

# THE COUNCIL OF THE BOROUGH OF STOCKTON-ON-TEES (LINDSAY HOUSE, STOCKTON-ON-TEES) COMPULSORY PURCHASE ORDER 2012

## STATEMENT OF REASONS

### 1. INTRODUCTION

- 1.1 This Order is made under section 226 (1) (a) of the Town and Country Planning Act 1990 by The Council of the Borough of Stockton on Tees (“the Acquiring Authority”).
- 1.2 This Statement of Reasons is to support the making by the Council of the Borough of Stockton on Tees (Lindsay House, Stockton on Tees) Compulsory Purchase Order 2012 (“Compulsory Purchase Order”).
- 1.3 At a meeting held 8<sup>th</sup> December 2011, the Council’s Cabinet resolved to authorise the making of the Order.
- 1.4 The lands forming the subject matter of the Order (“the Order Land”) fall wholly within the area of the Council of the Borough of Stockton-on-Tees.

### 2. BRIEF DESCRIPTION OF LOCATION, PRESENT USE AND THE ORDER LAND

- 2.1 The Order Land is located within Stockton town centre on the High Street, and is shown on **Appendix A**, the Location Plan. It is bounded to the west and has frontage on High Street, to the west and north by Knowles Street and to the south by Bishop Street, and is a predominately commercial location.
- 2.2 Stockton town centre is the only designated district centre within the Borough of Stockton-on-Tees. The Order Land is located within the designated Stockton Town Centre, within a Primary Retail Frontage area and within the Stockton Town Centre Conservation Area.
- 2.3 The Order Land comprises a single building known as Lindsay House, which is a three storey flat roof building owned by Stockton-on-Tees Borough Council and laid out in a horseshoe shape, having retail and other premises at ground floor with the shop fronts

facing the High Street, Bishop Street and Knowles Street. The rear of Lindsay House provides the main area of servicing for the units and has a more functional appearance to the main frontages. There is also an electricity sub station located in the service yard, which is not required to be acquired to enable the redevelopment scheme to proceed.

- 2.4 The first floor and second floor office accommodation is largely vacant, save for the first and second floors of Units 6 & 7 (operating as one retail unit). Of the six retail units, one is vacant (Unit 3) and the remaining units comprise the Order Land, being five leasehold interests (located at Unit 1, Unit 2, Unit 4 & 5 (which operate as one store), Unit 6 (with first and second floor offices of Unit 6 & 7) and 1 Bishop Street (formerly known as Unit 7 Lindsay House). Rights exist over the service yard and are proposed to be acquired compulsorily under the order. A schedule of the land that makes up the Order Land is included at **Appendix B**.
- 2.5 The Authority will continue to negotiate to acquire all of the Order Land by agreement before the order is confirmed.

### **3. THE USE OF SECTION 226 (1) (A)**

- 3.1 The Order is made under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004).
- 3.2 The Acquiring Authority thinks that the acquisition of the Land will facilitate the carrying out of development, redevelopment and improvement on the land and the wider area by the comprehensive redevelopment of Stockton High Street ("the scheme").
- 3.3 This development, redevelopment and improvement is likely to contribute to the achievement of one or more of the following objectives:
- i) the promotion or improvement of the economic well-being of the area;
  - ii) the promotion or improvement of the social well-being of the area;
  - iii) the promotion or improvement of the economic well-being of the area;

### **4. THE PURPOSE OF AND JUSTIFICATION FOR SEEKING TO ACQUIRE THE ORDER LANDS**

- 4.1 The purpose of the Acquiring Authority in making the Order is to secure the comprehensive redevelopment of Stockton High Street, of which the Order Land forms part. The Acquiring Authority is making the Order to ensure the success of the regeneration scheme and to ensure that if it does not prove possible to acquire by agreement all of the existing interests in the Order Land, confirmation of the Order will provide certainty for programming and site assembly and thus enable our objectives for the scheme to be achieved.
- 4.2 The High Street and wider town centre continue to suffer from increasingly negative perceptions, which affect visitor numbers and footfall and has an adverse affect on attracting new national multiple retailers along with independent business start ups. This fact is underlined by the recent announcement that Stockton has been awarded Portas Pilot status, where twelve town centres nationwide were selected based upon need as part of a government backed initiative led by Mary Portas to improve the performance and prosperity of High Streets in need of investment. The High Street has experienced physical and economic decline over recent years; the latest Local Data Company statistics published in February 2012 show a vacancy rate in Stockton town centre of 27%, which is 10% above national average, indicating significant need for intervention to improve the economic performance of the main retail centre in the Borough.
- 4.3 Numerous smaller scale interventions have been put in place in recent years but all this has effectively done has given the impression of 'shuffling the deckchairs'. There is a need for significant, focussed investment in the central area of the High Street to capitalise upon the key assets and priorities identified within the Stockton Town Centre Prospectus produced in March 2010. The Town Centre Prospectus sets out priorities for investment to improve the economic performance of Stockton High Street through improvements to public realm, transport infrastructure and parking along with a range of interventions to support business growth, new retail opportunities and the development of the evening economy amounting to £38million investment in the coming years.
- 4.4 A number of studies have been commissioned to examine opportunities and investment priorities for supporting the economic and physical development and improvement of the High Street area. The NLP Stockton Town Centre Study identified Lindsay House as one of five clusters of buildings rated as being of poor design and a priority area for built environment improvements. Its demolition will therefore not have a detrimental impact

on the historic character of the area and will improve the built environment. Some of the key relevant findings of the studies are summarised in section 7 of this statement.

4.5 In accordance with the advice obtained in Circular 06/2004, before embarking on the Compulsory Purchase Order the Acquiring Authority has sought to acquire by negotiation on the basis of appropriate valuations. Furthermore, the Acquiring Authority will continue to carry negotiations throughout the procedural stages of the Order. At this stage all of the leasehold interests have been inclined to negotiate and are seeking alternative units outside of the Order Land, however, there is a need to make the Order in order to secure the confirmation of the Order by the Secretary of State should these negotiations not secure possession. In addition, the Order will authorise the Acquiring Authority to acquire any lesser interests and rights held by third parties that would otherwise be capable of impeding implementation of the scheme.

4.6 The Acquiring Authority believes there is a “compelling case in the public interest” as set out in paragraph 17 of ODPM Circular 06/2004, which justifies the interference with private rights in the Order Land and the wider public interest outweighs any harm to private interests that will arise as a consequence if the Order is confirmed. The Acquiring Authority has had due regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights in making the decision to seek the order in that it has taken into account the benefits to the residents of Stockton Borough Council as a whole that will result from the redevelopment and balancing them against the resultant displacement of businesses from the commercial units caused by the proposed demolition of Lindsay House. The Council is satisfied that the purposes for making the order sufficiently justify interference with the rights of those with an interest in the land affected. .

4.7 If the Order is confirmed by the Secretary of State compensation may be claimed by persons whose interests are acquired or whose possession of the land is disturbed.

4.8 The proposals will be fully publicised and persons likely to be affected by them will have the opportunity to make objections and appear before a person appointed by the Secretary of State before a decision is made on whether or not the Order should be confirmed.

## **5.0 DESCRIPTION OF THE REDEVELOPMENT PROPOSAL**

- 5.1 The Acquiring Authority's regeneration scheme, of which the Order Land forms part, includes works to reconfigure the layout of Stockton High Street. £38million public and private sector investment is to be put into the town centre to create a high quality environment incorporating the re-introduction of 70 car parking spaces on the High Street, high quality paving and public realm, grassed area and a water feature, improved public transport facilities, restoration of historic buildings and development of the town's evening economy based around the refurbishment of the 2500 person capacity Globe Theatre on the High Street.
- 5.2 For some time now the Acquiring Authority has sought to improve the appearance and function of Stockton High Street. The physical infrastructure on Stockton High Street does not function in a way which supports the growth of businesses, events and markets and the transport infrastructure and public realm do not provide an aesthetically pleasing, readily accessible, vehicle and pedestrian friendly environment.
- 5.3 The desire of the Acquiring Authority is to deliver a High Street that supports the growth of business, retail, markets and events through high quality public spaces which are flexible in their use, the re-introduction of parking onto the High Street, improved linkages between key assets in the town centre area and enhancements to the road layout and public transport provision.
- 5.4 Key to realising an improved High Street is the quality of space that will be provided through the £38million investment and the delivery of a range of interventions, which when combined will bring about a change in image, increased vibrancy and improved economic performance of the High Street.
- 5.5 Lindsay House was acquired by the Acquiring Authority in 2009 to support the long held aspiration of demolishing the building to open up physical and visual linkages between the High Street, the riverside and North Shore. It is proposed that the Lindsay House building is demolished to make way for a flexible space that will predominantly be used as a means of reintroducing car parking onto the north end of the High Street. This space will be delivered under Phase 3 of a wider programme of investment to improve the physical appearance and function of the High Street. See land edged blue in **Appendix C** for the extent of Phase 3.

- 5.6 Phase 3 of the High Street works, encompassing the northern end of the High Street, include new high quality paving, public realm and public spaces incorporating artistic features, realignment of the main carriageway, improved access to public transport, on street parking, improved pedestrian access and views to the River Tees and the creation of a flexible market and events space with associated outdoor cafeteria. The aim of the redevelopment is to increase the extent and value of the public amenity space and create a more pleasant living, working and shopping environment. See Appendix D for the Acquiring Authority's regeneration proposal for Phase 3.
- 5.7 The proposed design of the public space means that the Lindsay House site will have a flexible use which can accommodate the Acquiring Authority's growing events and markets programme along with supporting the growing evening economy on the High Street, whilst delivering the improved linkages desired between the High Street and riverside. Given the increased pressure on the economic performance, condition and vacancy rates on the High Street, the Acquiring Authority has committed to investing heavily in improvements to the High Street.
- 5.8 The proposed demolition of Lindsay House is essential to the comprehensive redevelopment of the town centre. Lindsay House occupies a key site in terms of the Acquiring Authority's aspirations for delivering flexible space for events, markets and on street parking to support retail, business growth and the evening economy as well open up physical and visual links between the riverside and High Street as this increases the diversity of leisure offer in and around the High Street area.
- 5.9 The principle of delivering the future uses envisaged on the Lindsay House site is supported through public consultation and professional studies undertaken on the High Street. The consultation is discussed in section 8.

## **6. USE OF COMPULSORY PURCHASE POWERS**

- 6.1 In June 1999 the Urban Task Force, chaired by Lord Rogers, published its Report "Towards an Urban Renaissance" and recognised that Compulsory Purchase Orders ("CPO") are often the best option for bringing land into productive use. The Report recommended the streamlining and consolidation of CPO legislation by way of the DETR Review of CPO procedures to assist public bodies in tackling the regeneration of derelict, vacant and under-used brownfield sites.

- 6.2 The Urban White Paper, published in November 2000, recognised that Council's would have an important role to play in turning the Urban Task Force Report into reality and that they would be the main vehicles for urban renewal.
- 6.3 Circular 06/2004 acknowledges that compulsory purchase powers are an important tool for local authorities to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revival of communities, and the promotion of business leading to improvements in quality of life. Bodies possessing CPO powers whether at local or regional level are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay.

## **7.0 STUDIES TO SUPPORT REDEVELOPMENT**

- 7.1 A number of studies have been commissioned to examine opportunities and investment priorities for supporting the economic and physical development and improvement of the High Street and wider area. Some of the key, relevant findings are summarised below.
- 7.2 Nathaniel Lichfield & Partners, King Sturge and NEMS Market Research were commissioned by the Acquiring Authority in February 2008 to prepare a Town Centre Study for Stockton. The purpose of the Study was to provide advice in relation to how Stockton Town Centre could attract further investment in retail and other town centre uses (including leisure, offices and residential accommodation) in order to assist in achieving long term sustainable regeneration for the area.
- 7.3 The report states that "the town centre is the shop window for Stockton and is the principal focus of community, commercial and visitor activity within the Borough. Clearly, the last few years have seen increased efforts on the part of Stockton Borough Council and other stakeholders to improve the town centre, and a number of the key building blocks have been put in place to stimulate growth. However, the town has a once in a generation opportunity to capitalise on the development plans at Northshore, the Riverside and the Southern Gateway, and the actions outlined in the document have sought to grasp this. Whilst the list of actions is substantial, the fundamental problems

facing the town can only be addressed by prioritising efforts to introduce new anchor retailers, improve connectivity, revitalise the public realm and rejuvenate the mix of uses on the High Street. The ten priority actions identified are likely to be controversial and will not be easy to implement; nevertheless they are seen as fundamental in setting Stockton on the road to developing a distinct and vital shopping, working, living and leisure experience that would set the town apart from other centres in Tees Valley and the wider region by 2021”.

7.4 Of the ten clear priorities emerging from the study, those relevant to the proposed scheme in respect of the Order Lands are set out below:

- PRIORITY 5: Re-introduce on-street car parking at either end of the High Street;
- PRIORITY 8: Improve linkages between the Riverside and town centre.

7.5 These priorities are underpinned by the view within the report that *The High Street’s partial pedestrianisation and the removal of the on-street car parking have contributed to a general lack of vitality in the centre* and the fact that there is demand for on street car parking *There are sufficient numbers of long and short stay spaces overall. However, issues highlighted in the Car Parking Review relate to the quality of the parking on offer (with a preference amongst customers for on-street parking).*

7.6 In 2009 GENECON were commissioned by the Acquiring Authority to produce an investment strategy for Stockton central area. A number of priorities for investment to support the economic growth of the Central Area emerged.

7.7 Under Delivery Objective 3 – Connecting The Centre, the report suggests that the central area requires accessible, safe and efficient connections in and around the centre, in order to improve the experience for users and make the area more attractive as a destination identifying key actions:

- Create attractive and direct physical linkages between the town centre, riverside and key development sites;
- Improve connections between key central area attractions;
- Improve accessibility to key destinations by all forms of transport, particularly public transport.



7.8 Under Delivery Objective 4 – Changing Perceptions, the investment strategy suggests that a key objective is to establish an improved perception of the central area as an attractive destination for residents and visitors. An ambitious improvement programme is promoted to create a unique town centre environment with new public spaces, incorporating public art, events and festivals, and new links between the main facilities and attractions of the central area. Identifying the following key action:

- Develop and maintain high quality public realm, landscaping and environmental enhancements in the town centre, along the riverside road and at key gateways.

7.9 In 2010 Pan Leisure were commissioned by the Acquiring Authority to carry out a feasibility study into how the evening economy in Stockton could be strengthened and developed. A number of priorities for investment to support the evening economy and ultimately the economic growth of the Central Area emerged.

7.10 Under the Delivery object Physical/Environment - To develop an attractive, safe and accessible environment, to encourage usage of Stockton town centre in the evening, the following priorities were highlighted:

- Under Priority PE 7 - Encourage opportunity for town centre parking, the importance of a range of parking locations and charging regimes was highlighted to support the evening economy and prosperity of the town centre;
- Under Priority PE8 - Maintain and develop an attractive public realm and environment, the importance of a public realm strategy that includes consideration of new tree planting, streetscape/furniture and materials palette was highlighted.

## **8.0 Public and Stakeholder Consultation**

8.1 Public consultation on proposals for the High Street was carried out in 2011. 64% of respondents to the public consultation supported the delivery of car parking at both ends of the High Street, 75% agreed that new public realm was needed in the centre and 70% of respondents supported the principle of creating flexible events space within the town centre.

- 8.2 Consultation with businesses and landowners in the town centre was undertaken as part of the Town Centre Study produced by Nathaniel Litchfield & Partners. The study found that one of the key issues for businesses and landowners is the need to deliver short stay car parking on the High Street to support retailers and the evening economy, with some stating that this would be a much more useful and beneficial use of space on the High Street.
- 8.3 Stakeholder consultation showed support for the delivery of events space on the High Street based around the need to change investor's perceptions of Stockton and to attract people into the town centre for purposes other than shopping.
- 8.4 A number of meetings and discussions have taken place with representatives of the tenants within Lindsay House (the list of tenants are contained with **Appendix B**) regarding the proposals for the High Street and how this may affect their leasehold interest. The Acquiring Authority continues to help the tenants by offering to assist them in relocate to alternative premises in Stockton town centre.

## **9. STATEMENT ABOUT THE PLANNING POSITION OF THE ORDER SITE**

- 9.1 The demolition of Lindsay House constitutes permitted development under Part 31 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995. The Acquiring Authority will need to apply to the local planning authority for a determination as to whether prior approval will be required for the method of demolition and any proposed restoration of the site. The purpose of this control is to give the local planning authorities the opportunity to regulate the details of demolition and restoration in order to minimise the impact of that activity on local amenity. Alternatively the Council could submit a planning application for the redevelopment of the site, including the demolition of Lindsay House.
- 9.2 Lindsay House is located within Stockton Town Centre Conservation Area. Under the requirements of the '*Planning (Listed Buildings and Conservation Areas) Act 1990*', in order to undertake the demolition of Lindsay House, Conservation Area Consent is required. Where Conservation Area Consent is sought by a Local Authority for the demolition of a building, the authority shall make an application to the Secretary of State for that consent, as required under Planning (*Listed Buildings and Conservation Areas*) Regs. 1990' (SI 1990/1519).

9.3 Following the demolition of Lindsay House, the Councils intention is to construct a car park on the resultant land along with minor peripheral works to tie in with the existing street arrangement. Stockton on Tees Borough Council acting as the Local Authority and as the Local Highway Authority has allowances under Parts 12 & 13 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 and whilst these cover an array of works adjacent to highways and in respect to the provision of buildings and structures associated with the authorities statutory duty, the construction of the car park is beyond the allowances within Parts 12 & 13 and as such, would require planning permission in its own right.

9.4 In view of these matters, the following is intended to be undertaken during or prior to September 2012.

- Submission to the Local Planning Authority to determine whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site;
- Application to the Local Planning Authority for the construction of a car park on the site of Lindsay House
- Application for Conservation Area Consent submitted to the Secretary of State for the demolition of Lindsay House.

Consideration of the submissions referenced above will need to accord with the relevant national, regional and local planning guidance.

## **10 Planning Policy Context**

### National Planning Context

10.1 The National Planning Policy Framework (NPPF) was published in March 2012. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

10.2 Section 2 of the NPPF '*Ensuring the vitality of Town Centres*' advises Local Planning Authorities should recognise town centres as the heart of their communities and pursue

policies to support their viability and vitality, promote competitive town centres that provide customer choice, retain and enhance existing markets, plan positively for their future to encourage economic activity where town centres are in decline.

- 10.3 Section 7 of the NPPF '*Requiring good design*' advises that good design is a key aspect of sustainable development, that it is important to achieve high quality design for all development including individual buildings and in public spaces. Section 7 guides decision making to ensure developments function well and add to the overall quality of the area, establish a strong sense of place, respond to local character and history and reflect the identity of local surroundings.
- 10.4 Section 12 of the NPPF '*Conserving and enhancing the historic environment*' advises that in determining planning applications, local authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF advises that proposals that preserve those elements of the setting that better reveal the significance of the asset should be treated favourably.

#### Regional Planning Context

- 10.5 The Localism Act has confirmed the Government's intention to abolish the Regional Spatial Strategy and Regional Economic Strategy, along with the targets within it, by enabling the repeal of Part 5 of the Local Democracy, Economic Development and Construction Act 2009 and the revocation of existing Regional Strategies. However, the Regional Spatial Strategy (RSS) remains to be a consideration for Local Planning Authorities although its intended withdrawal can be considered materially in any planning decisions.
- 10.6 The RSS sets out a long term strategy of the region, providing a range of policies to guide the decision making process of Local Planning Authorities. RSS policies directly relevant to this matter are Policy 25 (Urban and Rural Centres) and Policy 32 (Historic Environment). RSS Policy 25 indicates that retail, commerce, entertainment, leisure uses etc are focussed within defined urban centres, commensurate with their function and that the design of development in centres should contribute to the creation of

sustainable communities and be in harmony with and enhance the built environment. RSS Policy 32 suggests that proposals should seek to conserve and enhance the historic environment.

## Local Planning Context

- 10.7 Stockton-on-Tees Borough Council is currently undergoing a transition from the old system of Structure Plans and Local Plans to the Local Development Framework (LDF) system. As such, saved Local Plan policies as well as policies from the adopted Stockton-on-Tees Core Strategy Development Plan Document (DPD) are relevant.
- 10.8 Lindsay House is located within Stockton Town Centre and within the Stockton Town Centre Conservation Area within reasonable proximity to listed buildings. The building's frontage onto the High Street is designated Primary Shopping Frontage. In view of these matters, saved Local Plan Policies and Core Strategy Policies relevant to the demolition of the building and the redevelopment of the site are;
- Saved Local Plan Policy EN24: *New Development in Conservation Areas*
  - Saved Local Plan Policy EN25: *New Development in Conservation Areas*
  - Saved Local Plan Policy EN28: *Listed Buildings*
  - Saved Local Plan Alteration no.1 Policy S4: *Development and change of use within Stockton Town Centre's Primary Shopping Frontage.*
  - Core Strategy Policy CS5: *Town Centres*

## 11 Scheme accordance with policy

### Prior Approval relating to demolition

- 11.1 The purpose of this control is to give the local planning authority the opportunity to regulate the details of demolition in order to minimise the impact of that activity on local amenity.
- 11.2 Taking into account there being public highway immediately adjacent to the site giving ease of vehicular access and the building being only 3 storeys in height, although the demolition of Lindsay House is likely to have notable short term impacts on its surroundings (which include residential occupation) related to noise and pollution,

adequate control over matters including method of demolition, screening, dust suppression methods and working hours relative to plant and equipment is achievable.

- 11.3 With regard to the restoration of the site, where no permission exists for the redevelopment of a site within an urban location such as this, the Local Planning Authority would normally require a site to be cleared and hard surfaced in an appropriate form, giving a usable site covering until any redevelopment works occur, without unduly affecting the character or appearance of the conservation area on a long term basis.
- 11.4 In view of the above, there are no known planning reasons which would act as an impediment to the demolition of the building as an adequate method of demolition and site restoration is expected to be achievable. As such, it is considered that the Local Planning Authority will be in a position to either grant prior approval or not require it.

#### **Conservation Area Consent for the demolition of Lindsay House & Planning application for the construction of a car park**

- 11.5 Lindsay House is a relatively modern building in the context of the wider built form within Stockton Town Centre, which is generally characterised by 2 and 3 storey properties in long terraces built of traditional brick and stone and having an array of historic detailing.
- 11.6 As viewed from the High Street, due to other more historic properties existing around Lindsay House and it being bound by highway on all 4 sides, the building is somewhat at odds with both the surrounding street layout and overall street scene character. Lindsay House partially screens views from the High Street of existing historic properties in Knowles Street and acts as a significant screen to wider views from the High Street towards the river. On travelling towards the High Street from Bishop Street, Lindsay House presents its service yard at the rear elevation, which contains an array of modern design details including an external escape staircase. The building accounts for a significant part of this view and serves to block views of the High Street and the more historically representative buildings beyond.
- 11.7 Saved Local Plan Policy EN25 advises that demolition of buildings in Conservation Areas will not be permitted unless it can be demonstrated that the loss is not detrimental to the character or appearance of the conservation area and that conditions would

normally be imposed to secure the satisfactory redevelopment of the site. The massing, design and appearance of Lindsay House is considered to be out of keeping with that of the more historic built form within the immediate surroundings. Although the buildings loss would change the building line along the High Street, which is relatively consistent running towards Lindsay House from the south, Lindsay House is the last property along this building line prior to it being set back. As such, the impact on the building line with properties within the High Street is not considered to be detrimental to the character of the conservation area, a consideration which is strengthened due to the negatively contrasting appearance of the building. Through the hard surfacing of the site, the redevelopment of the site to a satisfactory form could be achieved through condition regardless of whether the site were made into a car park. In view of these matters, it is considered that the demolition of the building accords with saved Local Plan Policy EN25.

- 11.8 It is the view of the Local Planning Authority that the loss of Lindsay House would generally comply with the guiding principles of adopted Stockton on Tees Core Strategy Development Plan Policy CS5 (*Town Centres*) in that it would serve to improve an approach to the town through environmental improvement whilst improving pedestrian links to the riverside through the creation of a visual link with one of the routes from the town centre to the River.
- 11.9 The demolition of the building will result in the loss of retail floor space within the designated Primary Shopping Frontage. Policy S4 of Alteration no. 1 of the Stockton on Tees Local Plan seeks to protect the Primary Shopping Frontage within Stockton, only allowing for the loss of retail premises under certain circumstances. Whilst this policy was written more towards schemes for the change of use of premises rather than town centre regeneration / environmental improvement schemes, its principles can be considered none the less. Policy S4 of Alteration no. 1 requires development in Primary Shopping Frontages to ensure that no more than 10% of the sum total of the length of the Primary Shopping Frontage is in non retail use. The demolition of Lindsay House would result in the loss of some retail frontage within the Primary Shopping Frontage. As Lindsay House includes some non retail uses, its demolition would not negatively affect the percentage of retail frontage within the Primary Shopping Frontage, thereby being in accordance with the principles of Policy S4. The scheme would arguably improve the viability and vitality of the designated secondary frontage on Knowles Street to the rear of the site as a result of it becoming more visually active within the Primary

Shopping Area. In view of these matters, it is considered that the demolition of Lindsay House would not be contrary to Policy S4 of Alteration no. 1.

11.10 Saved Stockton on Tees Local Plan Policy EN24 requires the siting and design of new development within Conservation Areas to not harm, and the scale, mass, detailing and materials to be appropriate to, the character and appearance of the area. The proposed development of a car park is at ground level and is not intended to have any barriers around it and its main impact will be the opening up of the site and the introduction of vehicles and vehicular movement within this area. The resultant car park is considered to be relatively limited in scale and vehicles in this area would therefore not be a significant intrusion. In addition, vehicular movement and parking (including public transport) is already a strong feature of the conservation area due to the High Street being a vehicular highway. The proposed car park would be offset to the main open area along the High Street's central corridor and although visible within the High Street, there will remain to be a back drop in part of historic and other buildings. In view of these matters, subject to relevant control of surface materials, it is considered that the siting and design of the car park would not harm the character and appearance of the conservation area.

11.11 Saved Stockton on Tees Local Plan Policy EN28 guides that development which is likely to detract from a Listed Building will not be permitted. The demolition of Lindsay House would serve to open up views of the 3 storey listed Sun Inn public house located on Knowles Street whilst removing a significantly dominating and contrasting building from within its immediate surrounding and will therefore enhance the buildings setting. The car park is a very separate use to the listed building which would not compete with or detract from the setting of the building, particularly as vehicle parking and movement is already associated with Knowles Street and the High Street and in view of the car park being of a limited scale. As such, it is considered that the demolition of Lindsay House and the creation of the car park would comply with the requirements of saved Stockton on Tees local Plan Policy EN28.

11.12 Whilst the site is not specifically designated under saved Policy EN30 of the Stockton on Tees Local Plan '*Sites of Archaeological Interest*', it is nevertheless a site which has been an active area for a significant duration and as such archaeological remains could exist, although the previous redevelopment of the site may have already disturbed and damaged any such remains. It is considered that, following demolition, any relevant



assessments could be undertaken of the impact of the proposed car park on any remains and for appropriate measures to be taken which would normally be for preservation in situ or for proper investigation and recording to be undertaken.

11.13 The introduction of a car park adjacent to the High Street would assist in promoting a balanced and socially inclusive cultural sector and 24hr economy across the town centre as it is envisaged that parking within the town centre would become a more desirable prospect, thereby being in accordance with adopted Stockton on Tees Core Strategy Development Plan Policy CS5 (*Town Centres*).

11.14 The building's loss will assist in revealing historic assets of the conservation area whilst the resultant space will be able to support the wider use of the town centre, including the markets. As such, the demolition of Lindsay House and its redevelopment are considered to comply with the guidance contained within National Planning Policy Framework and the Regional Spatial Strategy.

## **12.0 LINKS TO OTHER STRATEGIES**

### **12.1 Sustainable Community Strategy (2008 – 2021)**

12.2 The Community Strategy for the borough of Stockton on Tees (2008 – 2021) aims to ensure a better quality of life for everyone in the borough now and for future generations. The Sustainable Community Strategy was developed by Stockton Renaissance Partnership (the boroughs Local Strategic Partnership); this is a key overarching partnership for co-ordinating local services within the Borough and includes a wide range of representatives from public, private, community and voluntary sectors.

12.3 Within the borough, there are high levels of disadvantage and a wide disparity in both need and opportunity for achievement. The Community Strategy is directly targeted at eradicating inequalities both in resource and opportunity. The keynote theme for the Strategy is 'promoting achievement and tackling disadvantage' and is grouped around five core improvement themes. Proposals for the Lindsay House site directly contribute to the ambition of delivering 'Vibrant and Successful Town Centres' under the core theme 'Regeneration and Transport'.

12.4 The Strategy is updated annually to take into account changes in policy priorities both nationally and locally.

## **12.5 Regeneration Strategy (2007-2012)**

12.6 Stockton-on-Tees Borough Council's Regeneration Strategy recognises the pivotal role which place shaping plays in regeneration. The urban and rural fabric of the borough is its key assets in delivering a step change in opportunities for local people. By focussing development primarily in the urban areas, Stockton-on-Tees Borough Council and its partners, have set in place sustainable plans that will drive the physical renaissance of the borough. This is set against the backdrop of rural villages and the town of Yarm, which provide an important part of the borough's offer and add to its vitality and economic success.

12.7 Stockton-on-Tees Borough Council recognises that the quality of place is fundamental to delivering the regeneration of the Borough. To that end, the strategy focuses on this as the driver for improvement. It also makes the linkages to economic success and social opportunity that stem from it. The vision for the Regeneration Strategy is "To deliver a step change in the quality of place, and use it to help deliver the sustainable economic and social renaissance of Stockton-on-Tees"

## **13 Special Considerations**

### **13.1 Car Parking**

13.2 The Local Planning Authority's view is that the provision of a car park in the place of Lindsay House would be consistent with other areas of the town centre and its historic past, whilst allowing the views and links to be achieved. As such, the principle of the provision of parking within the town centre would not in itself compromise relevant planning policies and would serve to improve accessibility to the main retail area, thereby having a positive affect on vitality and viability.

- 13.3 Whilst other planning policies may be relevant to a detailed proposal in respect to matters such as controlling any demolition, these do not affect the principle issue of the building's demolition.
- 13.4 The site is located within the designated Stockton Town Centre, within a Primary Retail Frontage area and within the Stockton Town Centre Conservation Area.

#### **14. Physical and Environmental Constraints**

- 14.1 Highways – The Order Lands are bounded on four sides by public highway. Some of the highway will be closed during the demolition work with diversions and alternative routes to be provided as required. Post demolition, there will be no major changes to the Highway other than a new off-street car park replacing the building and being accessible from Knowles Street
- 14.2 Demolition - There is an option for the demolition of Lindsay House to be undertaken by the appointed main contractor (BIRSE). The appointed demolition contractor will prepare method statements and will provide a specification and a schedule of works for demolition works in compliance with relevant guidance and regulations.
- 14.3 Contamination - A refurbishment and demolition asbestos survey will be produced for the demolition contractor and all identified asbestos containing materials will be removed as in accordance with relevant legislation. A structural survey will also be commissioned for the demolition contractor which will assist in indentifying any other contamination.
- 14.4 Flood -There is no risk of flooding from Rivers or Coastal waters
- 14.5 Phasing - The new car park and events space which will be situated on the Order Lands is fundamental to Phase 3 of the overall infrastructure project on the High Street. In order to ensure the works are carried out in the most efficient way the demolition works need to be complete prior to the public realm/civil engineering work starting, which is currently scheduled for late 2013.
- 14.6 Contractor – The Acquiring Authority has procured a contractor, BIRSE, to deliver the redevelopment proposals in the town centre. At this stage no contract has been procured for the demolition of the property but the option is there to extend the scope of

the existing contract with Birse for the wider infrastructure works to the High Street or there is an extensive list of contractors readily available to carry out this work if required.

- 14.7 Sustainability - Where possible materials recovered during demolition will be recycled or reused.

## **15. Funding**

- 15.1 Funding for Phase 3 along with costs associated with the making of a Compulsory Purchase Order and demolition of the building were approved at a meeting of Stockton-on-Tees Borough Councils Cabinet on 8<sup>th</sup> December 2011. Funding for infrastructure works across the High Street is also secured.

## **16 CONCLUSION**

- 16.1 Stockton-on-Tees Borough Council as Acquiring Authority are making the Compulsory Purchase Order in order to secure comprehensive redevelopment of Stockton High Street, of which the Order Land forms part. The Acquiring Authority is making the Order to ensure the success of the Stockton town centre regeneration scheme if it does not prove possible to acquire the leasehold interests by agreement.
- 16.2 The Order is made under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004). We believe there is a “compelling case in the public interest,” that the public interest of the regeneration of Stockton High Street outweighs any harm to private interests that will arise as a consequence if the Order is confirmed; and if the Order is confirmed compensation may be claimed by the persons whose interests are acquired or whose possession of the land is disturbed.

## **LIST OF DOCUMENTS**

1. Stockton Town Centre Study (NLP) (March 2009)
2. Stockton Central Area Investment Strategy (Genecon)
3. The Stockton-on-Tees Local Plan and Alteration No 1
4. Stockton-on-Tees Borough Council Core Strategy (24 March 2010)
5. National Planning Policy Framework (March 2012)
6. Sustainable Community Strategy (2008-2021)
7. Regeneration Strategy (2007-2012)

These documents can be viewed at Stockton Central Library and Customer Service Centre, Church Road, Stockton-on-Tees during normal opening hours

## **Appendix B – the units to be acquired compulsorily**

- Unit 1, Lindsay House, High Street, Stockton-on-Tees – Instant Cash Loans Ltd
- Unit 2, Lindsay House, High Street, Stockton-on-Tees – Arriva Teesside Ltd
- Unit 4+5, Lindsay House, High Street, Stockton-on-Tees – Toni & Guy (Stockton) Ltd
- Unit 6 (ground floor) & Unit 7 ( first and second floors), Lindsay House, High Street, Stockton-on-Tees – Ransu Cash Generator Ltd
- 1 Bishop Street (formerly known as Unit 7, Lindsay House, High Street), Stockton-on-Tees – Sequence (UK) Limited, trading as Manners and Harrison
- The service area to the rear of Lindsay House, High Street, Stockton-on-Tees

**Appendix C - Phase 3 Edged in Blue Order Lands Edged in Red**







