

DARLINGTON BOROUGH COUNCIL

REPORT ON A PLANNING APPLICATION TO BE DETERMINED UNDER DELEGATED POWERS IN CONJUNCTION WITH THE CHAIR OF THE PLANNING APPLICATIONS COMMITTEE

APPLICATION REF. NO:	21/00691/DC
STATUTORY DECISION DATE:	4 August 2021 (Extension of time agreed 25 October 2021)
WARD/PARISH:	PARK EAST
LOCATION:	Land West of Darlington Railway Station, Darlington
DESCRIPTION:	Demolition of Hogan's Public House, 97 Pensbury Street, 137-139 Victoria Road, 1 Waverley Terrace and 1-4 Park Lane together with highway and ancillary infrastructure works including creation of bus stops and lay-bys, new highway access and turning facility at rear of Pensbury Street, partial demolition of boundary wall to facilitate new vehicular access to existing car park, turning facility to Waverley Terrace and associated public realm landscaping works (amended landscape masterplan and cross section, additional appendices to design and access statement and further supporting information received 11 August 2021)
APPLICANT:	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=QUFUVKFP0C200>

APPLICATION AND SITE DESCRIPTION

1. This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 for highway and public realm improvements on land to the west of Bank Top station as part of a wider package of proposals set out in the Bank Top Station Masterplan (A Vision for Darlington 2025 - A Modern Rail Hub for a Modern Economy) prepared by Tees Valley Combined Authority. The Masterplan will make enhancements to the existing Bank Top Station, improvements to the railway lines and the creation of a modern Transport Hub and Multi Storey Car Park (MSCP) comprising the following sections:
 - a) Station Gateway West – works outside the station to pedestrianise the highway the subject of this planning application (21/00691/DC) and an associated listed building consent application (21/00750/DCLB)
 - b) Refurbishment of the Bank Top station tracks and platforms, the erection of a new pedestrian link bridge from the station to the proposed new platform building on the east side. Applications have yet to be submitted for this phase of the overall development and discussions are ongoing between the Council, the applicants and Historic England
 - c) Station Gateway East – erection of a 672 space MSCP, transport hub, station entrance and concourse. Approved September 2021, 21/00688/DC.
2. This planning application is wholly concerned with the works to the Station Gateway West and the application proposes the following works:
 - The demolition of Hogan’s Public House, 97 Pensbury Street, 137 – 139 Victoria Road, 1 Waverley Terrace, and 1 – 4 Park Lane and engineering operations in the form of highway and associated infrastructure works to the west of the station to connect Pensbury Street to Park Lane, the creation of bus stops and lay-bys.
 - A new highway access and turning facility to the rear of Pensbury Street.
 - A new vehicular access route to the existing car park off Park Lane, including the partial demolition of an existing boundary wall to facilitate this access and the creation of a new turning facility to Waverley Terrace; and
 - Associated public realm landscaping works.
3. There have been some amendments to the application and further information provided in the form of a revised landscape masterplan, appendices to the Design and Access Statement and further supporting information provided in response to comments received as part of the consultation process. An associated application for listed building consent for the partial demolition of the boundary wall to facilitate the new access to the car park off Park Lane has also been submitted (21/00750/DCLB).
4. The application site is an area of land extending to approximately 0.94 hectares located to the west of Darlington Railway Station and encompasses existing buildings and highways land. The surrounding area is dominated by the Grade II* listed Bank Top Station located immediately to the east of the application site and the non-designated heritage assets of the former Hogan’s Public House (180 Victoria Road) and 137 – 139 Pensbury Street which are to be demolished as part of the proposal. A lime tree, located

at the eastern end of Waverley Terrace, protected by Tree Preservation Order 1990 (No. 6), lies within the application site.

5. The proposal has been the subject of a pre-application enquiry with officers and the applicant has also had pre-application discussions both with the Council's Conservation Officer and Historic England. A pre-application consultation exercise was also carried out 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.

Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6. The proposed development has been the subject of a request for a screening opinion (21/00015/SCR) in accordance with the Regulations 2017 and it is the opinion of the local planning authority that taking into account the characteristics of the development, its location, and the characteristics of the potential impacts, there are unlikely to be any significant impacts that would warrant the submission of an Environmental Impact Assessment.

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) Highway Safety and Sustainable Transport
 - (e) Land Contamination
 - (f) Flood Risk and Drainage
 - (g) Ecology, Trees and Landscaping
 - (h) Archaeology

PLANNING POLICIES

8. Relevant development 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)
- Includes hard and soft landscaping which has regard to its form, setting and design (Saved Policy E14)
- 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)

Other relevant documents are:

- The National Planning Policy Framework, 2021
- Tees Valley Guide (Design Guide & Specification Residential and Industrial Estates Development)
- Town and Country Planning (Listed Buildings and Conservation Area) Act 1990
- Revised Design of New Development, 2011 Supplementary Planning Document

RESULTS OF TECHNICAL CONSULTATION

9. No objections in principle have been raised by the Council's Highway Engineer, Transport Policy Officer and Environmental Health Officer subject to appropriate planning conditions. Similarly, the Local Lead Flood Authority, Northumbrian Water, Durham County Council Archaeologist and the Council's Ecology adviser raise no objection subject to conditions. Durham Police Traffic Management Officer advises that there should be parking restrictions within the turning head to be created on Waverley Terrace.
10. The Council's Conservation Officer has expressed concern regarding some elements of the amended proposals, specifically that the detail of the scheme will not lead to an enhancement of the setting of the Grade II* listed station building. In particular, the loss of the non-designated heritage asset, Hogan's Public House, will result in less than

substantial harm to the setting of the Grade II* listed building and the impact will need to be weighed against the public benefits of the proposal.

11. Historic England has expressed concern in respect of both the original and amended proposals and considers that the scheme fails to enhance the setting of the highly designated station building or achieve highway improvements/new public realm in a manner commensurate with the more than special interest of this historic area of Darlington.
12. Darlington Association on Disability have been working alongside the Project Team on this scheme advising on disability access issues and have raised a number of issues during the course of the application. The scheme has been amended to address concerns regarding bollard/cube seating at the entrance to the car park on Park Lane, however they recommend that a drop off point be allowed in the car park and that the number of bollards at the entrance to the back lane on the west side of Park Lane be as few as possible.
13. Network Rail advise that they are aware of the scheme and are engaged with the developer in the design and delivery of the proposals and have no observations to make at this time.

RESULTS OF PUBLICITY AND NOTIFICATION

14. Two letters of objection have been received from Clifton Court Medical Centre and from Friends of Stockton and Darlington Railway which raise the following issues:
 - The proposed work will cause further accessibility issues and cause major disruption to the GP Practice
 - The applications do not include any of the existing station complex. It is assumed an application will be submitted for works affecting the station complex. Further comments will be made at that time
 - Share concerns of Historic England about the design of the western side which fails to take advantage of the heritage setting of the station buildings, resulting in an overcomplicated and confusion solution which involves the demolition of key buildings including 'Hogan's'
 - Main area of pedestrian activity will continue to be on the footway to the north side of Victoria Road and into the station building, the paved open areas will have little use
 - It is proposed to remove of vehicle access and parking within the porte-cochere with no suggestion to its future use. The proposed facility on the east side will involve additional journey time for motorists.
15. A letter of representation has been received from Cllr Holroyd which raises the following issues:
 - The plans do not seem to be very holistic, there are no plans for inside the station buildings
 - What are the plans for the portico entrance of the station opposite Victoria Road?

- The designs shown will not increase accessibility by walking, cycling, bus and taxi such that they are more convenient than arriving by car. They must be significantly improved to integrate these travel modes better into the surrounding streets.

PLANNING ISSUES/ANALYSIS

(a) Planning Policy

16. 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.
17. 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.
18. 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.

(b) Heritage Assets and Visual Amenity

19. 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.
20. 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).

21. 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).
22. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para. 200 of the NPPF, 2021) and the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203 of the NPPF, 2021).
23. 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).
24. The application has been supported by a high level, detailed and extremely useful Heritage Statement (HS) that fully complies with the requirement of paragraph 194 of the NPPF, 2021. The station building was constructed in 1887 by William Bell and Engineer Thomas Elliott. The structure is a hugely impressive and imposing structure with the decorative Portico and the tall Clock Tower. The Portico has a renaissance style feel with the clock tower being central and flanked by two centre carriage arches tall enough to allow for horse drawn carriages. Historically, it is known that there was a room in each arch which housed toilets. Beneath the clock tower is room which was formerly a cabman's room for the horse drawn carriages. These spaces are still extant, however are redundant in use. The design of the entrance appears to have been tied in with the positioning of Victoria Road and creates a strong vista with the buildings to the top end of Victoria Road framing the station entrance.
25. Looking to the immediate surrounding area to the west of the station, there is a strong urban feel. The development of the area did not start until the later 19th century in line with the development of the station building. Buildings facing onto Victoria Road create a strong vista up to the station building and form a major part of the significance and setting of the Grade II* listed station building. Along Victoria Road there are three key heritage assets which form part of this significance, the former Methodist Church, the former North Eastern Hotel and Hogan's public house. The application to a lesser degree impacts the setting of the former Methodist Church, however, does directly impact the former North Eastern Hotel and Hogan's.
26. The proposals seek to provide an improvement to the existing entranceway to the station with associated highways, public realm and landscaping improvements. This would see the loss of Hogan's, 97 Pensbury Street, 137 – 139 Victoria Road, 1 Waverley Terrace and

1 – 4 Park Lane. As established in the submitted Heritage Statement, Hogan's Public House is recognised as being a non-designated heritage asset. While the site does not lie within a Conservation Area, the building has very strong ties with the railway development. Looking at the historic OS mapping, the building appears to pre-date that of the existing station building and is understood to form part of the earlier development of the area. The pub is also understood to be a Temperance pub. The existing building has been altered over time and externally has been finished with a poor quality pebbledash, common of the mid to later 20th century. It does however have good architectural form with a number of nice details to the front of elevation, and there is evidence of the former finished with some areas of glazed brick and tiles being exposed around the entrance. It is clear the building has high historical and evidential significance.

27. Whilst the Council's Conservation Officer supports the overall general principle of what is being proposed with the aim of seeking to improve the approach and entrance to the Grade II* station building, he does not consider that the proposal achieves a scheme which will enhance the setting of the highly significant Grade II* listed asset and important historic area. The proposal would also see the demolition of Hogan's pub, a non-designated heritage asset which would constitute substantial harm with the loss of this asset. The proposal would also result in less than substantial harm to the setting of the Grade II* listed station. The proposals would also see the loss of 137 – 139 Victoria Road and 97 Pensbury Street which are not considered to have as great a significance. While the demolition of these buildings would see a loss of the historic development of the area, their loss would have a slightly lesser impact. The submitted Heritage Statement reaches the same conclusion.
28. Historic England, while also supportive of the principle of the application and the ambitions to improve highway safety and provide a more welcoming approach to this iconic listed building, concur with this view. They consider that the scheme fails to enhance the setting of the Grade II* station building or achieve highway improvements/new public realm in a manner commensurate with the more than special interest of this historic area of Darlington.
29. In response to the comments raised by both the Conservation Officer and Historic England, the scheme has been amended to omit the tree planting to the front of the Portico and the surface treatment arrangement and detailing for the approach to the station has been simplified to appear as a single space. Further information has been submitted in terms of further justification for the demolition of Hogan's as being central to the delivery of the scheme. Vehicle tracking and other options considered in the scheme design have been provided which show that the principal purpose of the scheme could not be achieved whilst retaining the public house.
30. Further information has also been provided in response to specific comments made regarding details of the scheme including the treatment of blank gables following the demolition of buildings, the lifting of scoria blocks and details of the proposed turning head to the rear of Pensbury Street, all of which can be dealt with by planning condition. This further information also advises that the proposed materials palette has been

chosen as a continuation of the materials used elsewhere on Victoria Road with the intention of providing a uniform experience of the street leading to the station and the physical and visual link towards the town centre without resulting in too much change or clutter within the public realm. While this will result in some harm to the setting of the station building, this harm will be less than substantial harm with such harm to be assessed against the public benefits of the scheme.

31. As stated above, the Council's Conservation Officer is supportive of the overall general principle of development but remains concerned regarding some elements of the proposal, following the submission of amended details and further information. Historic England also retain their original position on the application. Several matters can be dealt with by planning condition, however there are elements which will harm the historic significance of the site and the setting of heritage assets. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200 of the NPPF, 2021). Consideration must also be given to the duty of preserving the setting of listed buildings as set out in the 1990 Act. The extent of harm that has been identified is 'less than substantial' to the significance of surrounding heritage assets which include the setting of the Grade II* listed station building and the loss of Hogan's Pub, a non-designated heritage asset. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202 of the NPPF, 2021).
32. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly, or indirectly, affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset (paragraph 203 of the NPPF, 2021).
33. The public benefits that would be derived from the proposed development include:
 - (a) The demolition of Hogan's will enable the creation of an improved entrance to the Grade II* listed station
 - (b) The realignment of the highway and relocation of the short stay car parking from inside the station to outside will improve the quality of experience and appreciation of the listed building
 - (c) The cumulative effect of the Station Gateway West project will enhance the setting as well as make provision for growing passenger numbers for the station, which in turn will directly benefit the Grade II* listed building
 - (d) The proposal will make more efficient use of the space for a transport interchange for both public transport via bus links through Darlington and beyond and the cycle network
 - (e) The removal of the existing parking from within the Portico (which is a consequence of the proposed development) will de-clutter the Portico and separate foot passengers from waiting vehicles, thereby improving the station environment

- (f) The approach to the station up Victoria Road will be improved, retaining the long avenue at which the Station tower and entrance forms a planned vista, and the general Victoria Road improvements will link with the new landscaped plaza to the front of the station to create a more pleasant and usable entrance and exit to the building
 - (g) The new station entrance will give improved access for all and connect to Darlington Town Centre and the wider region which in turn will benefit Darlington economically and help to further promote the use and availability of sustainable means of transport.
34. Based on the information that has been submitted in support of the planning application, officers are convinced that the significance of the site and the surrounding heritage assets is well understood, and the development has been designed to reflect the assets whilst also needing to meet other operational requirements. The site has been considered against the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (S66). Furthermore, it is considered that in accordance with the requirements of the National Planning Policy Framework, 2021 (paragraphs 202 and 203) that there are significant social, economic and heritage public benefits which would be derived from the proposed development that would outweigh the less than substantial harm to the heritage assets that would be caused by the demolition of Hogan's pub and the proposed highway and public realm improvements. The overall development would accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework 2021 and Policy CS14 of the Core Strategy, 2011.

(c) Residential Amenity

35. There are residential properties located to the north and west of the application site on Pensbury Street and Waverley Terrace respectively as well as some residential properties interspersed with commercial properties on Victoria Road. The main impact on these properties arising from the proposed development will be during the construction and demolition phases of the development. The site compound for the construction phase will be located on part of the former Auction Mart site and as such is likely to be sufficiently distant from nearby residential properties to minimise disturbance, however this will need to be confirmed in a Construction Management Plan, alongside measures for controlling dust, noise 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.
36. It is not anticipated that the operational phase of the development will give rise to any significant impacts relating to residential amenity given that the main changes relate to a realigned highway serving an existing, well-used railway station close to the town centre. A new junction is proposed to the south of Pensbury Street to maintain access to the back lane of Pensbury Street which will also lead to a turning facility to the rear of Pensbury Street. Access will be restricted for loading only. The rear lane is accessible to vehicles currently and the proposed turning facility has been designed to prevent vehicles reversing out onto Pensbury Street. The proposed junction and turning facility will not

therefore result in a significant increase in noise, nuisance and disturbance to nearby residential properties. A turning head is also proposed to the eastern end of Waverley Terrace. If this street will be closed off at its eastern end, there should be an overall reduction in traffic movements in this location.

37. Concern has been raised on behalf of Clifton Court Medical Centre that the proposed work will cause accessibility problems and disruption to the GP Practice. Although the Medical Centre is located outside of the application site boundary, it will nevertheless be impacted by the demolition and construction phase of the proposed development. A condition requiring the submission of a Demolition and Construction Management Plan for approval and adherence to this during the demolition and construction phase will ensure that disturbance is kept to an appropriate level. While it is acknowledged there is likely to be some disruption to accessibility to the Medical Centre for the duration of the works, this will be for a temporary period only. A programme of traffic management for the duration of the works across the station as a whole is currently being devised and will need to consider and maintain access to properties and businesses as part of these works.
38. Overall, there will be little discernible difference in terms of activity levels, vehicle movements etc associated with the development that would be likely to result in a noticeable reduction in current residential amenity standards. Subject to the imposition of planning conditions relating to the submission of a construction management plan and restricting the hours of construction activities, the proposal is considered to comply with Policy CS16.

(d) Highway Safety and Sustainable Transport

39. As previously described, the works proposed are part of a wider scope of redevelopment of the public realm to the west of Darlington Station and Victoria Road area, which involve changes to transport and pedestrian infrastructure, including the relocation of the current taxi rank site to the Neasham Road side of the station. As such vehicle movements around the station façade are to be reduced and the wider site is an improved environment for walking and cycling, giving greater priority to pedestrian and cyclists at crossing points. The wider scheme of works includes the new Multi-Storey Car Park (MSCP) and station concourse on the eastern side of Darlington Station as well as highway and public realm works to the western side of Neasham Road under a separate application, 21/00688/DC, which was approved by Members of the Planning Applications Committee in September 2021.
40. The works the subject of this application will involve opening up the space to the front of the station including demolition of some adjacent buildings in order to enable the realigning of Victoria Road and Park Lane and enhancing the quality of paving which will extend the current streetscape along Victoria Road between the station and town centre. As the area is currently quite constrained, demolition of neighbouring properties will be required to accommodate the necessary highway infrastructure and provide visibility to the pedestrian crossings and new priority junction at the end of Victoria Road.

41. The Highway Engineer advises that the scheme has had significant input from the DBC Highway Design Team with additional design work being undertaken by the agent. The proposal includes a significant amount of highway works both within the existing highway boundary as well as the construction of new areas to be dedicated as public highway. These works will be subject to separate technical approval covered by both a Section 278 and Section 38 Agreement respectively. The application documents demonstrate the overall concept of the scheme and further technical detail is required which would be secured by planning condition.
42. The works reviewed as part of this application include a 20mph speed limit introduction, improved pedestrian connectivity and bus stop relocation. New half width laybys are to be provided for bus services along Park Lane and pedestrian facilities are to be improved throughout, including at-grade crossings, tactile paving and widened footways. Vehicular access to the existing Portico is to be removed with the area becoming pedestrianised. This will result in the loss of 21 car parking spaces however this has been accounted for in the provision of the proposed MSCP on the eastern side of the railway line.
43. Waverley Terrace is to be closed at its junction with Park Lane and a new turning head is to be provided to allow manoeuvre of a refuse collection vehicles and other servicing vehicles. It has also been demonstrated using auto-tracking that the highway changes accommodate expected vehicle types including servicing vehicles in the rear lane of Pensbury Street.
44. Additional parking restrictions are being proposed as part of the project to help keep the junction and pedestrianised area clear of parked vehicles. This process will require consultation outside of the planning process and is ongoing by the Highway Authority as part of works to introduce or amend Traffic Regulation Orders (TROs). The comments raised by the Police Traffic Management Officer regarding the need for parking restrictions at the new turning area on Waverley Terrace will be incorporated within a wider TRO review process.
45. A road safety audit stage 1/2 has been commissioned and the recommendations from this should be addressed with an appropriate designers response to any issues raised as part of the final highway design. This would include providing suitable pedestrian/cyclist crossing points with tactile paving and drop kerbs where appropriate or raised crossing points as shown to provide suitable linkages to the existing highway infrastructure.
46. Subject to planning conditions requiring the submission of a detailed highway design for approval, which will pick up a number of outstanding matters of technical detail, and a construction management plan, the Highway Engineer raises no highway objection to the proposal.
47. Comments have been provided by Sustainable Transport and Darlington Association on Disability (DAD) with regard to preferences and recommendations for improved crossing arrangements and bus stop locations. DAD have had direct consultation with the

Highway Design Team and the recommendations received will need to be fully considered and balanced by the practical issues of buildability and land ownership, as well as legislative requirements.

48. The issues raised by DAD include the installation of cube seating within the design potentially causing problems for visually impaired persons. Other matters raised relate to the location of crossing points to the relocated entrance to the car park, queries regarding the number and spacing of bollards within the scheme, and the potential for a drop off area for vehicles travelling towards the station from the south.
49. The amended landscape masterplan shows the cube seating removed and replaced with revised seating arrangements within the raised planters. DAD have confirmed this issue has been satisfactorily resolved. Crossing points to the relocated vehicle entrance have also been revised showing the relocated vehicle crossing points closer to the wall, better reflecting a desire line for anyone with sight loss walking along Park Lane using the wall as a guide. Bollards have been installed at the maximum spacing possible whilst still preventing vehicles from passing between the two bollards. A drop off point has not been included in the proposed design as requested by DAD. The agent confirms that the proposed roads will be subject to waiting restrictions to discourage casual waiting for pick-up/drop off. The car park can however be used free for up to 20 minutes which will allow for short duration drop off/pick ups in this location.
50. The Sustainable Transport team have raised issues regarding the need for an additional crossing point between the proposed layby and Willow Place back lane. The agent has confirmed this has not been provided in the proposed scheme since there are other crossing facilities in close proximity that would provide adequate crossing facilities. Furthermore, it could not be accommodated adequately in the location suggested as the dropped and taper kerbs would need to be located to the south of the car park entrance and not interfere with the Willow Place access crossover which would also have dropped kerbs. The agent has also confirmed that proposed footways will be a minimum of 2 metres in width, however a condition requiring the submission of detailed landscape and engineering drawings to be submitted will ensure this detail is confirmed.
51. Subject to consideration of the matters raised by the Council's Highway Engineer, Sustainable Transport Team and Darlington Association on Disability, the proposed development is considered to meet the requirements of Policy CS2 in this regard.

(e) Land Contamination

52. The application has been submitted with a desk top report on historic land uses of the site and the surrounding area and fulfils the requirement of a Phase 1 Desk Top Study for the site. The report makes it clear that the site has been intensively developed for at least the last 150 years and it is highly likely that made ground will be encountered across the site. There will be no access to underlying soils as a result of the development given that land on which buildings to be demolished as part of the proposals currently stand is to be hard surfaced for pavement, car parking and realigned highway. As pollutant

linkages would effectively be broken, no further conditions relating to contaminated land are required and the proposal complies with Policy CS16 in this regard.

(f) Flood Risk and Drainage

53. The application site is located within Flood Zone 1 and as such is at low risk of flooding. A Drainage Strategy (DS) has been submitted with the application which assesses how foul and surface water drainage from the proposed development will be dealt with. It is proposed that surface water flows from the new development will be discharged into the Northumbrian Water Limited (NWL) surface water sewer located on Victoria Road to the west of the application site boundary. Surface water rates will be restricted to a maximum rate of 11 l/sec following discussions with the Local Lead Flood Authority (LLFA). Underground attenuation crates are to be used to provide the required storage since there is insufficient space on site to provide any large open SuDS features. Since the proposal relates to the realignment of existing highways and public realm, with no new buildings proposed that will generate foul flows, no foul network has been included for in the design. The DS concludes that the proposed 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. Both NWL and the LLFA raise no objection to the application subject to the imposition of planning conditions. Policy CS16 is satisfied in this regard.

(g) Ecology, Trees and Landscaping

54. A Bat and Bird Survey Report has been submitted with the application which assesses the potential for bat and bird activity within the buildings to be demolished. The survey confirms that there are no historic records of roosting bats at the site or close by and no evidence of bat roosts was found during the daylight survey. Pre-dawn return surveys of the buildings were undertaken with a single common pipistrelle bat recorded commuting to the north west of the survey area close to and 4 bats were recorded commuting past the Waverley Terrace/Park Lane survey area. Bat activity was minimal, and no bats returned to roost in any of the properties or in the lime tree on Waverley Terrace. No evidence of nesting by birds was found.
55. Following the bat activity surveys both sites were subsequently downgraded from a Low Risk for use by bats to a Negligible Risk and no further consideration of the presence of bats or nesting birds is required in respect of the proposed demolitions. The Council's Ecology adviser concurs that the survey work undertaken is sound and no further work is required.
56. The application proposes the removal of 1 no. lime tree (T13) at the eastern end of Waverley Terrace which is protected by Tree Preservation Order 1990 (No. 6). The tree is one of a number of protected trees located on the south side of Waverley Terrace along its boundary with the former Auction Mart site. The removal of the tree is required to facilitate the provision of the turning head and to allow forward visibility for road users at the junction of Waverley Terrace and Park Lane. None of the other protected trees would be affected by the proposed development. An Arboricultural Impact Assessment

(AIA) and Tree Survey (TS) submitted with the application advises that the lime tree (T13) is in fair form and condition and identifies the tree as a Category C2 tree, a tree present in a group but is otherwise not of significant value.

57. 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 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.
58. The AIA and TS report that the tree is in fair form and condition and although identified as a Category C2 tree with a lifespan of approximately 20 years, the tree remains worthy of protection. Its removal is however required to facilitate the proposed scheme. The loss of the tree is however to be compensated by a net gain in tree planting across the application site as shown on the submitted landscape masterplan.
59. The proposed landscape masterplan provides details of hard and soft landscaping proposals for the wider site which has been designed to create a welcoming entrance to Bank Top station and prioritises the space to the front of the station for pedestrians and cyclists, thereby encouraging walking, cycling, and public transport use. The landscape masterplan, which has been revised since it was first submitted to address concerns raised during the consultation process, proposes the planting of a number of ornamental shrubs and trees within the scheme as well as a section of hornbeam hedge and a series of raised planters at the entrance to the station. The landscaping scheme originally proposed the planting of a number of hornbeam trees at the entrance to the station. These have however been omitted and replaced by the proposed raised planters in response to concerns expressed by the Conservation Officer relating to the impact these trees would have on the setting of the Grade II* listed building.
60. The proposal will nevertheless provide a slight net gain in biodiversity and compensate for the loss of the protected lime tree, which is required to facilitate the proposed works. Subject to a condition requiring the submission and implementation of a landscaping scheme, the proposal considered to comply with Saved Local Plan Policies E12 and E13 and Policy CS15 in this regard.

(h) Archaeology

61. The proposal involves the demolition of a number of buildings that are non-designated heritage assets, some of these buildings have been much altered. The Heritage Statement submitted proposes the recording of Hogan's Public House which is considered to be the most significant of the non-designated heritage assets to be demolished. Durham County Council Archaeology Department consider that more formal

recording of those buildings to be demolished is required which can be secured by appropriate planning conditions.

THE PUBLIC SECTOR EQUALITY DUTY

62. 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 report considers the impact of the proposed development on any disruption caused to the nearby Clifton Court Medical Centre in terms of accessibility to the property and disruption caused during the demolition and construction phase of the development in paragraph problems and disruption to the GP Practice in paragraph 37 and considers the impact of the proposed scheme on disabled and visually impaired people in paragraphs 47 – 49.

CONCLUSION AND RECOMMENDATION

63. Tees Valley Combined Authority, in partnership with Darlington Borough Council, Network Rail and LNER, has planned a comprehensive improvement project at Darlington Bank Top Station and the Council is leading on the development of land immediately to the east and west of the existing station (Neasham Road and Victoria Road sides respectively). The project will deliver the biggest transformation of the station in decades, providing modern, pedestrian-friendly travel interchanges for the town and wider region.
64. This proposal on the west side of the station proposes an improvement to the existing entranceway to the station with associated highways, public realm and landscaping improvements with the principal aim to significantly and safely improve the visitor experience to and from Darlington Railway Station befitting of the heritage assets within and in the vicinity of the application site itself, creating a second entrance to the station reflective of a major transport hub and a modern and safe environment for station users. The Council's development, alongside improvements to the existing station building by Network Rail and LNER is planned to be completed by 2025, in time for the 200th anniversary of the birth of the modern railway.
65. The overall objectives of the proposal are fully acknowledged and recognised. The application site is in a highly sustainable location within the development limits of the urban area. Technical matters relating to highways, sustainable transport, ecology, archaeology, landscape and drainage can be dealt with by appropriate planning conditions, thereby complying with relevant planning policies on such matters.
66. The Council's Conservation Officer and Historic England while being broadly supportive of the principle of development have concerns that the scheme will result in substantial harm due to the loss of Hogan's pub, a non-designated heritage asset, and less than substantial harm to the setting of the Grade II* listed station building. The areas of the

scheme which will have an impact upon these heritage assets have been identified and considered alongside the overall heritage benefits and wider public benefits of the scheme in accordance with the NPPF, 2021. When making that balanced judgement, the local planning authority must be convinced that the significance of the buildings and the site is well understood. Officers are satisfied that the proposal has been considered by the developers in accordance with the requirements of the Planning (Listed Building and Conservation Areas) Act 1990 and officers accept the submitted reasoning and justifications for the project. Officers are mindful of and have fully considered the considerable importance and weight which must be afforded to the heritage assets in making a decision, however in the opinion of officers, the less than substantial harm caused to heritage assets is overcome by the significant economic, social, heritage and public benefits as set out in this report which would be derived from the proposed development. The proposed development 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. Accordingly, it is recommended:

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

1. A3 (Standard 3 year time limit)
2. PL00 (Approved plans condition)
 - (a) Amended landscape masterplan, drawing number 137397/8002 Rev C
 - (b) Amended landscape cross sections, drawing number 137397/8003 Rev A
 - (c) Darlington West Proposed Engineering Layout, drawing number SGWSCP-FHT-ZO-SL-DR-C-00201 Rev. PO2
3. Within 6 months of the demolition of Hogan's Public House and 137 – 139 Victoria Road, a scheme for the treatment of the exposed gables, which may include public art proposals, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the gables shall be treated in accordance with the approved details.

REASON – In the interest of visual amenity.

4. Prior to the removal of the scoria blocks, a method for their lifting and re-use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity.

5. Prior to the construction of the turning head to the rear of Pensbury Street, engineering details of the retaining structure shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity.

6. 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

7. 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

8. 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 Policy CS16 and the National Planning Policy Framework.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy Rev1 dated 08th June 2021 and the following mitigation measures detailed within the FRA:

Discharge to existing Northumbrian Water surface water sewer restricted to 11 l/s
176.5m³ of storage provided

The mitigation measures shall be fully implemented prior to first occupation of the development hereby permitted 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.

10. The development hereby approved shall not be brought into use until:
- i. Requisite elements of the approved surface water management scheme for the development, or any phase of the development, are in place and fully operational to serve said building
 - ii. A management and maintenance plan of the approved surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

REASON – To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

11. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the Local Planning Authority as follows:
- i. Methodologies for a Historic England-style Level 2 building record prior to any conversion works or stripping out of fixtures and fittings
 - ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy

- iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications

The development shall then be carried out in full accordance with the approved details.

REASON – To comply with paragraphs 197 and 199 of the NPPF because the building is a non-designated heritage asset.

12. The development shall not be occupied until the post investigation assessment has been completed in accordance with the written scheme of investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON – To comply with paragraph 199 of the NPPF which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

13. Prior to the commencement of the development, fully detailed highway design information should be submitted for approval. Precise details of all works within the public highways and works intended for adoption by the Highways Authority shall be submitted to and approved in writing by the Local Planning Authority. Details should include phasing of work, material specifications, surface finishes, tie-in details, construction standards/pavement makeup, level/gradient information for all pavements and roads and precise details of signing and lining works. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety

14. Prior to the commencement of development, or other such timescale as maybe agreed in writing by the Local Planning Authority, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include a management plan for the scheme and upon approval of such scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed with the Local Planning Authority. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of 5 years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

INFORMATIVES

The developer is required to submit detailed drawings of the proposed highway works to be approved in writing by the Local Planning Authority and to enter into a Section 38/278 Agreement before commencement of works on the site. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 406663) to discuss the matter.

An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Direction – Highways, Design and Projects (contact Mr M Clarkson 01325 406652) to discuss the matter.

The applicant is advised to contact the Assistant Director – Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss the amended 30mph limit and introduction of Traffic Regulation Orders in connection with a 20mph zone.

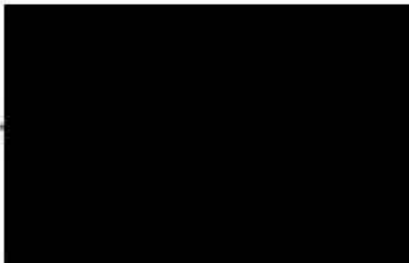
The applicant is advised that contact be made with the Assistant Director – Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the introduction of Traffic Regulation Orders in connection to revised parking restrictions and bus stop areas.

The developer is required to enter into an agreement under Section 59 of the Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard the Public Highway from damage caused by any construction traffic serving the development. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

Signed Case Officer: 

Date: 21.10.2021

Signed Principal Planning Officer/Head of Planning, Development Management and Environmental Health:



Date: 22.10.21

Signed Chair of Planning Applications Committee:



Date: 22/10/2021