



# Commercial Street Development: Planning and Highway Requirements

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(Revised October 2004)

Development & Environment Department,  
Darlington Borough Council,  
Town Hall,  
Darlington  
DL1 5QT

## **1. VISION AND OBJECTIVES**

1.1 The Borough Council has adopted a Development Strategy<sup>1</sup> which aims to create a leap in the nature of what the town centre has to offer. To achieve this, new development must be of a scale and quality to significantly increase the centre's mass of attractions and raise its position relative to competing centres.

1.2 The Commercial Street site is the prime opportunity to realise the aim through retail development.

1.3 The development should complement the existing attractions and amenities of the centre and be physically and functionally well integrated with it. It must have good pedestrian links to the rest of the centre.

1.4 The Council is about to implement a substantial public realm and bus re-routing scheme, known as the Pedestrian Heart. This will substantially upgrade the environment and ease of use for shoppers of the main shopping streets.

1.5 There are two extant outline planning permissions relating to the site, both of which relate to the erection of an extension to the Queen Street shopping centre on the Commercial Street site and the erection of a multi-storey car park on the Kendrew Street site. The two sites are to be linked by a bridge over St Augustine's Way.

## **2. LAND USES**

### **Retail provision**

2.1 A mix of uses will be welcomed within the development but the major component must be retailing.

2.2 The key is to create a shopping development which will contain retail units of a size and quality that will widen Darlington's representation of non-food, multiple and

specialist retailers, in particular in the fashion and lifestyle sectors.

2.3 These will be mainly units of around 300-400m<sup>2</sup>. The development should preferably be anchored by a department or variety store.

2.4 The Council does not wish to specify a maximum size but the development will be expected to comprise at least 25 new shop units and a minimum retail floorspace of 12,000m<sup>2</sup> (gross).

2.5 The provision of a food supermarket is not a requirement but nor is it ruled out. However, if proposed by the developer, any such store must be additional to the requirements set out above.

2.6 The Council will permit a small proportion of the shop units to be used for class A3 food and drink outlets or class A2 services<sup>2</sup>. The creation of a food court, for example in a central space, will be acceptable and will not count towards this allowance if it does not derive from the use of shop units.

### **Multi-storey car park**

2.7 The second essential land use requirement is for a public multi-storey car park with a capacity of around 650 spaces (see paragraph 2.12 for the Kendrew Street site).

2.8 A larger capacity may be permitted if:

- the additional traffic can be accommodated within the capacities of surrounding roads; and,
- the provision remains consistent with the Council's overall parking strategy for the town centre.

2.9 Detailed requirements for the design and management of the car park are set out in later sections.

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<sup>1</sup> 'Adding to Quality, A Development Strategy for Darlington Town Centre', February 2001.

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<sup>2</sup> Town & Country Planning (Use Classes) Order 1987.

### **Other uses**

2.10 The Council would welcome a mix of other uses on the upper floors of the development, for instance residential and/or office accommodation. These should have independent external access.

2.11 There may be a commercial need for a nightclub/pub to replace The Lounge, which will be lost to the development, but this is not a planning requirement for the site and relocation could be to elsewhere in the town centre. Other leisure uses would be welcome as part of a mixed development.

### **Kendrew Street**

2.12 The Council envisages that the development of the Commercial Street site will involve the existing car park site at Kendrew Street to the north. While the Council will permit the development of either Commercial Street and Kendrew Street or Commercial Street alone, the development of the Kendrew Street site only will not be acceptable.

2.13 The non-retail development of the Kendrew Street may be acceptable. Indeed both extant outline planning permissions relate to the provision of a multi-storey car park to serve the retail development on Commercial Street. If both Kendrew Street car park sites are included in the scheme, then the total target for short-stay parking in the development is 950 spaces (including the 650 target for the Commercial Street site alone). Other alternative uses may include residential and/or office uses, however in considering such alternative uses the loss of public car parking, together with traffic generation, would need to be addressed.

2.14 There are a number of constraints to developing this part of the site, which should be borne in mind when considering development opportunities for this part of the site. The northern fringe of the site lies within the Northgate Conservation Area and a high standard of design will be expected in order to preserve or enhance the character and appearance of the Conservation Area. The site is also in close proximity to residential properties on North Lodge Terrace, Thornton Street and recent residential development on the Gladstone

Hall site to the east; the scale and uses in development of this part of the site needs to be appropriate to the residential surroundings.

## **3. URBAN DESIGN**

### **Design**

3.1 A high-quality urban design is required, in view of the conspicuous nature of the site and the important role the development is expected to play in raising the profile of the town centre. The Council has no express preference for either a 'modern' or 'traditional' style but the design should reflect the better aspects of Darlington's townscape character and relate well to adjacent buildings and spaces.

3.2 Essential requirements are:

- to create a strong gateway or 'statement' building for the town centre;
- to present a positive face to St. Augustine's Way, improving the appearance both of and from the inner ring road; and,
- to present an attractive frontage to Northgate.

3.3 The development should aim to enhance the appearance and vitality of the adjacent areas of King Street and Union Street.

3.4 The design of the development should take into account the possible future provision of housing on sites to the north of the inner ring road, in the Archer Street area.

3.5 The design proposals should be presented in a way which helps the Council and general public to assess them. Virtual reality modelling should be considered.

### **Public art**

3.6 The development should embrace public art, and in particular elements of local art and craft traditions. An artist should preferably be involved in the design team from the outset.

3.7 At the least, the developer should commission and install new works of visual art in visually prominent locations within the development.

3.8 Advice will be available from Northern Arts.

### **Public realm improvements**

3.9 The developer will be required to contribute to enhancements to the public realm in areas adjacent to the development. In particular:

- pedestrian and environmental improvements in Northgate;
- landscaping improvements in St. Augustine's Way.

## **4. ACCESS & ACCESSIBILITY**

### **Transport Assessment**

4.1 A Transport Assessment will need to be submitted alongside the planning application for the development. It will cover matters set out in a scoping document to be previously agreed between the Council and the developer, including:

- assessment of road network capacities;
- means of access;
- level of parking provision; and,
- details of pedestrian, cycle and public transport facilities.

Transport Assessments have already been carried out and the indications are that there is sufficient capacity in the highway network adjacent to the site to accommodate a significant retail development.

### **Travel Plan**

4.2 A Travel Plan must also be submitted at the same time as the planning application, with the aims of:

- maximising the proportion of customers, staff and residents who use sustainable means of transport;
- ensuring the development is accessible by all modes of transport;
- improving road safety and personal security; and,
- ensuring environmentally-friendly delivery methods.

4.3 The Plan should include modal split targets and detail the method of implementation.

### **Vehicular access**

4.4 Subject to the Transport Assessment, the principal vehicular access could be from a new ring road junction located approximately midway between the existing Northgate and Bondgate roundabouts and created at the developer's expense. The principal vehicular access to the development need not be restricted to this point and it is possible that an alternative access at the point of the existing Commercial Street/Bondgate junction may be acceptable if the development is restricted to the Commercial Street site.

### **Buses**

4.5 The Council has agreed a change in the access arrangements for buses, with a view to creating a more pleasant and safer central area. As part of the Pedestrian Heart Scheme, this will re-route bus services which presently use Bondgate along St Augustine's Way and into the town centre via the Northgate roundabout.

4.6 This will have beneficial implications for the Commercial Street development as the majority of the bus services will enter the town via the Northgate roundabout with bus stops on Northgate to the east of the development. It is anticipated that the revised arrangements are likely to be implemented before the completion of the Commercial Street development.

4.7 The developer will be required to work closely with the Council in the provision of the new bus facilities and pedestrian links for passengers, including making financial contributions to the costs.

### **Pedestrian and cycle links**

4.8 The development must provide good pedestrian links from both its car park and retail components to the existing main streets of the town centre, notably Northgate and the Queen Street / Bondgate / Prospect Place area.

4.9 It should additionally:

- retain and improve the existing pedestrian link from the town centre to Kendrew Street;
- facilitate the provision of a parallel cycle link; and,
- explore the feasibility of providing these by way of surface crossings of the ring road.

### **Accessibility**

4.10 The design and layout of the development should make provision for the particular access needs of elderly and disabled people and those with young children.

### **Taxis**

4.11 Provision should be made for waiting and setting down by taxis in locations to be agreed with the Council, in consultation with the Darlington Taxi Liaison Group.

### **Servicing**

4.12 All servicing should be from within the curtilage of the development, with none taking place from adjacent highways. Vehicles should not have to reverse out onto adopted highway. Rear access to existing nearby buildings should be provided or improved where possible.

### **Standards**

4.13 Roads and paths intended for public use should be constructed to adoption standards or better. Any pedestrian and cycle paths should be safe, secure, convenient, direct, attractive and commodious.

## **5. PARKING**

### **Car park standard**

5.1 The car park must be designed to 'Secured Car Park' standard or higher, incorporating effective measures to create a safe, secure and pleasant environment.

### **Car park management & operation**

5.2 The car park should be operated in a way which meets the needs of the town centre as a whole.

5.3 Priority in the management of spaces should be given to short-stay parking.

5.4 A detailed agreement will be required between the Council and the developer in respect of the operator for the car park and financial issues.

### **Car park signing**

5.5 Signing for the car park, including variable message signs, should be capable of being incorporated into a co-ordinated town centre system.

### **Car parking for disabled people**

5.6 Designated provision should be made within the car park for parking by disabled people in accordance with the Council's standards and as to be agreed in the Transport Assessment.

### **Motorcycle parking**

5.7 Provision should be made within the car park for the parking of motorcycles. The standards will be agreed in the Transport Assessment.

### **Cycle parking**

5.8 Provision should be made, either within or outside the curtilage of the development, for safe, secure and convenient cycle parking for customers.

5.9 Provision should also be made within the curtilage for safe and secure cycle parking for staff (who should also be provided with showering and changing facilities) and, if appropriate, residents.

## **6. OTHER MATTERS**

### **Community safety**

6.1 The development should be designed to create a safe and secure environment throughout and to reduce opportunities for crime. The Durham Police Architectural Liaison Officer should be consulted on all relevant aspects of design.

6.2 Closed-circuit television monitoring linked to the town centre CCTV system should be incorporated into the development.

### **Energy conservation**

6.3 The development should use energy-efficient materials and construction techniques wherever possible.

### **Public toilets**

6.4 The development should provide public toilets (including toilets accessible to disabled people) and facilities for baby-changing. They should be operated and managed as part of the shopping scheme.

### **Childcare facilities for staff**

6.5 The developer should consider the need for crèche and childcare facilities for staff.

### **Archaeology**

6.6 The Borough Council commissioned an archaeological assessment of the area occupied by the Commercial Street car parks. The consultants concluded that:

*'With the exception of a few sherds of pottery, no evidence for archaeological deposits predating the 19th century was recovered. There is no recommendation for further archaeological works (on the car parks site) in advance of development'<sup>3</sup>.*

6.7 A further desk top study was undertaken, on behalf of the applicant, as part of the most recent outline planning application, to include the enlarged site around Union Street. The assessment identified that the remaining buildings on the site date back to the 19th and 20th centuries and recommended that a programme of archaeological recording of the buildings be undertaken prior to the development of the site, followed by a programme of trial trenching following the removal of the buildings. The full archaeological condition was attached to the most recent outline planning permission.

6.8 The developer will be required to commission a desktop study and field evaluation for any part of the develop-

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<sup>3</sup>Archaeological Services University of Durham, ASUD Report 844, September 2001

ment site which has not been previously examined and to submit the results as part of the planning application. Where the development could affect archaeological remains of local importance it should allow the preservation of the remains in situ or, where that is not justified, satisfactory arrangements should be made for their excavation and recording and the publication of the results.

### **Contaminated land**

6.9 Ground conditions throughout the site must be investigated to establish whether any potential risk exists from contaminated land. The investigation should address all relevant potential hazards, pathways and targets

6.10 The risk assessment should be conducted in accordance with published CLEA guidelines or other recognised guidance<sup>4</sup>.

6.11 Voluntary remediation proposals for the treatment of all contaminated land should be approved prior to commencement of the development.

6.12 The development should be carried out in accordance with procedures set out in the Council's Contaminated Land Inspection Strategy.

### **Flood Risk**

6.13 The Environment Agency's Standing Advice recommends that a Flood Risk Assessment is required for any development on this site.

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<sup>4</sup> e.g. Environment Agency/ NHBC R&D Publication No. 66 (Guidance for the safe development of housing land affected by contamination) or Occupational Exposure Levels published by HSE.

## Background Information for Prospective Developers

Site description	<ul style="list-style-type: none"> <li>• The largest part of the development site is currently occupied by the twin Commercial Street public car parks, East and West. These are owned and run by the Borough Council.</li> <li>• The car parks are separated by a public footpath which leads via a subway underneath the ring road to the Kendrew Street area.</li> <li>• The next largest parcel of land is occupied by The Lounge. The freehold of the ground is owned by the Borough Council but let on a long lease.</li> <li>• To the south of the Commercial Street West car park are four small plots of land in use as follows: <ul style="list-style-type: none"> <li>⇒ an electricity sub-station on land leased from the Borough Council;</li> <li>⇒ a landscaped area owned by the Borough Council, consisting of a grassed area, boundary planting and trees;</li> <li>⇒ an elongated, private parking area created within the shell of partially-demolished brick outbuildings;</li> <li>⇒ a very small, privately-owned storage building (possibly in the same ownership as the parking area).</li> </ul> </li> </ul>
Site history	<ul style="list-style-type: none"> <li>• The site is within the historic core of the town and is likely to have a history of habitation and development going back centuries.</li> <li>• From the early 19th century until the 1960s it was occupied by a mix of terraced houses and commercial, community and social uses, arranged on a grid layout.</li> <li>• The properties were gradually cleared to remove sub-standard housing, to make way for Stage III of the inner ring road (St Augustine's Way) which opened in 1973, and to allow the construction of Commercial Street along its current alignment.</li> <li>• The club building (The Lounge) opened in 1977 as the Durlia Social Club.</li> </ul>
Kendrew Street East development site	<ul style="list-style-type: none"> <li>• The developer may wish to consider the possibility of a complementary development for car parking on a nearby site at Kendrew Street East, to the north of the inner ring road. It is presently in use as a 95-space surface car park. The Town Centre Development Strategy proposes that it be developed as a multi-storey car park, with a capacity of around 300 spaces. A linked development would help reduce the severance effect of the ring road.</li> </ul>

Development Plan	<ul style="list-style-type: none"> <li>• The relevant components of the development plan are: <ul style="list-style-type: none"> <li>⇒ the Borough of Darlington Local Plan (adopted November 1997); and,</li> <li>⇒ the Tees Valley Structure Plan (adopted 2004).</li> <li>⇒ Regional Spatial Strategy (formerly RPGI).</li> </ul> </li> <li>• There are no minerals or waste local plan policies directly relating to the site.</li> </ul>
Local Plan	<ul style="list-style-type: none"> <li>• The Plan identifies the site as a 'central area development site' within the town centre, suitable for travel intensive uses such as offices, shopping, leisure and hotels. Such development is to be in conjunction with that of a multi-storey car park (Proposals EP11.5 and T19).</li> <li>• Policy S1 states that shopping development will be permitted within the town centre provided it is not of a form which would undermine its vitality and viability.</li> <li>• Policy S2 states that the Council will safeguard and enhance the vitality and viability of the town centre.</li> <li>• The Proposals Map identifies the town centre's primary and secondary shopping frontages. The nearest primary frontages to the site are Northgate and Queen Street. Bondgate is secondary.</li> <li>• The adjacent section of the inner ring road, St Augustine's Way, is identified in the Plan as part of the Borough's main road network.</li> </ul>
Structure Plan	<ul style="list-style-type: none"> <li>• This sets out very similar policies to the Local Plan but at a strategic level. TC1 is the keynote policy for development within the town centre: <p style="margin-left: 20px;">"The Tees Valley authorities will seek to maintain and strengthen the vitality and viability of the town and district centres. Measures will include:</p> <p style="margin-left: 20px;">(ii) encouraging a mix and diversity of uses within the centres and the provision of a wide range of retail, leisure, social, educational, cultural, residential and commercial facilities".</p></li> </ul>
Regional Spatial Strategy (formerly RPG1)	<ul style="list-style-type: none"> <li>• Policy RD1: Development Plans should ensure the preferred location for new retail development is in existing centres.</li> </ul>
Supplementary planning guidance	<ul style="list-style-type: none"> <li>• The Borough Council has adopted supplementary planning guidance of direct relevance to the development site: 'Adding to Quality: A Development Strategy for Darlington Town Centre', February 2001. The implications of the Strategy for the site are set out in the Planning and Highways Requirements, above.</li> </ul>

Other planning information	<ul style="list-style-type: none"> <li>• The Commercial Street site lies outside, and to the north of, the Town Centre Conservation Area. Part of the Kendrew Street site lies within the Northgate Conservation Area.</li> <li>• There are no listed buildings within or abutting the site.</li> <li>• There are no Tree Preservation Orders in force within or abutting the site.</li> <li>• There is no known nature conservation interest within the site.</li> </ul>
Public art	<ul style="list-style-type: none"> <li>• The Borough Council's Head of Theatre and Arts makes the following comments which may be helpful when considering the public art element of the development. They are personal views rather than those of the Borough Council:             "It would be good see where possible the visual arts element incorporated in to the total design of the development. I believe that unless 3D sculpture has a huge visual impact or is of particular relevance to a community on the whole they should be avoided. Having said that Darlington is particularly short of water features (not fountains in the true sense of the word) and high impact lighting design. The other thing which would make a strong statement is neon text art.             "You may also have seen a very imaginative clock representing the North wind unveiled in the region - we have two very dominant clock towers already in town - it's a theme worth keeping in mind."</li> </ul>
Borough Council contacts	<ul style="list-style-type: none"> <li>• Planning – Lisa Hutchinson (01325) 388588; e-mail <a href="mailto:Lisa.Hutchinson@darlington.gov.uk">Lisa.Hutchinson@darlington.gov.uk</a></li> <li>• Highways – Harry Alderton (01325) 388748; e-mail <a href="mailto:Harry.Alderton@darlington.gov.uk">Harry.Alderton@darlington.gov.uk</a>.</li> </ul>

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