

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 January 2022

APPLICATION REF. NO: 21/01244/DC

STATUTORY DECISION DATE: 27 January 2022

WARD/PARISH: PARK EAST

LOCATION: Former Farmers Cattle Market, Clifton Road, Darlington

DESCRIPTION: Construction of a temporary car park and associated works (additional tree works information received 8 December 2021, amended car park layout plans, additional heritage statement and response to consultation comments received 10 December 2021, further response to consultation comments received 17 December 2021 and amended flood risk assessment and drainage strategy received 23 December 2021)

APPLICANT: Mr Dave Winstanley

RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R1OYL7FP0C200>

APPLICATION AND SITE DESCRIPTION

1. This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the construction of a temporary car park and associated works on the site of the former cattle market on Clifton Road. Planning permission was granted

for the erection of a new 672 space multi-storey car park (MSCP), transport hub, station entrance and concourse (21/00688/DC) on the site of the existing station car park at Garbutt Square and long stay car park off Albert Street 'Station Gateway East' in September 2021, as part of a wider package of proposals set out in the Bank Top Station Masterplan. Planning permission and listed building consent were also granted for public realm improvements, including the pedestrianisation of the highway, to the west side of the station 'Station Gateway West' in October 2021 (21/00691/DC, 21/00750/DCLB) also as part of the wider Masterplan.

2. Whilst the new station entrance and MSCP are under construction there will be a short term loss of a total of 396 parking spaces between the respective sites. The proposed temporary car park is therefore required to mitigate against the loss of the car parking and access to the station whilst these works are underway. The car park will be operated by LNER for a temporary period from summer 2022 until 31st December 2024.
3. The proposed car park would provide a total of 455 spaces, including 22 accessible spaces and five covered motorcycle parking spaces, and will operate as a pay on foot system. The site will be resurfaced to provide a level surface with drainage, lighting and markings for the parking bays. Access to the proposed car park will be from an existing junction on Clifton Road and a height restriction feature is to be installed at the entrance to prevent access to vehicles greater than 2.2 metres in height.
4. The existing boundary wall and railings is to be retained and supplemented with a fence to the south western corner (on the Clifton Road frontage) to prevent unauthorised entry/exit to the car park. An internal pedestrian route is proposed along the northern edge of the car park with connections to Clifton Road and Park Lane where dropped kerbs will be provided. A proposed pedestrian access point onto Waverley Terrace has been omitted from the application. The car park is to operate for a 24/7 period and cars will be able to be left overnight. Street lighting is proposed in the form of 26 no. 6 metre high lighting columns with CCTV around the site. Paystations are also to be erected within the proposed car park.
5. The application site is the site of the former cattle market on Clifton Road, which was demolished, and the site cleared following its closure and relocation to Humbleton Farm in 2020. An existing long stay car park on Park Lane is located immediately to the east, but outwith the application site. The site extends to approximately 1.74 hectares and is bound by Clifton Road to the west and Park Lane to the east, beyond which lies the Grade II* listed Bank Top Station. The site is bound by Waverley Terrace to the north and by the rear of terraced properties on Nelson Terrace, Belvedere Terrace and Grainger Street to the south. The site is surrounded by terraced properties to the north, south and west. Trees immediately adjacent to the northern boundary on Waverley Terrace are protected by Tree Preservation Order (No. 6) 1990. Various pruning works are proposed as part of the application.
6. A pre-application consultation exercise was carried out by the applicant with local residents in accordance with the Council's adopted 'Statement of Community

Involvement (Part 2) Community Involvement in Planning Applications' (August 2018) in May 2021. The outcome of this consultation exercise, and the response to these comments, has been submitted with the application.

MAIN PLANNING ISSUES

7. The main planning issues are whether the proposed development of the site is acceptable in terms of its impact on:
 - (a) Planning Policy
 - (b) Heritage Assets and Visual Amenity
 - (c) Residential Amenity
 - (d) Anti-Social Behaviour
 - (e) Highway Safety and Sustainable Transport
 - (f) Land Contamination
 - (g) Flood Risk and Drainage
 - (h) Trees
 - (i) Other Matters

PLANNING POLICIES

8. Relevant development plan policies include those which seek to ensure that new development:
 - Is located inside defined development limits (Saved Local Plan Policy E2 and Core Strategy Policy CS1).
 - Provides vehicular access and parking suitable for its use and location (Policy CS2)
 - Is within a sustainable location and accessible by various modes of transport and provides safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (Policy CS2)
 - Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (Policy CS2)
 - Protects buildings, their settings and features of archaeological interest (Policy CS14)
 - Protects, enhances, and promotes the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local importance in conservation areas, buildings and features that reflect Darlington's railway heritage (Policy CS14)
 - Does not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping (Policy CS15)
 - Has regard to existing trees and incorporates trees into the proposed layout wherever possible. Any proposals to fell or carry out works to trees protected by Tree

Preservation Order will take into account the health and stability of the trees, their likely future lifespan and their public amenity value (Saved Policies E12 and E13)

- Is focussed on areas of low flood risk (Flood Zone 1) and complies with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16)
- Complies with statutory standards relating to contaminated land (Policy CS16)
- Improves transport infrastructure and creates a sustainable transport network (Policy CS19)

RESULTS OF TECHNICAL CONSULTATION

9. No objections in principle have been raised by the Council's Highway Engineer, Transport Policy Officer, Conservation Officer or Environmental Health Officer. The Lead Local Flood Authority recommend conditional approval. British Transport Policy support the application in principle but raise a number of comments for consideration. Network Rail confirm they have no observations to make.

RESULTS OF PUBLICITY AND NOTIFICATION

10. A total of 3 letters of objection have been received which raise the following issues:
 - Air pollution
 - Works to trees
 - Poor quality on street parking
 - Pedestrian access onto Waverley Terrace
 - Illegal access/anti-social behaviour
 - Light pollution
 - Noise pollution from vehicles and pedestrians
 - Litter
 - Surface water/blocked drains
 - Boundary treatment
 - Retention of protected trees
 - Policing of on street parking on Waverley Terrace
11. One letter of representation has been received which raises the following issues:
 - Need for larger temporary car park
 - Encourage alternative means of accessing the station other than the car
 - Increase in business rates

PLANNING ISSUES/ANALYSIS

(a) Planning Policy

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National

Planning Policy Framework, 2021(NPPF) supports the plan led system providing that planning decisions should be 'genuinely plan-led' (para. 15). This NPPF also comprises up to date national planning policy and is a material consideration in planning decisions.

13. The application site is located within development limits for the main urban area of Darlington as defined by the Proposals Map of the Borough of Darlington Local Plan, 1997, and the principle of development accords with the locational requirements of Saved Local Plan Policy E2 and Core Strategy Policy CS1.
14. Policy CS19 also states that the Council and its partners will work together to make the best use of and improve existing transport infrastructure within and connecting to the Borough, having considered first solutions to transport problems that are based on better management and the provision and promotion of sustainable travel. For the rail based transport network this will be provided in the short term by providing new stopping facilities to the east of Bank Top Railway Station and to integrate rail with all other transport modes. The proposal is required to facilitate the provision of a wider package of works centred around the east and west sides of the Station set out in the Bank Top Station Masterplan. As such, the principle of development is considered to comply with Policy CS19, subject to consideration of the following issues of development management.

(b) Heritage Assets and Visual Amenity

15. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty to treat a finding of harm to a listed building and its setting as a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise and subsequent case law has stated that it is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgement.
16. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (para. 197 of the NPPF, 2021).
17. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para. 199 of the NPPF, 2021).
18. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a

positive contribution to the asset (or which better reveal its significance) should be treated favourably (para. 206 of the NPPF, 2021).

19. The application has been supported by a Heritage Statement (HS) which assesses the impact of the proposal on the setting of the adjacent Grade II* listed Bank Top Station. The HS complies with the requirements of paragraph 194 of the NPPF, 2021. The application site is in a highly significant location, within the immediate setting of the Grade II* listed Bank Top Station. Bank Top was constructed in 1887, designed by William Bell and engineer Thomas Harrison. The building is the third phase of development of the station building. It is highly ornate and has a feel of renaissance design. The station was designed with a more public focus to the west of the site, where there is more architectural detail. The elevation along the eastern elevation of the building is more modest in design. This is however in part due to the phase 3 works retaining sections of the second phase of development under Thomas Prosser.
20. The application site is located to the west and south west of the station building and its associated curtilage buildings of the station. In 2017, a Statement of Significance was produced by the North of England Civic Trust for the station building and its setting. The 2017 report identified the site, forming the location of the historic cattle market, as being of considerable contribution to the setting of Bank Top Station. The Cattle Market was present on the site from 1878 and is first shown on the 1890 OS mapping. The configuration of the Cattle Market has been altered over time; however, the historic use has remained the same. The Cattle Market was relocated out of town in 2020 and the site became redundant. While the site has since been cleared, the historic boundary treatment for the site has been retained. The boundary comprises sections of low level wall, finished with stone capping and raised brick pillars. Between the pillars are the original cast iron railings mounted into the stonework with lead.
21. The proposed temporary car park will involve the resurfacing of the existing site to provide a level car park, the installation of a height restriction barrier at the western end of the site, approximately 200 metres from Bank Top Station, paystations, and the erection of 26 no. 6 metre high lighting and CCTV columns across the site. The existing boundary wall is to be retained with some localised repairs and alterations. The HS concludes that due to the temporary nature of the proposed works, the distance of some of these works from Bank Top Station (height restriction barrier) and the presence of other similar structures within the adjacent Park Lane car park (lighting columns, paystations) in closer proximity to the station, the proposal will have no material impact on the setting of Bank Top Station.
22. The Council's Conservation Officer considers that while the proposals will see a change to the use of the space, the proposed development proposals are more minor. In the context of an existing cleared site and given the retention of the existing boundary treatment, the proposed temporary use will have a lesser degree of impact and will not have a detrimental impact on the setting of the adjacent Grade II* listed Bank Top Station. Overall, the proposal is considered to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework 2021 and

Policy CS14 of the Core Strategy, 2011. For the reasons already set out in this section of the report these above ground features will have little discernible impact on the character and appearance of the surrounding area beyond the immediate setting of Bank Top Station and the proposal also complies with Policy CS2 in this regard.

(c) Residential Amenity

23. There are residential properties located to the north, south and west of the application site on Waverley Terrace, Nelson Terrace, Belvedere Terrace, Grainger Street, Park Lane and Clifton Road respectively. The proposed development has the potential to impact upon these properties both during the construction and operational phases of the development. Construction impacts can be managed by the submission of a Construction Management Plan, alongside measures for controlling noise, dust and vibration. It is also considered appropriate to limit the hours of demolition and construction activities to protect residential amenity. These matters are the subject of appropriate planning conditions.
24. Impacts during the operational phase of the development are likely to arise from the 24-hour operation of the car park, from noise from the comings and goings of vehicles and pedestrians, and light pollution. The issue of noise arising from potential anti-social behaviour has also been raised and will be considered in the next section of this report.
25. The Council's Environmental Health Officer has advised that neither a noise assessment nor an air quality assessment are necessary as part of this application. While the proposed car park is to operate on a 24-hour basis, the proposed use is considered to create significantly less noise than the previous use of the site as a livestock market and in the context of this previous use no further conditions relating to noise mitigation are required as part of any approval.
26. Lighting information submitted with the application demonstrates that the proposed lighting columns are similar in terms of their height and light output to existing neighbourhood street lighting and should not cause a nuisance to nearby residents. Similarly, the Environmental Health Officer does not consider any further conditions relating to lighting to be required.
27. An existing junction on Clifton Road is to be utilised to provide vehicular access to the site and two pedestrian accesses are to be created on Park Lane to the east and Clifton Road to the west providing pedestrian links both to the station and to the town centre. These pedestrian access points have been positioned so as not to be directly adjacent to any residential properties. A new pedestrian access onto Waverley Terrace has however been omitted from the application in response to comments received during the consultation exercise.
28. Overall, the proposal is not considered to have an unacceptable impact on the amenities of nearby residential properties in terms of noise and light pollution and is therefore considered to comply with Core Strategy Policy CS16 in this regard.

(d) Anti-Social Behaviour

29. Concerns regarding the potential for anti-social behaviour have been raised by objectors. The British Transport Police, while supportive of the application in principle, also raise a number of matters to be incorporated into the scheme to reduce the potential for anti-social behaviour through 'Designing out Crime'. These comments include the need for the site boundaries to be defined and to act as an access control measure to prevent access from any areas other than the authorised entry/exit points; the use of surface markings to define parking bays; the installation of a vehicle height restrictor to prevent high sided vehicles from entering the car park; secure cycle/motorcycle parking; CCTV coverage and lighting; and the need to trim foliage back to avoid obscuring CCTV images. The proposed scheme includes many of these features as has been set out elsewhere in this report and are considered appropriate to assist in limiting anti-social behaviour and resultant noise impacts on the site. The agent has also confirmed that the placing of litter bins around the site will also be considered as part of the final scheme design. The proposal is therefore considered to comply with Policy CS2 in this regard.

(e) Highway Safety and Sustainable Transport

30. As previously described, the proposed temporary car park is required to mitigate for the loss of existing station car parking at Garbutt Square (353 spaces) and Albert Street (43 spaces) whilst the new station entrance and multi-storey car park (MSCP) at the eastern side of the station are under construction. The temporary car park will operate until the new 672 space MSCP is complete, however whilst the MSCP is under construction it will be necessary to provide alternative parking provision.
31. Although intended as a temporary replacement for the LNER operated car park at Garbutt Square, it may also be utilised by people visiting Darlington town centre or amenities and attractions in the vicinity of Victoria Road, although it is acknowledged that there are car parks located closer to the town centre including Park Place West car park. A signal controlled pedestrian crossing is present on Victoria Road, adjacent to Clifton Road, and a zebra crossing is located approximately 125m to the west, in the direction of the town centre. Further west, signal controlled crossings are provided to aid movements across the A167 St Cuthbert's Way. As such there are good pedestrian routes to the town centre with safe crossing points and it is considered that the existing pedestrian infrastructure will be sufficient to accommodate the volume of pedestrian movement generated by the proposed temporary car park.
32. A Transport Assessment (TA) has been provided with the application. The predicted vehicular trip generation sets out the proposed temporary car park (based on 450 spaces) is likely to generate in the order of 91 trips (two-way) in the AM peak, 76 trips (two-way) in the PM peak and 91 trips in the Saturday peak period. This trip generation is however predominantly 'transferred' trips which would otherwise be accessing the Garbutt Square car park via Neasham Road rather than new trips on the local highway network.

33. It is estimated that approximately 25% of the traffic would travel south along Clifton Road and approximately 75% would pass through the Victoria Road/Clifton Road junction, utilising Victoria Road west. Junction capacity modelling has been carried out at the Victoria Road/Clifton Road/Park Place crossroads junction. As part of the Darlington Borough Council improvement scheme for Victoria Road, this junction is now signalised. The capacity modelling assessment undertaken demonstrates that the degree of saturation in all scenarios is below 90% and that the junction retains 10% spare capacity. As such it is considered that the addition of the temporary car park traffic would not have an unduly adverse impact on the operation of the junction.
34. As part of the TA, road traffic collision data has been obtained, with a total of 15 accidents being recorded within the vicinity of the application site in the most recent 5 year period. The alterations being made to Victoria Road as part of the Council's scheme will improve the road for all users, particularly pedestrians and cyclists. Although the greatest concentration of incidents occurred at the junction of Victoria Road and Clifton Road, the recently completed signalisation of the junction will reduce the likelihood of incidents occurring in this location. Overall, it is not considered that there are any incidents or trends that would cause concern with regard to the proposals for the temporary car park.
35. Vehicular access is proposed to be taken from the newly formed junction on Clifton Road with required visibility splays being demonstrated on plan. As part of forming the new access it is proposed to reinstate the footway to the north and south of the access. An internal pedestrian route is proposed along the northern edge of the car park with connections to Park Lane and Clifton Road with dropped kerbs and tactile paving. A total of 22 disabled car parking spaces are proposed which meets the guidance set out in the Tees Valley Design Guide and Specification (TVDG). Garbutt Square car park does not have any disabled parking provision and the route to the station platform crosses a footbridge with steps. The temporary car park is considered to be a significant improvement in this regard, benefitting from accessible spaces located as close as possible to the station entrance, and having a route with dropped kerbs and tactile paving. While the distance from the temporary car park to the station portico entrance may not be attractive for disabled persons to use, overall, the proposed car park is considered to be more readily accessible than the existing Garbutt Square car park until the completion of the new, accessible MSCP.
36. Car parking bays meet the necessary space standards, and five covered motorcycle spaces are also proposed, also in line with TVDG standards. No electric vehicle charging points are proposed however given the temporary nature of the proposal the expense of providing such infrastructure would not be reasonable for such a short time period.
37. Various minor works are required within the highway, including the reinstatement of the footway and amendments to the vehicular access point on Clifton Road; numerous pedestrian crossing points with dropped kerbs and tactile paving; and the temporary raised table pedestrian crossing/traffic calming feature on Park Lane. Revisions are also needed to Traffic Regulation Orders (TROs) where the 20mph speed limit is to be

extended to incorporate the pedestrian raised table on Park Lane and amended parking/waiting restrictions in the vicinity of the car park entrance on Clifton Road. These works would form part of a Section 184/278 Legal Agreement and works should be completed on site prior to the car park opening to the public, in order to ensure a safe means of vehicle and pedestrian access is available prior to opening. This would be secured by a suitable planning condition. The Highway Engineer has also requested a condition requiring the submission of a construction management plan.

38. The Planning Obligations Supplementary Planning Document (SPD) usually requires a sustainable transport contribution for car parking spaces, calculated at a rate of £200 per car parking space. As this car park is to replace the number of car parking spaces being lost on the east side of the station whilst the new MSCP is being constructed, a contribution is not being sought in this case. On this basis, it is appropriate to grant planning permission only for a temporary period and the applicant is agreeable to a condition granting planning permission until 31st December 2024.
39. Subject to the conditions set out above, the proposal is considered to comply with Policies CS2 and CS19.

(f) Land Contamination

40. Given that hardstanding will be created across the site to facilitate the use as a car park, future users of the site are unlikely to come into contact with underlying ground conditions. It is not therefore considered necessary to add conditions relating to contaminated land to any approval. The requirement will need to be revisited for any future redevelopment of the site once the temporary car park ceases to be operational. The proposal does not therefore give rise to any unacceptable issues relating to land contamination and therefore complies with Policy CS16 in this regard.

(g) Flood Risk and Drainage

41. The application site is located within Flood Zone 1 and as such is at low risk of flooding. As the site area exceeds 1 ha a Flood Risk Assessment (FRA) and Drainage Strategy (DS) have been submitted in support of the application which assesses how surface water drainage from the proposed development will be dealt with. There will be no foul drainage flows associated with the proposed development. The DS sets out that the site should be graded to encourage surface water away from the main entrances and towards positive drainage infrastructure to mitigate against the residual risk posed by surface water and sewer flooding.
42. It is proposed that surface water will be discharged into a NWL sewer (2011) on Victoria Road to the north, utilising existing connections where feasible, restricted to a maximum rate of 52.5 l/sec. While this is above the recommended greenfield runoff rate of 10.6 l/sec, it is still a reduction from the previous runoff rate of 113.0 l/sec. An attenuation tank is to be provided for storage and to allow a restriction to surface water rates. An oil separator has also been proposed to allow for treatment of surface water prior to

discharging onto NWL sewers. The FRA/DS concludes that the development is appropriate for the site and there will be no increase in flood risk to the site or surrounding area as a result of the development. The LLFA raises no objection to the application subject to the imposition of planning conditions to secure the details of a sustainable surface water drainage scheme. Policy CS16 is satisfied in this regard.

(h) Trees

43. The application proposes the pruning of those protected trees (No. 6, 1990) overhanging the northern boundary of the application site on Waverley Terrace to give a clearance of 2.5 metres headroom over the proposed car park, together with the removal of deadwood. The trees are identified as being in either reasonable or poor form and condition and are categorised as either Category B2 (trees of moderate quality with an estimated remaining lifespan of at least 20 years, present in groups or woodlands) or C2 (trees of low quality with an estimated remaining life expectancy of at least 10 years, being present in groups or woodlands) trees accordingly. The Arboricultural Impact Assessment (AIA) also indicates the removal of 1 no. protected tree on the corner of Waverley Terrace and Park Lane, for which permission was granted as part of the public realm improvement works at Station Gateway West (21/00691/DC), and also the removal of a single category C tree within the existing Park Lane car park which does not form part of this application. A Tree Protection Plan also shows how these trees will be protected during the construction phase of the development by the erection of protective fencing to protect the root protection areas (RPAs) of the trees.
44. Saved Local Plan Policy E12 requires development proposals to take full account of trees on and adjacent to a site, and the layout and design of the development should wherever possible avoid the need to remove trees and provide for their successful retention. Where removal is unavoidable, any required landscape works should be so designed to compensate for the loss of the tree(s). Saved Policy E13 states that when determining applications to carry out works to or fell trees subject to tree preservation orders, consideration will be given to the health and stability of the trees, their likely future lifespan and their public amenity value.
45. The removal of deadwood from the protected trees is good arboreal practice and does not require consent. The pruning of those trees as necessary to create a clearance of 2.5 metres above the proposed car park is considered to be acceptable to avoid future damage to these trees from vehicles using the car park, and can be undertaken without significantly impacting upon the amenity value of the trees. Subject to a condition to secure the protection of these trees during the construction phase of the development in accordance with the details provided on the Tree Protection Plan, the proposal is considered to comply with Saved Policies E12 and E13.

(i) Other Matters

46. One matter raised by objection is the rateable value of the proposed car park site, however this is not a material planning consideration and does not fall to be considered as part of this application.
47. The issue of the policing of parking on Waverley Terrace has also been raised by objection. As this relates to an area outside of the application site boundary it is not a matter for consideration at this stage.

THE PUBLIC SECTOR EQUALITY DUTY

48. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposed layout will include dropped kerbs, tactile paving etc at appropriate places in the development and the proposed development would accord with Core Strategy Policy CS2 in this regard.

CONCLUSION AND RECOMMENDATION

49. The proposed car park is required for a temporary period to mitigate against the loss of the existing station parking at Garbutt Square and long stay parking at Albert Street whilst the new station entrance and 672 space multi-storey car park is being constructed at 'Station Gateway East'. The application site is an existing vacant site within close proximity to the west side of Bank Top Station, in a sustainable location within the main urban area, and will provide a total of 455 car parking spaces, including 22 accessible parking spaces and 5 covered motorcycle parking spaces for this temporary period.
50. The impact of the proposal on the setting of the adjacent Grade II* listed Bank Top Station has been assessed as part of the application and in view of the retention of the existing boundary wall, the limited extent of proposed above ground works and the temporary nature of the proposal, the Heritage Statement concludes that this will have little material impact on the setting of Bank Top Station. The Council's Conservation Officer concurs with this view and the proposal would accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, along with the considerations set out within the National Planning Policy Framework, 2021 and Policy CS14 of the Core Strategy, 2011.
51. Consideration has also been given to the impacts of the proposed development on the amenities of nearby residential properties. In view of the nature of the proposed use and associated development and in the context of the former use of the site as a cattle market, the proposed use is not considered to give rise to any unacceptable impacts on residential amenity in terms of noise, light pollution or anti-social behaviour. Technical matters relating to highways, sustainable transport, tree protection measures and drainage can be dealt with by appropriate planning conditions, thereby complying with relevant planning policies on such matters. Accordingly, it is recommended that:

**PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY GENERAL REGULATIONS 1992,
PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. This consent is granted for a temporary period expiring on 31st December 2024 when the use of the site shall cease, and the above ground structures hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

REASON – The proposed car park is required on a temporary basis to mitigate for the loss of existing station car parking which will be reinstated following the completion of a replacement multi-storey car park. The temporary car park is not therefore required in the long term.

2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - (a) Proposed car park layout, drawing number 300267-001 Revision E, dated July 2021
 - (b) Proposed works to wall, drawing number 300267-004 Revision B, dated December 2021
 - (c) Proposed car park lighting systems, drawing number 01 Revision PO1 dated October 2021
 - (d) Lighting general arrangement, drawing number TBI/FP/TH2 RANGE dated 9.2.21

REASON – To define the consent.

3. Prior to any works to the boundary walls as shown on Proposed works to wall, drawing number 300267-004 Revision B, dated December 2021 taking place, details of the external materials to be used in the carrying out of these works, including samples, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity.

4. Prior to the commencement of the development, or at a time agreed in writing by the Local Planning Authority, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirements specifically and in writing:
 - a) Dust assessment report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The dust assessment report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228" Code of Practice for noise and vibration control on construction and open sites"
- c) Construction traffic routes, including parking areas for staff and visitors
- d) Details of wheel washing
- e) Road Maintenance
- f) Warning signage

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

REASON – In the interests of highway safety and residential amenity

- 5. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity

- 6. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing the following details:
 - i. Detailed design of the surface water management system
 - ii. A build program and timetable for the provision of the critical surface water drainage infrastructure
 - iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
 - iv. Details of adoption responsibilities

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

- 7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy (DS) Rev. 2 dated 22nd December 2021 and the following mitigation measures detailed within the FRA.
 - Discharge to NWL Surface Water Sewer Ref: 2011 Restricted to 52.5 l/sec (temporary until 31st December 2024)

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

8. The developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/183 agreement before commencement of the works on site. Thereafter the agreed off-site highway works shall be completed in full prior to the car park hereby approved first being brought into use.

REASON – In the interest of highway safety.

9. The development hereby permitted shall be carried out in strict accordance with the tree protection measures set out in the Barnes Associates Arboricultural Impact Assessment, drawing number BA11064TPP, Revision A, dated 4.10.2021. Such measures shall remain in situ for the duration of the construction period.

REASON – To ensure a maximum level of protection in order to safeguard the wellbeing of trees on the site and in the interest of the visual amenities of the area.

INFORMATIVES

The applicant is advised that contact be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 406663) to discuss the off-site highway works and the Section 278/184 Agreement.

The applicant is advised that contact be made with the Assistant Director – Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the amended 30mph limit and the introduction of Traffic Regulation Orders in connection to a 20mph zone and revised parking restrictions on Clifton Road.