

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 August 2011

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APPLICATION REF. NO:	11/00180/DC
STATUTORY DECISION DATE:	29/06/11
WARD/PARISH:	North Road
LOCATION:	North Road / Whessoe Road, Darlington
DESCRIPTION:	New link road between North Road and Albert Road/ Whessoe Road, including new pedestrian crossings, cycle and disabled access routes and bus stops.
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.

There are two elements to the scheme; the main link road will run some 260 metres from the west at Whessoe Road to a new traffic signal junction on North Road, starting in a cutting about 0.5 metres deep and ending in a 3.0 metre cutting. Both sides will be landscaped. The smaller link road will run some 135 metres east from North Road across Southampton and Windsor Streets to Albert Road.

The end result will be to amalgamate the existing two staggered junctions on North Road into a single crossroads which will have the effect of significantly reducing queuing and journey times in this area as well as the wider benefits referred to above.

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 CS9 : District and Local Centres and Local Shops and Services

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

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

Network Rail – No objection to the proposals but requests a number of informative advices.

Principal Urban Design Officer – Shares concerns of English Heritage and the Conservation Officer. Suggests local historic asset interpretation boards should feature in areas such as bus stops etc.

Durham Wildlife Trust – Have now withdrawn concerns relating to mitigation proposals relating to the loss of existing natural habitat.

County Archaeologist – No objections providing watching brief conditions are attached.

Council Tree Officer - It would appear that all of the trees listed above would require removal to facilitate the proposed development.

The replacements of the protected trees will be required to be planted on site.

9x Lime (*Tilia x europaea*) 1x Ash (*Fraxinus excelsior*) 2x Sycamore (*Acer pseudoplatanus*) 2x Beech (*Fagus sylvatica*) 2x Horse Chestnut (*Aesculus hippocastanum*) 16-18cm girth containerised or air-pot.

If the development is approved, it is of paramount importance that the root area of the trees is completely protected from damage by compaction, severance, or from material spillage. This will only be possible through the installation of protective fencing in accordance with BS5837

2005. It is recommended that this fencing is put into position prior to any further works on the site (demolition or development), and that the extent of this protection is inspected by a Council Officer prior to work commencing. This fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment

Environmental Health Officer - No objections to noise generation implications providing conditions are imposed on any approval.

Air quality issues are being addressed; a resolution is expected in time for the Planning Committee.

Land contamination issues can be addressed by means of appropriate conditions.

Conservation Officer - There are still outstanding issues with this application from a national planning policy perspective, in line with English Heritage's views, which are centred around three concerns:

- The current application does not sufficiently justify that the public benefits of the scheme outweigh the harm to the heritage assets in order to comply with Policy HE9.4 of PPS5.
- The issue of assessing the impact of the proposal of the settings of the heritage assets appears to have been overlooked. Policy HE10 of PPS5 would need to be complied with.
- There are inconsistencies, and in my view errors, in the level of significance and accordant harm attached to heritage assets in The Environmental Statement Cultural Heritage chapter. Specific details are covered in my email below to Capita Symonds, referred to as 'the report'.

Additionally, from a local planning policy perspective, the application does not explain how the proposal will *protect, enhance or promote the quality and integrity of reflect Darlington's railway, industrial and Quaker heritage* in the area, in order to comply with Policy CS14 of the adopted Core Strategy.

The above areas would need to be resolved before this application could comply with PPS5 but I am awaiting additional information ..

English Heritage –

The North Road railway site is recognised as being one of the most important collections of railway heritage in England. It is undoubtedly of exceptional significance, both nationally and even internationally. English Heritage's role is to assess the possible impact of the proposal upon the significance of the railway heritage assets in the area, particularly the setting of the River Skerne Bridge, a scheduled ancient monument, and the North Road Station and Goods Station, both grade II* listed buildings. The proposal would also affect the setting of the Grade II listed railway bridge and North Road Conservation Area.

Environmental Statement.

The ES Cultural Heritage chapter provides an assessment of the potential impact of the proposal upon heritage assets in the area. Unfortunately, I cannot agree with some of the assessments of significance made as part of this chapter, specifically:

- the sensitivity level assigned to some of the assets does not reflect their international significance. North Road Station and North Road Goods Yard should, I believe, be assigned high sensitivity not medium sensitivity. The site of the Hopetown Goods Yard I believe is of regional significance and should be assigned medium sensitivity;
- the North Road Conservation Area is not included in the list of heritage assets and so does not appear to form part of the assessment. It is a designated heritage asset of local significance.

Moving onto the assessment of impact, the statement does not appear to fully assess the impact upon the *setting* of heritage assets. The new junction would undoubtedly impact upon the setting of the listed bridge but the nature of the operational impact is described as 'none'. The new road would also impact upon the setting of the North Road Station at some level. I cannot agree that 'the visual impact on the surviving railway monuments is relatively minor' (para 5.9.1). Consequently, there may be mitigation measures that could reduce the impact upon the setting of heritage assets.

Proposed works.

The new road has the potential to affect the setting of the North Road Station. The site is currently shielded from the station by a band of trees however further information on the level of tree cover to be retained should be included in the assessment of impact on Cultural Heritage as part of the Environmental Statement. The construction of the traffic junction would however harm the significance of the listed railway bridge but it would be less than substantial and its impact should therefore be assessed against policy HE9.4 of PPS5. The current alignment of North Road narrows to pass beneath the bridge and the route itself is bounded to the north by the bridge abutments creating a sense of enclosure to the street leading up to the bridge. The creation of a large traffic junction alters the setting of the bridge and is likely to lead to an increase in traffic signage, lighting and street furniture (such as pedestrian barriers). 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 harm caused to the setting of the bridge. In our view a case may be made that the public benefit to the area's transport infrastructure outweighs the harm caused by the new junction however further mitigation works should be considered to reduce the impact, such as a policy of minimum signage and barriers.

Policy HE10.2 of PPS5 should also be applied to the proposal and opportunities for enhancing the setting, or better revealing the significance of, these exceptional heritage assets should be sought as part of the wider proposals.

Further information and amendments are requested relating to the impact of the proposals upon the heritage assets as part of the Environmental Statement in order for a full assessment to be made.

Further to the above the applicants have prepared revised plans in an attempt to address the concerns of English Heritage and these are summarised as follows :

Issue

'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'.

Mitigation

The north western wall proposals have been altered in line with suggestions from the DBC conservation team.

Issue

'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 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 a sense of enclosure whilst still allowing for the construction of the new junction'

Mitigation

The new wall will not be sited behind an embankment and hard paving will now be provided up to the line of the new wall in an effort to maintain the strong urban edge. Unfortunately the new wall alignment is not able to be moved towards North Road due to forward visibility requirements for the new left turn lane.

Issue

'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'

Mitigation

We confirm that only regulatory signage will be provided, and barriers will only be provided where necessary.

Comments are awaited on the revised plans from English Heritage and the Council's Countryside Officer and these will be reported verbally at the Committee Meeting.

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)
- The harm to the setting of the Listed Railway Station and its environs from the creation of a new road nearby together with its associated street furniture
- The loss of a “green wildlife corridor” as a result of the development.
- Whether the above can be justified by the benefits accruing to the local transport infrastructure from the development.

Revised plans and details have been submitted by the applicants with a view to addressing the concerns of English Heritage and the Council’s Countryside Officer. The details of the changes to the scheme are summarised as follows :

- Alterations to the landscaping scheme and road alignment around the Albert Road junction.
- Increase in the length of replacement railway bridge wall along the new roads.
- Introduction of paved surfacing around the entrance to the railway bridge from the north to create a harder urban approach to the Conservation Area.
- The replacement of tarmacadam with paving along footpaths to the new roads and junctions.
- The introduction of over 20 roadside trees along part of the route of the new road.
- Provision of an offsetting area of trees and other wildlife friendly land off the site but close by (United Utilities adjacent the River Skerne).

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

As with the associated proposal to demolish part of the Listed railway bridge retaining walls, the costs associated with the new road in terms of its impact on the setting of the nearby railway station need to be balanced against the benefits accruing from the scheme. The benefits are outlined above and whilst the originally submitted scheme was considered to have a high impact on the local setting, it is now considered that the mitigating changes introduced to the design and

layout of the scheme go a long way towards reducing the detrimental impact the proposal will have on the historical assets in this particular locality.

In particular the introduction of a corridor of trees and pavement paving along much of the new road edges, in line with this Council's Design of New Development SPD, will provide some mitigation for the visual impact the road will have in place of the existing soft green area of trees and shrubs.

The applicants have further confirmed that street lighting will be restrained and will have reduced "spillage" designed into them, Furthermore the issue of visual clutter arising from street furniture, signage etc has been highlighted and is to be kept to a minimum to reduce the visual impact on the local setting.

There will be an undoubted loss of an existing natural habitat which acts as a wildlife corridor between the River Skerne and the railway line and Nature Reserves beyond at Faverdale and Brinkburn. An offsetting mitigation measure being pursued by the applicants is the provision of dedicated natural habitat around the United Utilities area near to the river. The Council's Countryside Officer is in discussions with the applicants in this regard and it is hoped that further details will be available in time for the Committee Meeting.

Other issues such as contaminated land, noise intrusion from construction work, impact on Archaeology and replacement trees can be addressed via the imposition of appropriate conditions on any planning permission granted.

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 impact of the new road and its associated works on the setting of the nearby Listed Buildings and other heritage assets. Similarly, bearing in mind the existing urban characteristics around the Albert Road junction it is considered that the character of the Northgate Conservation Area will not be detrimentally affected by the creation of a new junction and road as proposed.

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 permission be granted with the following conditions :

1. A3 – Implementation limit
2. E3 – Landscaping Implementation
3. The landscaping scheme referred to above shall, upon completion, be subject to a 10 year Management Plan which will be agreed by and implemented by the Darlington Borough

Council Parks and Countryside Team . Reason – To ensure the mitigation habits are properly managed in a way beneficial to the ecology of the locality.

4. Before development commences, a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. This Plan will contain details of hours of operation for construction activities, details of how noise and vibration emissions will be minimised and contain a Dust Action Plan. Reason – In the interests of the amenities of local residents and other occupiers.
5. J2 – Contaminated land
6. Archaeology monitoring and recording condition.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals in the Darlington Core Strategy Development Plan Document set out above, and to all relevant material considerations, including Supplementary Planning Guidance.

INFORMATIVES

The site abuts land owned by Network Rail and the applicant is advised to contact their Asset Protection Engineer Team before commencing development.