved plans, all external windows facing St Augustine's Way and King Street shall be used for display purposes only and shall not be used for storage purposes.

REASON – In the interest of maintaining an active frontage onto the main facades of the building hereby approved, in the interest of visual amenity.

32) Notwithstanding any details provided within the submitted application or any of the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) Precise details of the proposed layout and use of the Winter Garden. Such details shall include the provision of a café or refreshment facility, a public exhibition space and details of landscape planting to be provided within the Winter Garden.

(b) Precise details of the relationship of the approved development with the existing Queen Street Shopping Centre to include details of the proposed opening hours and operational interface between the two centres; and

(c) Details of the proposed opening hours of the leisure element of the development hereby approved and how this will relate to the remainder of the shopping centre, including the Queen Street shopping centre. Such details shall give priority to ensuring the development provides optimum permeability through the site out of normal operational hours.

REASON – To ensure that the development hereby approved operates effectively with the existing Queen Street shopping centre in the interest of maintaining permeability through the site and the town centre as a whole.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The principle of the proposed development has been accepted by the previous two outline planning permissions. The application has therefore been considered in respect of the detailed design of the proposed mixed-use retail, leisure and residential development in terms of compliance with any changes since 2004 in national and local planning policy, its townscape and visual impact, impact on residential and general amenity and the local highway network. The application was accompanied by an Environmental Statement (ES), which has been taken into consideration in determining the application.

The Transport Assessment (TA) submitted with the application demonstrates that the local highway network can accommodate the predicted development traffic in the opening year and 10 years hence (2008 and 2018), although there may be direct short term impacts to pedestrians and by the use of HGVs during the construction period.

The visual assessment undertaken as part of the ES demonstrates that the proposed development, while of a significant mass and scale, will not have significant impacts on any of the viewpoints considered. In the case of the development on Commercial Street the assessment considers that the provision of the new buildings, the feature entrance to the scheme and the pedestrian bridge will lead to an enhancement of the site in visual and townscape terms. Development of the multi-storey car park on the Kendrew Street, which includes part of the Northgate Conservation

Area, has been designed so as to minimise its impact both on the character and appearance of the conservation area and also upon the amenities of nearby residential properties.

The proposed development complies with all relevant national and local planning policies, including a planning brief for the site.

INFORMATIVE

Natural England

The applicants should be informed that the granting of planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms of any licenses required as described in ODPM Circular 06/2005 Part IV B and C.

Northumbrian Water

Water Supply

The developer should make early contact with G Telford Tel 0191 419 6509 for details regarding a water supply and the cost involved.

Production

New discharges of foul and surface water must be on separate systems.

Surface water discharges must be prevented from entering public surface water or combined sewers. Surface water flows must be discharged to soakaways, suitable infiltration systems, streams, watercourses, the sea and at a last resort the public sewer. If the surface water or combined sewer is the only possible means of discharge, Northumbrian Water must be consulted. Contact Mr L Hope Tel 0191 419 6533. Surface water will not be permitted to enter foul sewers.

All connections to public sewers must be carried out by Northumbrian Water. The developer must contact Mr D Greenwood at our Pity Me Office Tel 0191 301 6696 to discuss details of any new connections to the sewerage system.

The proposed development will/may affect the public sewer. The applicant must contact L Hope Tel 0191 419 6533 for further information.

Durham County Council Archaeology

The developer, or archaeological consultants, should contact Durham County Council Archaeology department as soon as possible so that a suitable evaluation and mitigation strategy can be devised and timetabled accordingly into the development programme. Contact Lee White, Assistant Archaeology Officer, Adult & Community Services, Culture & Leisure, Durham County Council, Rivergreen Centre, Aykley Heads, Durham DH1 5TS. (0191) 370 8846.

Highway Matters

The applicant is advised that works are required within the public highway that will need to the subject of a Section 278 Agreement (Highways Act 1980) and contact must be made with the Highways Manager (Contact Mr S Brannan 01325 388755) to discuss this matter.