

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th August 2024

APPLICATION REF. NO:	23/00681/DC
STATUTORY DECISION DATE:	9 th August 2024
WARD/PARISH:	Park East
LOCATION:	Public Realm, Coniscliffe Road
DESCRIPTION:	Public realm improvement works including widening of footways and alignment of the carriageway to accommodate street cafes, installation of trees, planters, bollards, seating, a green space (amended plans and reports received 28 May 2024, 21 June 2024 and 15 July 2024)
APPLICANT:	Darlington Borough Council

RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING REGULATIONS 1992 AND SUBJECT TO CONDITIONS

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=summary&keyVal=RXO85HFP0C800>

APPLICATION AND SITE DESCRIPTION

1. The planning application site is a section of Coniscliffe Road, between the junctions with Skinnergate/Blackwellgate/Grange Road (east) and West Street/Larchfield Street (west). This section of Coniscliffe Road comprises a mix of offices, bars, restaurants, the Darlington County Court building, commercial units and residential development (Westpoint and Hogarth Court).
2. Most recently, as a result of the Covid-19 Pandemic, Darlington Borough Council actively promoted the development of outdoor hospitality settings in the town centre. Although temporary, the outdoor seating areas and road closures which developed are

on Coniscliffe Road have proved both popular and successful with local businesses and the public alike. A grassroots café culture has arisen, and the Council is looking to build on this to boost to town centre vitality through improvements to the road network and public realm along Coniscliffe Road.

3. The planning application has been submitted under Regulation 3 of Town and Country Planning Regulations 1992 for the following works within this section of Coniscliffe Road:
 - a) A pocket park on the northern side of the street with trees and seating and birds mouth fencing.
 - b) The widening of the existing pavements on the northern and southern side of the street to facilitate outdoor cafe areas.
 - c) The realignment of the carriageway.
 - d) The installation of street trees and planters.
 - e) The installation of bollards and new road signage
 - f) The installation of cycle parking stands

4. This section of Coniscliffe Road is within the Town Centre Conservation Area and the following properties which bound the road are Grade II listed buildings:
 - a) 1 Skinnergate
 - b) 21 Coniscliffe Road
 - c) 38 And 40 Coniscliffe Road
 - d) 26 Coniscliffe Road
 - e) 41 – 45 Coniscliffe Road

Statement of Community Involvement

5. The development proposals were the subject of an extensive consultation process prior to the submission of the formal planning application in accordance with the Council's adopted guidance on such matters. The process was carried out by Groundwork NE & Cumbria on behalf of the Council. Amendments were made to the proposal as a result of the consultation exercise such as relocating the pocket park to the northern side of the street, the inclusion of designated loading bays and the inclusion of bollards in appropriate locations.

MAIN PLANNING ISSUES

6. The main planning issues to be considered here are whether the development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on Heritage Assets and General Street Scene
 - c) Highway Safety and Parking Provision
 - d) Designing out Crime
 - e) Amenity
 - f) Trees and landscaping

- g) Ecology
- h) Archaeology Matters
- i) Flood Risk and Drainage

PLANNING POLICIES

7. The following local development plan policies are relevant along with the National Planning Policy Framework 2023:

Darlington Local Plan 2016 - 2036

SD1: Presumption in Favour of Sustainable Development

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

TC1: Darlington Town Centre

TC2: Primary Shopping Area

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

Other relevant documents

Darlington Town Centre Conservation Area Character Appraisal

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Environmental Health Officer: Climate Change Officer, Transport Policy Officer and Highways Engineer have raised no objections to the principle of the development.
9. Darlington Association on Disability have raised no objections to the proposed development following the submission of amended plans.
10. Northern Gas Networks have raised no objections to the proposed development.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Following the Council's notification and publicity exercises on the original application, **four letters of support** and **eight letters of objection** were received. The objections can be summarised as follows:
- *Closing the road will damage businesses in surrounding areas.*
 - *The plan will double traffic volume in other directions.*
 - *The scheme will result in the loss of blue badge parking spaces.*
 - *The development will lead to an increase in emissions elsewhere.*

- *Access will be denied for older and disabled people.*
 - *Closing the road would restrict access to the mobility ramp at the front of Coniscliffe House*
 - *The vehicle loop from Grange Road/Coniscliffe Road to West Street is a vital connection for customers.*
 - *The closing of the road will create problems for deliveries, loading and unloading.*
 - *The existing road system works well.*
12. Amended plans were submitted (June 2024) in response to the initial consultation exercise. The scheme was amended to remove the proposed one way system for vehicular traffic in an eastward direction; to remove the proposed pedestrian/cycle zone and to confirm that Coniscliffe Road was no longer being closed off between 10:00am and midnight as originally proposed. Proposals to realign the Grange Road, Blackwellgate, Skinnergate junction have been omitted resulting in a reduced application site boundary and material specifications have been adjusted to facilitate a reduced budget.
13. Following the notification exercise on the amended scheme, three of the previous eight objectors withdrew their comments. Two of the objectors submitted further comments, which can be summarised as follows:
- *The work will cause a lot of disruption impacting on businesses.*
 - *The opportunities for real town centre regeneration are being wasted.*
 - *The Council will fail to maintain the planted and grassed areas.*
 - *All parking is removed making deliveries difficult.*
 - *Disabled people and access to this area will be affected.*
 - *Short stay parking will be affected.*
 - *Footfall will continue to drop.*
 - *The scheme has no blue badge parking.*
14. A comment was received requesting consideration for allowing residents of Westpoint to be able to make a right turn onto Northumberland Street towards West Street when leaving their homes.
15. An objection was received on behalf of HM Courts and Tribunal Services listing concerns over the impact of the proposals on deliveries, collections and access to the County Court building; noise and continued contractor access to the building, when needed.
16. Following the submission of amended plans (July 2024) which make adjustments to the scheme to provide reasonable provision for Blue Badge Holders to lawfully park within this section of Coniscliffe Road, one further objection was received from a previous contributor which can be summarised as follows:
- *The changes mean the ability to park using a Blue Badge has been maintained and the road will remain open to traffic which is welcomed.*

- *The scheme will still impact on some disabled people as blue badge parking elsewhere is too far in distance and up and down hill on narrow pavements.*
- *Street furniture and park lets will alter the ability for blind people and others to get around.*
- *There is not a lack of green spaces in this area and the Council does not maintain existing green spaces adequately.*
- *Poor maintenance of pavers and cambers will lead to problems for people with mobility issues.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

- 17.** Planning law (S.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 (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15)
- 18.** The application site is located within the Town Centre Boundary as identified on the Policies Map of the Local Plan. The proposed works would support the vitality and viability of the town centre which is one of the main objectives of the Local Plan.

b) Impact on Heritage Assets and General Street Scene

- 19.** Coniscliffe Road is one of the main streets leading in and out of the town centre from the west. The street is dominated by the Imperial Centre building and Bar One building (No 1 Skinnergate) located on the eastern corners of Coniscliffe Road with Grange Road and Skinnergate respectively. The south side of the street is characterised by terraced town houses whilst the north side contains buildings of contrasting buildings and materials.
- 20.** As stated on paragraph 12, amended plans were received in June 2024 which reduce the extent of the planning application site (now 0.17 hectares) and to amend the material finish. The pavements would be constructed from pre-cast concrete slabs offset on either edge with tegula concrete setts to match existing pavements.
- 21.** The pocket park has been sited on the northern side of the street following comments made from the local community prior to the submission of the planning application and due to that side of the street receiving and retaining longer periods of sunlight during daytime hours.
- 22.** Outdoor dining has become a characteristic of this part of Coniscliffe Road. The proposed widening of the pavements have been proposed to enable the continuation of this activity to increase footfall to this section of Coniscliffe Road.
- 23.** The carriageway would be narrowed due to the widening of sections of the pavement. By widening the pavement gradually from the loading bay at the east end of the street, the appearance of a sweeping path is achieved which creates more fluidity and

movement to the street scene in views west. In turn the widening of the pavement on the south side creates a one way chicane type road layout which should deter speeding along this stretch of Coniscliffe Road.

24. The decrease in the extent of the planning application site would decrease the number of highway signage within the area.
 25. As stated at paragraph 4, the application site is within the Town Centre Conservation Area and there are listed buildings along this section of Coniscliffe Road. The planning application has been supported by a detailed Heritage Impact Assessment which considers the impact of the proposed development on the individual listed buildings, the Town Centre Conservation Area and any appropriate non-designed heritage assets.
 26. The Assessment concludes that there would be positive and beneficial impacts on the heritage assets and no harm would be caused. The proposed works would both preserve and enhance the historic and architectural interests of the listed buildings and the Town Centre Conservation Area.
 27. It is recognised that the proposal has been designed to be sympathetic with the local historic context of the street with street furniture and crime prevention measures being appropriately designed. The introduction of the pocket park would add welcomed greenery to the street. Officers would agree that the proposed development would sustain the significance of the heritage assets and the development would accord with policy ENV1 of the Local Plan and the National Planning Policy Framework 2023.
 28. In such circumstances, there is no requirement to balance the impact of the development against public benefits, but the proposed development would:
 - a) Enhance townscape.
 - b) Provide a mixed and vibrant public space.
 - c) Support the wider vision for of the Towns Fund to provide 'targeted capital investment [to] ensure Darlington has a strong economic and sustainable future which builds on its sense of place and offers opportunities for all'.
 - d) Act as a catalyst for economic growth and town centre recovery.
 - e) Encourage and retain footfall in the town centre.
 - f) Include better provision for pedestrians.
 - g) Support existing businesses and opportunities for pavement cafes and bars to encourage 'cafe culture'.
 - h) Provide signage improvements.
 29. The proposed development would also comply with policy DC1 of the Local Plan in this regard.
- c) Highway Safety and Parking Provision**
30. The objective of the scheme is to deliver an improved pedestrian and cycling environment with an enhanced environment for people using and visiting the

Coniscliffe Road and the immediate vicinity. The scheme forms part of the wider town centre strategy with the works on Duke Street having been recently completed.

31. The previously proposed restricted access via automated bollards has been removed from the scheme. Now unrestricted access is to be provided along Coniscliffe Road via Blackwellgate/Grange Road, whilst Larchfield Street/West Street junction will be a No Entry owing to the permanent arrangement as a one-way street. Loading is to be done from dedicated loading bay areas. Anti hostile vehicle mitigation measures are also included as part of the works and have been included as an integral part of the design, using less visually intrusive measures such as large planters and seating where practicable.
32. It is vital that the primary function of the highway must be retained, albeit with a change in emphasis to provide a safer, more attractive, and convenient route for pedestrians and cyclists. Although the scheme offers enabling infrastructure for potential pavement cafes, businesses will require separate approval via licencing which is a separate process for Planning Approval. Street furniture and other structures permanent or otherwise, will not be permitted where areas must be kept clear for visibility at junctions and pedestrian crossing points etc.
33. The Construction Management Plan submitted in support of the planning application is considered to be acceptable in highway safety terms.
34. The Council's Highways Engineer has raised no highway objections to the proposed development.
35. With regard to comment made by a resident of the Westpoint development on the corner of Coniscliffe Road and Grange Road, the Design Team have advised that such an arrangement could potentially create motor vehicle conflict, block the junction or impact on vehicle flows on the Ring Road.
36. Matters raised on behalf of HM Courts and Tribunal Services with regard to whether the proposed "loading bay" opposite the building can be used by the Court for deliveries and collections and whether a "drop off" zone could be created outside the court entrance during court hours have been considered by the Council's Capital Projects Team. These are issues which would be covered in detail as part of the legal proceedings for Traffic Regulation Orders should a successful planning outcome be achieved, however, the Team have been in direct dialogue with the Courts and their representatives to discuss the matters further.
37. The provision of on street bicycle storage has been included to encourage active, sustainable travel to and from the town centre. Their positioning has been agreed in conjunction with Darlington Association on Disability and the Council's Transport Policy Team.

38. The bus routes for Services 12 and X75/76 via Victoria Road have been permanently rerouted to avoid this section of Coniscliffe Road and the bus stop will be removed.
39. Overall, the proposed scheme would accord with policies DC1, IN1, IN2 and IN4 of the Local Plan in this regard.

d) Designing out Crime

40. The planning application has been supported by a detailed Hostile Vehicle Mitigation Assessment. Bollards to prohibit informal drop off and stationary vehicles are provided at the junction with West Street and in all other appropriate locations. The highways will be restricted to a 20mph speed limit and a one way system, which together with a chicane type layout to the east end of the road, aim to prevent vehicles increasing speed along Coniscliffe Road. These measures all endeavour to make the street safer for all. In addition, the proposals seek to create a safe space which benefits from natural surveillance through the avoidance of tall trees that can create dark areas, and blind spots for pedestrians and CCTV. The proposal would accord with Policy DC1 of the Local Plan in this regard.

e) Amenity

41. The work will provide some disruption to business operations and has purposely been planned to take place over the winter months to minimise disruption to anticipated trade on Coniscliffe Road. The intention is to keep Coniscliffe Road open for much of the proposed works with closures necessary in the new year to complete road surfacing and speed table installations. A Construction Management Plan has been submitted which is considered to be acceptable by the Council's Environmental Health Officer. A planning condition has been imposed to ensure the development is carried out in accordance with the Plan.
42. Outdoor dining/drinking has become a feature of this part of Coniscliffe Road since the Covid-19 pandemic and has led to the area becoming a destination for its café culture. The proposals support these businesses and the wider Town Centre, contributing to the vitality and viability of both. The siting of the individual outdoor seating areas would be a matter for the Council as Licensing Authority when businesses apply for café pavement licenses.
43. It is considered that the proposed development is acceptable in amenity terms and would accord with policies DC3 and DC4 of the Local Plan in this regard.

f) Trees and landscaping

44. Other than trees that are located within St Augustine's Parish Centre located to the west and outside the application site, there is no significant soft landscaping along this section of Coniscliffe Road. Tree planting would occur within the proposed pocket park on the northern side of the street along with steel and circular planters along the edge of the extended paving. The trees will provide some much needed visual relief and greenspace within this important corridor in and out of the town centre. The creation of a greener street will result in cleaner air, storm water retention, shading in summer

months and biodiversity. Whilst not a planning consideration, the landscaping proposals have been designed so that future maintenance is not onerous and will require a less frequent regime and schedule. The proposal would accord with policies DC1, ENV3 and ENV4 of the Local Plan in this regard.

g) Ecology

45. A net gain in biodiversity would be achieved through the inclusion of a pocket park and the planters. The proposal would accord with policies ENV7 and ENV8 of the Local Plan in this regard.

h) Archaeology Matters

46. There are no archaeological considerations or objections to the proposed scheme and therefore the proposal would accord with policy ENV1 of the Local Plan in this regard.

i) Flood Risk and Drainage

47. The application site is within Flood Zone 1 with a low flood risk. Drainage details have been submitted in support of the application and the scheme would accord with policy DC2 of the Local Plan in this regard.

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.

49. During the course of the determination of the planning application, concern was raised over this section of Coniscliffe Road being closed to traffic between 10am and midnight and therefore impacting access to premises on the street for people with mobility issues. In response to the concerns, vehicular prohibition has been removed from the proposal to allow access to continue as the existing situation albeit from east to west along the street.

50. The location of cycle stands, seating areas, bollards and pavement crossing locations and designs have been agreed in conjunction with Darlington Association on Disability, who were consulted on the planning application and no longer have any objections to the planning application following the submission of amended plans.

51. The existing arrangement on Coniscliffe Road does not benefit from any designated Blue Badge parking however it is lawful for blue badge holders to park on existing double yellow lines for up to three hours if it is safe to do so. The following amendments have been made to the proposals after comments on this matter were received:

- a) Carriageway widened to 4.8m between Larchfield Street junction and the Presbytery entrance adjacent 30 Coniscliffe Road. This enlarged width provides

enough space for parked vehicles and passing HGVs to ensure the safe operation of the street.

- b) 18m of double yellow lines opposite the proposed pocket park. These are intended to provide lawful 3-hour parking provision for up to 3 blue badge holders.
- c) Adjustment of the pedestrian crossing location through the pocket park to ensure that it is not obstructed by blue badge holders.

52. Furthermore, walkways are widened, furniture is set back from thoroughfares and the material palette provides visual distinction between carriageway and footway space.

53. The planning application has been supported by an Equality Impact Assessment which has been amended and updated following receipt of comments through the notification process. Having considered the Assessment and the amendments that have been made during the determination of the planning application, measures have taken place to provide reasonable provision for Blue Badge holders to lawfully park within the extent of the planning application site. The proposed development would comply with policy IN2 of the Local Plan in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

54. 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. This is covered in paragraph 40 of this report.

CONCLUSION AND RECOMMENDATION

55. The planning application to alter this section of Coniscliffe Road is driven by a need to support the local economy, addressing business needs whilst creating a more comprehensive pedestrian and cyclist environment without impacting on the primary use of the highway. The proposal makes a contribution to health and well-being outcomes, supports economic regeneration, and plays a role in reducing CO2 emissions through the introduction of green space. The scheme will encourage people to adopt healthier lifestyle choices and provide an attractive, accessible, and safe environment along Coniscliffe Road that supports relaxation and physical travel choices.

56. The proposed works would sustain and preserve the significance of heritage assets in accordance with the National Planning Policy Framework 2023 and local development plan policy. There are no highway objections, and a suitable Construction Management Plan has been submitted which can be secured via a planning condition.

57. Amendments have been made to the scheme in response to concerns that were raised about accessibility and blue badge parking.

58. Overall, it is considered the planning application complies with the local development plan and the National Planning Policy Framework 2023

GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING REGULATIONS 1992, SUBJECT TO THE FOLLOWING PLANING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 100-01 P02 - General Arrangement
 - b) Drawing Number 100-09 P02 – Residual Risk
 - c) Drawing Number 100-12 P02 – Consultation Plan
 - d) Drawing Number 1100-01 P02 – Kerb Reference Sheet
 - e) Drawing Number 1200-02 P02- Proposed Signage and Road Markings
 - f) Drawing Number 1300-01 P02 – Proposed Street Lighting Layout
 - g) Drawing Number 200-01 P02 – Site Clearance
 - h) Drawing Number 500-01 P01 – Proposed Drainage Layout
 - i) Drawing Number 700-04 P01 – Pavement Texture and Aggregate Properties
 - j) Drawing Number TV377 CON 03D – Landscape Layout
 - k) Drawing Number 1100 -02 P01 Typical Kerb Details
 - l) Drawing Number 700-01 P01 Road Pavement Construction Layout
 - m) Drawing Number 700-02 P01 Typical Highway Cross Section
 - n) Drawing Number 100-02 Site Extents
 - o) Drawing Number 100-03 Accommodation Works
 - p) Drawing Number 100-04 Site Restrictions
 - q) Drawing Number 100-05 Adopted Highway
 - r) Drawing Number 100-06 Land Ownership
 - s) Drawing Number 100-08 Diversion Plan
 - t) Drawing Number 100-10 Traffic Management North
 - u) Drawing Number 100-11 Traffic Management South
 - v) Drawing Number 100-13 Core Hole Locations
 - w) Drawing Number 100-14 Setting Out Layout
 - x) Drawing Number 100-15 Topographic Survey
 - y) Drawing Number 1100-03 Typical Kerb Details
 - z) Drawing Number 1100-04 Typical Raised Table Details
 - aa) Drawing Number 1200-03.1 Sign Schedule
 - bb) Drawing Number 1200-03.2 Sign Schedule
 - cc) Drawing Number 1200-03.3 Sign Schedule
 - dd) Drawing Number 1200-03.4 Sign Schedule
 - ee) Drawing Number 1200-03.5 Sign Schedule
 - ff) Drawing Number 1200-03.6 Sign Schedule
 - gg) Drawing Number 1200-03.7 Sign Schedule
 - hh) Drawing Number 1200-03.8 Sign Schedule

- ii) Drawing Number 1200-03.9 Sign Schedule
- jj) Drawing Number 1200-03.10 Sign Schedule
- kk) Drawing Number 1200-03.11 Sign Schedule
- ll) Drawing Number 1200-03.12 Sign Schedule
- mm) Drawing Number 1200-03.13 Sign Schedule
- nn) Drawing Number 1200-03.14 Sign Schedule
- oo) Drawing Number 1200-03.15 Sign Schedule
- pp) Drawing Number 1200-03.16 Sign Schedule
- qq) Drawing Number 1200-03.17 Sign Schedule
- rr) Drawing Number 1200-03.18 Sign Schedule
- ss) Drawing Number 1200-03.19 Sign Schedule
- tt) Drawing Number 1200-03.20 Sign Schedule
- uu) Drawing Number 1200-03.21 Sign Schedule
- vv) Drawing Number 1200-03.22 Sign Schedule
- ww) Drawing Number 1200-04 P02 Typical Bollard Details
- xx) Drawing Number 500-02 Drainage Standard Details
- yy) Drawing Number 600-01 Coniscliffe Road Cross Section
- zz) Drawing Number 600-02 Coniscliffe Road Cross Section
- aaa) Drawing Number 600-03 Coniscliffe Road Cross Section
- bbb) Drawing Number 600-04 Hogarth Court Cross Section
- ccc) Drawing Number 600-04 P01 Grange Road Cross Section
- ddd) Drawing Number 600-05 Coniscliffe Road Long Section
- eee) Drawing Number 600-05 P01 Coniscliffe Road Long Section
- fff) Drawing Number 600-05 Hogarth Court Long Section
- ggg) Drawing Number 600-07 P01 Grange Road Long Section
- hhh) Drawing Number 700- 03 Typical Highway Cross Section
- iii) Drawing Number 700- 05 Pavement Design Details
- jjj) Drawing Number 700- 06 Speed Table Specification
- kkk) Drawing Number DARPLA 010 Horizontal Illuminance Layout Plan
- lll) Drawing Number tv377 con 04C Planting Plan
- mmm) Drawing Number tv377 con 05A Tree Pit Detail
- nnn) Drawing Number TV377CON 06B Seating
- ooo) Drawing Number 300-01 Birdsmouth Fencing Standard Detail
- ppp) Drawing Number UTL 395 1263 RFL and GPR Scanning Results

REASON - To ensure the development is carried out in accordance with the planning permission.

3. The development shall not be carried out otherwise than in complete accordance with the document entitled "Coniscliffe Road Construction Management Plan Rev 02" dated 24 May 2024 and produced by Darlington Borough Council unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of amenity and highway safety

