

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6th July 2011

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APPLICATION REF. NO:	11/00178/DCLB
STATUTORY DECISION DATE:	21/05/11
WARD/PARISH:	North Road
LOCATION:	North Road / Whessoe Road, Darlington
DESCRIPTION:	Partial demolition of railway bridge wall and rebuilding in alternative position.
APPLICANT:	Mr Paul Wildsmith

APPLICATION AND SITE DESCRIPTION

The scheme has been produced by this Council aiming to improve traffic flows at the Whessoe Road/ North Road/Albert Road junction north of the town centre. The main element is a link road that runs from North Road opposite Albert Road northwards to Whessoe Road. The land is now unmanaged grassland but was once the Hopetown Goods Yard. This scheme forms part of the Tees Valley Bus Network Improvements project in Darlington and seeks to increase public use of buses through a mix of physical improvements, information and marketing.

This particular scheme is intended to improve the punctuality and reliability of buses in the North Road area. In addition the scheme is intended to improve conditions for pedestrians and cyclists and improve links with the River Skerne Cycle Route and other benefits such as improving access to the railway station and Museum.

The provision of this new road will necessitate the realignment of the roadside wall running from the railway bridge northwards on the west side of North Road.

The railway bridge is a Grade II Listed Building and as such the attached retaining walls along North Road are also Listed. It is intended to remove some 87 metres of the existing retaining wall and reuse the material to rebuild a new section of wall some 33 metres long of the same height and design as the remaining wall and running around the splay of the new road to form a gateway/entrance feature into the Conservation Area from the north and to enhance the portal area of the bridge.

PLANNING HISTORY

There is no planning history associated with this site.

PLANNING POLICY BACKGROUND

This proposal needs to be carried out having due consideration for the high number of heritage assets, some of which are high grade, in order to accord with the Darlington Core Strategy Development Plan Document and with national Planning Policy Statement 5: Planning for the Historic Environment (hereafter PPS5) and. The following policies are particularly relevant:

Policy CS14: Promoting Local Character and Distinctiveness

...E. Protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology as well as:

...13. buildings and features that reflect Darlington's railway, industrial and Quaker heritage; and...

The Listed bridge wall proposed to be partially demolished and other heritage assets in the area are covered in point 13 above, as Darlington's railway and industrial heritage.

PPS5 HE9.1 There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments,¹⁴ protected wreck sites, battlefields, grade I and II listed buildings and grade I and II* registered parks and gardens, World Heritage Sites, should be wholly exceptional.*

HE9.4 Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and*
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.*

HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on

the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

HE12.3 Where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Developers should publish this evidence and deposit copies of the reports with the relevant historic environment record. Local planning authorities should require any archive generated to be deposited with a local museum or other public depository willing to receive it. Local planning authorities should impose planning conditions or obligations to ensure such work is carried out in a timely manner and that the completion of the exercise is properly secured.

RESULTS OF CONSULTATION AND PUBLICITY

English Heritage –

We were consulted on the proposed removal of the wall at pre-application stage back in January 2010. Our advice at that time was that whilst the retaining walls are ancillary to the main listed structure, a clear case must be made for their demolition and the proposed design amended to mitigate against the impact of their loss.

The bridge and abutments are an important part of the Stockton to Darlington Railway infrastructure and, whilst they are listed "partly" for group value, they have significance in their own right. The stone abutments form a visual support to the bridge itself, framing the neck of the crossing and forming an entrance into the conservation area. North Road is a long, arterial route into the town centre bounded on both sides by buildings on the back edge of the pavement, or at least behind a strong boundary wall. This strong sense of enclosure is very urban and an important characteristic of the locality.

The demolition of the abutments to the north of the bridge would harm the significance of the listed bridge but it would be less than substantial harm and so must be assessed against policy HE9.4 of PPS5. The Local Planning Authority should therefore consider if the application presents a clear and convincing case that the development will bring public benefits that outweigh the irreversible loss of historic fabric. In our view, a case may be made that the public benefit to the area's transport infrastructure outweighs the harm caused by demolition however we feel that further design work is necessary to mitigate against the harmful impact of the demolition before listed building consent is approved. Full details of the finished walls should also be sought prior to the grant of consent.

The proposed new wall to the north west would be sited behind a grass embankment having the effect of widening the entrance into the conservation area and removing the strong urban edge provided by the existing walls. If the wall were to be sited at the back edge of the new pavement, in line with the new left turn and acting as a retaining structure to the bank behind, it would retain the hard urban edge and sense of enclosure whilst still allowing for the construction of the new junction.

We also take this opportunity to urge the Council to take a 'less is more' approach to the street

furniture and signage proposed for the new junction, providing the statutory minimum and avoiding the overprovision of signage and barriers which could be harmful to the setting of heritage assets.

We recommend that the suggested amendments are sought to mitigate against the impact of the proposed demolition. Full details of the proposed reconstructed walls should be sought from the applicant and agreed with the Council's Conservation Officer prior to the grant of listed building consent.

Conservation Officer –

This proposal involves the partial demolition of a Listed bridge in the setting of a Scheduled Monument, in the setting of three Listed Buildings within a Conservation Area. As the number of designated heritage assets attests, this is an historic area and with its railway heritage connections, an area of particular significance to Darlington.

I have raised concerns pre-application about the lack of justification and the detail of how this junction is proposed to be altered as a result of the potential impact on the heritage assets in the area

This proposal needs to be sufficiently justified and done sensitively, having due consideration for the high number of heritage assets, some of which are high grade, in order to accord with the Darlington Local Development Framework's Core Strategy (CS) and with national Planning Policy Statement 5: Planning for the Historic Environment .

I would not argue that substantial harm is proposed here, because the bridge wall abutments proposed to be demolished are not a majority part of the bridge's significance, however there is some loss, which does require clear and convincing justification.

I am of the view that this proposal will cause harm to the settings of some of the heritage assets in the area, certainly it will change an historic feature in an historic area, which has remained unaltered in this way since the Victorian era when the assets were created. Therefore this impact on the setting requires an explanation of the wider benefits of the application.

In summary, in its current form I am of the opinion that this proposal has not evidenced that it complies with Darlington's Core Strategy and PPS5 so I am unable to support it. However, there may be ways the proposal can be improved to ensure it does comply with policy.

PLANNING ISSUES

The main issues that have been highlighted above relating to this application are :

- The harm to the Listed bridge as a result of the demolition of the retaining walls along North Road (but not substantial harm)

- Whether the above can be justified by the benefits accruing to the local transport infrastructure
- What mitigation measures can be made to minimise the harm to the bridge character and the Conservation Area.

The retaining walls to be removed are not listed in their own right but are listed partly for group value. English Heritage confirm the harm from the demolition will be less than substantial therefore it needs to be considered in the light of PPS 5 policy HE9.4 as detailed above.

The benefits to be accrued from the proposed new road and associated junction can be summarised as follows :

- As part of the Tees Valley Bus Network Improvements project, increase in bus usage as a result of physical improvements to the local road network.
- Associated improvements to pedestrian and cycling linkages between the east and west sides of North Road.
- Improved access from this area to the Town Centre
- Longer term opportunities to improve access and car parking at the North Road railway station and museum – access off the link road
- Catalyst for general improvements to this locality

In addition to the above, certain mitigation measures have been proposed to help reduce the impact of the demolition on the setting and character of the bridge. These can be summarised as follows :

- A new wall will be built on the south side of the main link road and the Albert Road connection. To be constructed from the stone from the demolished wall and to the same design and height.
- The new road will include substantial landscaping along its route.
- Provision of a gateway feature into the Conservation Area.
- Protection of remaining TPO trees near to the bridge together with new specimen/mature planting.

Both English Heritage and the Conservation Officer have made suggestions that the scheme could be altered to reduce the amount of wall to be demolished or to relocate the new wall closer to the link road corner, however the applicants have confirmed that, due to the need for a workable junction configuration that would accommodate the levels of traffic expected, the proposed scheme as submitted is the only viable one from an operational viewpoint.

Revised plans and details have however been submitted by the applicants with a view to addressing some of the above concerns and comments from English Heritage and the Conservation Officer will be reported verbally to the Committee Meeting.

In an attempt to answer queries raised by the Conservation Officer and English Heritage, the applicants have provided the following information:

- *Q. If it is not possible to alter the scheme to avoid demolition of all the wall to the north of the bridge, including the gate piers and stone steps, please explain why this is so.*

To retain the piers and the wall would mean that there would only be limited space between the end of the existing stonewall and the B&Q store boundary. Unfortunately any workable junction configuration would not fit into this area, and as a result the scheme would no longer be viable.

- *Q. How much quicker will bus journeys be through the proposed junction compared to the existing junction?*

Traffic Modelling work based on the new layout design has been carried out and this has suggested that a saving of approximately 10 seconds will be made for bus journeys in both the AM and PM peak periods over the existing junction configuration.

- *Q. There are already signalised crossings on the junction, how will the new crossings be better?*

The existing pedestrian facilities across the junctions of North Rd/Whessoe Rd and North Rd/Albert Rd are far from ideal. In fact pedestrians travelling south on the eastern side of North Road currently have to cross the junction with Albert Road 'blind' without being able to properly assess whether it is safe to cross the carriageway. The new junction will provide controlled crossing points for non-motorised users on each junction arm.

- *Q. How much more capacity will the proposed junction create in terms of journey time savings?*

The main aim of the scheme is to improve the reliability, and journey times of Bus Services heading north and south on North Road. To enable this to happen it is necessary to remove the existing staggered configuration between North Rd/Whessoe Rd and North Rd/Albert Rd. Junction capacity will be significantly increased by the new junction arrangement. Further detailed information on junction capacity is contained within the Transport Assessment section of the submitted Environmental Statement.

Taking the above into account, it is Officers' view that the benefits to be derived from the scheme, taken together with the mitigation measures proposed, will on balance outweigh the loss of heritage asset resulting from the demolition of the retaining walls along North Road. This view is reinforced by the fact that the walls are not a not a major Listed feature but are seen by English Heritage as ancillary to the main listed bridge.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

RECOMMENDATION

That Members be minded to grant Listed Building Consent, subject to the referral of the application to the Secretary of State for Communities and Local Government, with the following conditions :

1. A5 – Implementation limit
2. This Consent shall relate to the amended plans received by the Local Planning Authority on 8th July 2011.
3. Before the development hereby permitted is commenced, including the demolition works, full details of the proposed replacement boundary wall, including design, height and materials of construction shall be submitted to and approved in writing by the Local Planning Authority.

SUGGESTED SUMMARY OF REASONS FOR GRANTING LISTED BUILDING CONSENT

The decision to grant Listed Building Consent has been taken having regard to the policies and proposals in the policy documents and guidance set out above, and to all relevant material considerations, including Supplementary Planning Guidance.