

**DELEGATED**

**AGENDA NO.**

**PLANNING COMMITTEE**

**DATE 2nd August 2006**

**REPORT OF CORPORATE DIRECTOR OF  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES.**

**06/1440/OUT**

**CASTLEGATE SHOPPING CENTRE, AND LAND SOUTH OF TOWER STREET,  
STOCKTON ON TEES.**

**OUTLINE APPLICATION FOR DEVELOPMENT OF CLASS A1 RETAIL  
FOODSTORE, OTHER COMMERCIAL USES WITHIN CLASSES A1, A2, A3, A4  
AND A5 AND REPLACEMENT CAR PARKING.**

**Expiry date: 14<sup>th</sup> August 2006**

### **SUMMARY**

This outline application proposes the redevelopment of land and buildings at the southern end of the Castlegate Shopping Centre to provide:

- A 45,000 sq. ft. net floorspace (61,000 sq. ft. gross) retail foodstore;
- 643 parking spaces including a new multi-storey car park to replace those lost at Castlegate/Tower Street, through the redevelopment.

An accompanying drawing also shows for illustrative purposes only:

- New public open space, together with hard and soft landscaping; and
- Additional floorspace to be occupied by either commercial or civic uses, adjacent to the public open space.

The latter elements have been removed from the description of the development, as these cannot be provided within the site boundaries. A contribution is being sought for the open space through the Section 106 Agreement.

The application is in outline with all matters reserved except for means of access and is supported by a Planning Statement; Transport Statement; a Design Statement to set out the design principles to be adopted in formulating the reserved matters, and includes an illustrative scheme and layout. Also supporting the application is a Flood Risk Assessment.

The site is located within the Primary Shopping Area (in the context of Planning Policy Statement 6 (PPS6): Planning for Town Centres guidance) of Stockton Town Centre and therefore issues of need for the development and the sequential approach to site selection are not material considerations.

In relation to retail impact, PPS 6 advises that the test of impact should only be applied to in-centre proposals that would significantly increase the attraction of the centre, and potentially have an impact on other centres. A Retail Impact Assessment (RIA) has been undertaken to assess the likely impact of the proposal upon the vitality and viability of existing centres. This has concluded that the majority of the

turnover of the new foodstore would be diverted from facilities of a comparable scale and nature. The majority of these foodstores, including various facilities operated by Tesco, Asda, Morrisons and Sainsbury, are located in out- of-centre locations, and are therefore unprotected in PPS6 terms.

The scale of the proposed store is considered to be appropriate to Stockton Town Centre and its catchment and redevelopment of the existing site would also result in economic benefits and contribute to regeneration objectives to Stockton Town Centre and in particular the southern end of the centre.

The proposal is considered to be in line with general planning policies set out in the Development Plan and is recommended for approval with conditions.

## **RECOMMENDATION**

***RECOMMENDED that the application 06/1440/OUT be APPROVED subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or such other Heads of Terms as may be deemed necessary by the Head of Planning and the following conditions:***

### **SECTION 106 AGREEMENT Heads of Terms**

- 1. Prior to Commencement of the Development the Owner shall pay to the Council a commuted lump sum for Highway Works to the Riverside.***
- 2. Prior to Commencement of Development the Owner shall pay to the Council a commuted lump sum for the provision by the Council of a length of access road necessary to join the car park ramp to be built for the Development to the re-aligned Riverside Road.***
- 3. Prior to the Commencement of the Development the Owner shall pay to the Council a commuted lump sum by way of contribution towards the provision by the Council of an At Grade Pedestrian Crossing over Riverside Road in the vicinity of the Development***
- 4. Prior to Commencement of Development the Owner shall pay to the Council a commuted lump sum by way of a contribution towards the construction of a public Plaza, or other such public realm or space, as the Council shall determine, for the improvement of the visual impact of the Southern gateway to the town centre.***

5. *Prior to the Commencement of Development the Owner shall enter into a Section 278 Agreement with the Council for the provision of traffic signals and associated highway works in connection with the access and egress from the Development.*
6. *The Owner shall reimburse the Council for all costs incurred in the preparation and completion of any Stopping Up Orders or Road Traffic Regulation Orders required to prevent the use of that part of Tower Street from the Riverside to Wharf Street by vehicles and/or pedestrians.*

*The commuted lump sums referred to above shall be as agreed by the Head of Planning.*

#### **CONDITIONS**

*01. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

*Drawing Number(s): - L0519 (08) 01, L0519 (08) 02 RevA, L0519 (08) 03 RevA.*

*Reason: To define the consent.*

*02. This permission relates solely to the development of Class A1 Retail foodstore, other commercial uses within classes A1, A2, A3, A4 and A5 and replacement car parking.*

*Reason: For the avoidance of doubt to define the uses identified within the application site for which planning permission was sought.*

*03. The development shall be implemented in general conformity with the approved "Design Statement" document submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure that the detailed proposals submitted are in accordance with the approved Design Statement document and to enable the Local Planning Authority to satisfactorily control the development.*

*04. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.*

*Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.*

*05. Approval of details of the siting, design and external appearance of the buildings and the landscaping of the site, shall be in accordance with the details of the scheme to be submitted to and approved by the Local Planning Authority before the development commences.*

**Reason: To reserve the rights of the Local Planning Authority with regard to these matters.**

**06. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.**

**Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act**

**07. The operation of the store and car park shall not begin until the Tower Street/Riverside Road junction is removed and the new highway access to serve the store and car park from the adopted highway has been constructed in accordance with the approved layout.**

**Reason: In the interests of highway safety**

**08. The operation of the store shall not begin until the car park approved by this permission is operational.**

**Reason: In the interests of highway safety**

**09. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.**

**Reason: To enable the Local Planning Authority to control details of the proposed development.**

**10. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.**

**Reason: To achieve a satisfactory form of development.**

**11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.**

**Reason: To prevent pollution of the water environment.**

**12. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.**

**Reason: To prevent pollution of the water environment.**

**13. Roof drainage down-water pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off.**

**Reason: To prevent pollution of the water environment.**

**14. Prior to the building being occupied, facilities for secure and covered cycle parking shall be provided on the site in accordance with a scheme to be agreed in writing with the local planning authority.**

**Reason: To ensure adequate on site cycle parking facilities are provided**

**15. No development shall be commenced until details of all the means of enclosure on the site have been submitted to and approved by the Local Authority. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.**

**Reason: In the interests of a visual amenity.**

**16. No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on**

**Reason: To ensure the proper restoration of the site.**

**17. No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.**

**Reason: To ensure the proper restoration of the site.**

**18. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority.**

**Reason: The site is of archaeological interest.**

**19. A recycling facility shall be provided during opening hours in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the facility shall be located in its approved position before the store shall begin operating.**

**Reason: In the interests of promoting sustainable development.**

## **THE PROPOSAL**

1. The application site is bounded to the west by High Street/Bridge Road, which runs north-south through the wider Stockton Town Centre, and to the east by the A1305 Riverside Road and River Tees. To the north are the existing Castlegate Centre and the Swallow Hotel. To the south is the roundabout junction of the Churchyard Link Road, High Street/Bridge Road, the A1305 Riverside and Parkfield Road (a site location plan is attached at Appendix 1).

2. The site is currently occupied by an existing multi-storey car park, containing around 750 spaces, along with a travel agent, mobility shop, bathroom and furniture

stores, and an associated service area. The site is situated within the Primary Shopping Area of Stockton Town Centre as defined in Alteration no. 1 to the Local Plan. The site is adjacent to the Town Centre Conservation Area and between two Grade II listed buildings.

3. The proposal at this stage, does not set out a detailed design solution for the site as the application is in outline with all matters (except for access) reserved for future consideration. However, in order to address the Local Planning Authority's concerns on the potential form and quality of the development, a Design Statement and indicative layout has been included with the application.

4. The aim of the Design Statement is to provide a planning and design framework for development on the site. It is not intended as a prescriptive document but does establish standards of design that future developers of the site would be expected to meet. It sets out a number of urban design principles including key design principles in relation to new buildings within or adjacent to conservation areas.

5. A high quality of building design will be required and the design statement recognises that the site represents a key opportunity for redevelopment in a highly visible location at one of the major entrances into the town centre.

6. The proposed development consists of the demolition of the existing multi-storey car park and some of the shops underneath to provide a new food store of 45,000 sq. ft. ground floor sales space and 15,000 sq. ft. of ancillary accommodation with decked car parking above. This phase is independent of a possible Phase 2 which is subject to site assembly and road closures and is shown for illustrative purposes only and consists of the creation of a new public space linking Bridge Road with Riverside and the redevelopment of 11-25 Bridge Road to provide retail or civic uses with potential to further extend to include the adjoining site next to the roundabout, thus creating a more comprehensive development, (an indicative site layout and urban design principles are attached at Appendix 2 and 3).

7. The application is accompanied by a Transport Assessment in order to satisfy the Council that the principle of the development and the subsequent movement of future traffic can be accommodated in and around the site on the surrounding road network.

8. Car parking would be arranged in two decks above the store, both levels linking into the existing car parking above Castlegate Shopping Centre. A total of 643 spaces will be provided, which includes 348 spaces retained within Castlegate.

9. The redevelopment will take access from Riverside Road and servicing of the proposed store would be via a separate service yard at the lower ground level.

10. Pedestrian access will also be linked directly into the existing shopping centre and providing an entrance from Bridge Road. The applicant has agreed to provide a safe pedestrian crossing across Riverside Road to give access to the River and the Millennium Bridge from this end of the town.

### **CONSULTATIONS**

11. Neighbouring properties have been consulted which are primarily businesses and they have been individually notified of the application. The application has also been advertised on site and in the local press.

12. The following Consultees were notified and their comments they made are below: \_

**English Nature**

No objection

**Northumbrian Water**

Standard drainage conditions and mains records shown with easement requirement but indication that services can be diverted at applicant's cost.

**British Waterways**

It has no impact on the waterway and therefore we have no comment to make.

**Police Crime Reduction Officer**

Request to be consulted at reserved matters stage.

**Tees Valley Regeneration**

Tees Valley Regeneration along with other partners have been involved in the Southern Gateway and Riverside Sites Masterplan which has been commissioned by Stockton Borough Council to determine development opportunities on a number of sites in, and around, the southern end of the town centre and adjacent waterfront sites. Tees Valley Regeneration recognises the importance of the proposals contained in this outline planning application in delivering the aspirations of this masterplan and therefore broadly supports the redevelopment of this site through private sector investment.

Tees Valley Regeneration also recognises the work undertaken by Drivers Jonas through the Stockton Town Centre Regeneration Study (2004) that identified the need to improve linkages between the high street and the River Tees and the need to improve commercial activity and economic performance at the southern end of the town centre. This proposal is seen as making a positive impact in achieving this important aim.

As the Southern Gateway and Riverside Sites Masterplan is not yet finalised, we would recommend that the application is carefully considered within the context of this emerging masterplan to ensure that it supports the aspirations for the Southern Gateway and does not prejudice future development of adjacent sites. In particular, within the context of the masterplan we would like Stockton Borough Council to consider the impact that the proposal might have in moving the centre of gravity of the town centre away from the high street and towards the river.

Given the importance of this site in delivering the aspirations of the Southern Gateway and Riverside Sites Masterplan, Tees Valley Regeneration would like to see that the benefits of this private sector investment are maximised. In particular, the Southern Gateway Site – Design Statement (April 2006) submitted with the outline application states, "It is envisaged that a safe pedestrian crossing could be provided across Riverside Road to give access to the river and the Millennium Bridge from this end of town". Tees Valley Regeneration considers that any permission granted should require the developer to provide such a connection in order to ensure improved linkages and accessibility between the high street and the river.

Finally, Tees Valley Regeneration concurs with the view of One Northeast that the Stockton Borough Council should encourage the developer to indicate in any detailed reserved matter's submission their intended commitment to quality and sustainability issues to ensure that the highest standard of design and best form of development

can be achieved. Tees Valley Regeneration would welcome an opportunity to comment on any such application when it came forward.

### **One NorthEast**

One NorthEast recognises that the application's proposals fall within the Council's policies for the town centre and we broadly welcome the proposal through private investment to develop this site. However the Agency considers that the Council should try to ensure that the proposed development of this site accords with the principles of the emerging masterplan (Southern Gateway & Riverside masterplan) and will not prejudice the future development of adjacent sites within the Southern Gateway master planning area.

The contents of the Design Statement accompanying the planning application are noted. In the event that the Council is minded to approve the application, the Agency would encourage the developers to indicate in any reserved matters' submission their intended commitment to quality and sustainability issues to ensure that the highest standard of design can be achieved.

The design statement makes reference to the developer's intention to provide improved pedestrian links between Bridge Road/Castlegate and the riverside and Teesdale. It is considered that any permission should require the scheme to provide appropriate links to ensure better accessibility between the town centre and the riverside.

### **Regional Assembly**

The principle of redevelopment for mixed uses on this centrally previously developed land is welcomed as it is in general conformity with RPG1 and the Submission Draft RSS.

Despite the fact that the proposed development is linked well with the town centre and the primary shopping area, there is concern that the development proposal does not make provision for secure cycle parking. Measures to incorporate such provision would be welcomed.

There are some concerns regarding the amount of car parking and there is a need to ensure that this provision does not compromise the use of public transport and other non- car modes of access to the site.

There is also concern that the proposal does not include energy efficiency and embedded renewable measures or SUDS. Measures to incorporate these would be welcomed.

### **Environment Agency**

Flood Risk Standing Advice applies (the application falls outside the scope of referrals).

### **Tees Archaeology**

The development site overlies the former Stockton Castle. This was the fortified house of the Bishops of Durham. Little is known of the castle, which was built over in the later 19<sup>th</sup> century and redeveloped again in the 1960s.

We have previously requested that the site is subject to a phased programme of archaeological works as a condition of planning consent. I have provided a brief for the first phase of these works, which will consist of trial trenching the car park forming the southern part of the application.



The implementation of this work will allow an assessment to be made of the remains, their importance and the impact of the development upon them. If important archaeological remains survive then I would envision that they could be preserved *in situ* by sensitive foundation design or subject to further archaeological excavation to preserve by record.

This archaeological work can be secured by means of a planning condition. This is in line with the advice given in P.P.G. 16 'Archaeology and Planning' and the Local Plan.

#### **Environmental Health Unit**

No objection subject to conditions covering possible land contamination.

#### **The Head of Integrated Transport and Environmental Policy**

The proposed traffic signal access to the development is acceptable as shown on drawing number L0519(08)02A and LDSTOCKTON.1/03A. The applicant must enter into a section 278 agreement (Highways Act 1980) with the Council, for the Council to design, procure and construct these works.

The applicant must secure the closure of the Tower Street/Riverside Road junction prior to the new access from the development onto Riverside Road becoming operational.

I have serious concerns about the impact of this development on the adjacent highway network and in particular the Bridge Road/Parkfield Road/Riverside Road/Churchyard Link Roundabout. I have liaised extensively with the applicant and his representatives on this issue. The traffic generation from this development, has been demonstrated by the applicant, to have a severe impact on the immediate highway network, in particular, the Bridge Road/Parkfield Road/Riverside Road/Churchyard Link Roundabout. The roundabout is shown as being significantly over capacity as a result of the development traffic. The applicant has proposed two schemes that mitigate the impact of the development. Only one of the proposals but forward is acceptable to the Council in sufficiently mitigating my concerns. This scheme is to remove the existing roundabout and replace it with a full traffic signal controlled junction. On this basis, the applicant is required to enter into a section 106 agreement, so that the council can secure funds to develop and implement an improvement scheme that mitigates the impact of the development. The mitigation scheme proposed by the developer, as shown on drawing number LDSTOCKTON.1/03A is acceptable as a solution. The Council will use the contribution secured through a section 106 agreement to deliver these improvements or as a contribution to a larger scheme that makes more efficient use of the road network in this area.

The Parking provision that has been outlined in the applicant is roughly in line with the Council's Design Guide and Specification. The actual provision and detailed operation of the car park will be considered more closely at a full application stage.

Customers using public transport will access the store from High Street. The applicants consultant has identified that a number of bus stands south of Finkle Street on High Street do not have shelters. The upgrading of the existing stops and provision of shelters at those stops without shelters, which would include poles is recommended to improve amenity for customers, thus providing a streetscape, which is both attractive and inviting.

Provision for social transport services and those with special needs should be provided in close proximity to the store entrance. Either the existing lay-by in close proximity to the store should be used or a new lay-by should be provided.

The Council is participating in the rollout of a real time passenger information system in the northeast region. All the stands on High Street require real time displays. Customers to and from the store will use public transport and real time passenger information should be provided at some of the stops to improve overall amenity. An in-store display could be provided which will benefit both customers and could provide benefits to the store operator.

Taxis will be used by customers to both travel to and from the store. The applicants consultant has identified the current town centre taxi rank as adequate, however customers may trolley shopping to the rank, which is likely to result in problems with discarded trolleys in the town centre. It is recommended that a separate taxi rank with a management system is provided in close proximity to the store.

I recommend that the proposed store be connected to proposed cycle routes on Churchyard Link and Riverside. This would require both on and off road facilities including the provision of a toucan on Bridge Road. This facility should be included within proposals to ensure that the store is connected to proposed routes, which will improve amenity for both customers and staff. Cycle parking to the Councils standards should be provided.

The Council has no specific information regarding any flooding of this site. The applicant is advised to make local inquiries

Subject points raised in the paragraphs above being agreed to my satisfaction, I have no objection to this application.

### **PLANNING POLICY CONSIDERATION**

13. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision;

#### **Policy GP1**

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;

- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

### **Policy S1**

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the boundaries of the centres of the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

#### **A) Stockton-on-Tees Town Centre**

All proposals for development should be appropriate in terms of the scale, nature and character to the centre's existing role and the catchment area, which it serves.

### **Policy S3**

Where proposals for either new or the extensions to existing retail or town centres uses are considered acceptable in principle, under the relevant policies of the Local Plan, the Council will need to be satisfied that :-

- i) The development can be adequately and safely serviced, with adequate provision for car and cycle parking to serve customers and employees;
  - ii) The scale and character of the proposed development is in keeping with the size and role of the location and enhances local character;
  - iii) A safe and secure pedestrian environment is created, protected from the elements where possible, designed to ensure ease of use throughout by everyone;
  - iv) The proposal makes adequate provision for the storage and disposal of litter;
  - v) The proposal would not have a detrimental impact on residential or local amenity.
- In addition, and where appropriate, major development should provide:-
- vi) Public waste and recycling facilities;
  - vii) Public seating
  - viii) Public conveniences, including baby changing / feeding facilities and facilities for people with disabilities.

### **Policy EN28**

Development which is likely to detract from the setting of a listed building will not be permitted.

### **Policy EN30**

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

## **MATERIAL PLANNING CONSIDERATIONS**

14. The main planning considerations of this application are the impacts on planning policies, vitality and viability of defined centres, character of the area and access and highway safety.

### **Planning Policy and Guidance**

15. In terms of the national policy context Planning Policy Statement 6 (PPS6) advises local authorities to plan positively for the growth and development of existing

centres, by focusing development therein, all new retail developments may therefore require the developer to demonstrate the need for development, that the development is of appropriate scale, that there are no more sequentially preferable sites for the development, that there would be no unacceptable impacts upon existing centres and that the location is accessible. It also explains that the aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and complements its role and function.

16. It is however, stated that it is not necessary to justify the need for proposals for retail development within the primary shopping areas (i.e. within defined centres) and that the test of impact should be applied to proposals that would significantly increase the attraction of the centre, and potentially have an impact upon other centres. In addition, PPS6 sets out a number of other material considerations, which may be taken into account in assessing new proposals including physical regeneration, employment, economic growth and social inclusion.

17. Planning Policy Guidance 13: Transport, is also considered to be relevant as it aims to promote sustainable transport choices, accessibility to a range of activities such as jobs, shopping, leisure facilities and services as well as reducing the need to travel, particularly via the motor car. PPG 13 therefore encourages new development to be in locations where a realistic choice of non-car modes (public transport, walking and cycling) can be provided.

18. Adopted RPG1: Regional Planning Guidance for the North East in policy TC1 seeks to maintain and enhance the vitality and viability of town centres, encourage investment and support sustainable development. Policies TC3 and RD1 also reflect PPS6 guidance in seeking to ensure that existing town, district and local centres are the focus for the vast majority of new retail development. The submission draft Regional Spatial Strategy (RSS) for the North East outlines in Policy 25 that new retail, entertainment/leisure and other high trip generating uses should be focused within defined urban centres commensurate with their scale, function, capacity and ability to be served by other modes of transport than the car.

19. Equally the Tees Valley Joint Structure Plan (2004) in policy SUS2 criteria v) and Viii) encourages sustainable development through encouraging developments to be located in areas which minimise the need for travel and are well served by public transport and that maintain and enhance the vitality and viability of existing town and district centres. In addition Policy TC1 seeks to maintain and strengthen their vitality and viability of town and district centres within the area by a range of measures. Policy TC4 also states that a sequential approach will be applied to large-scale retail developments, with first preference for town centre sites.

20. Both the adopted 1997 Local Plan and the Statutory Proposed Modifications Draft of the Local Plan Alteration No.1, provide a local context of retail policies.

21. The Local Plan Alteration relates more specifically to retailing and the retail hierarchy within the Borough. Given that the Statutory Proposed Modifications Draft of the Local Plan Alteration No.1 is soon to supercede the retail element of the local plan significant weight is attached to the relevant policies.

22. Policy S1 of Alteration no. 1 sets out the hierarchy of centres within the Borough, in which all new retail and town centre uses (high trip generators) are directed towards to encourage linked trips and to protect and enhance the vitality and viability of these centres, new developments should however, be of an appropriate scale, nature and character.

23. Policy S3 is more specific to new retail developments and town centre uses, and outlines a series of criteria for these this type of development, this includes scale and

character of the proposal, servicing and parking, pedestrian environment, storage and disposal of litter, and residential/local amenity.

24. Having regard to these policies it can be seen that the principle of new retail development within the defined retail centres outlined in policy S1 is acceptable. This is however, dependant on the size of the new development being of an appropriate scale, function and nature to that of the retail hierarchy that it falls within, having no adverse impacts on the potential impacts on the vitality and viability on other retail centres and being accessible by a variety of transport modes other than the car.

25. The Retail Impact Assessment substantiates the case that demand and capacity exist to support the proposed development and that the development would not have a negative impact on the vitality and viability of Stockton Town Centre. Furthermore it is considered that the proposal would result in significant benefits for the Town Centre, providing enhanced retail offer with likely increase in linked trips to other shops and services. Furthermore the proposed store would act as an anchor, attracting people to the Town Centre to undertake main food shopping on a regular basis. Any impacts upon existing retailers in the centre should therefore be viewed in this context, and also the benefits, in terms of sustainability, which would arise from the diversion of trade from large out-of-centre superstores to the proposed Town Centre facility.

26. The scale of the proposed store is considered to be appropriate to Stockton Town Centre and its catchment. It is considered unlikely that the proposed new foodstore would result in any significant adverse impact upon the overall vitality and viability of any existing centres and redevelopment of the existing site would also result in economic benefits and contribute to regeneration objectives for Stockton Town Centre and in particular the southern end of the centre.

### **Impact on the character of the area**

27. The site occupies a highly visible and important town centre location. Given the location it is vital that the site is as well integrated as possible with its surroundings. The site is currently dominated by the existing multi-storey car park, which makes no contribution to the character or appearance of the area. Redevelopment would offer the opportunity to provide new buildings of high quality design and maximise linkages and permeability of the site. This site has the potential to make a direct and positive contribution to the regeneration of Stockton Town Centre and in particular the southern end of the centre.

28. The proposal at this stage, does not set out a detailed design solution for the site as the application is in outline with all matters (except for access) reserved for future consideration. However, in order to address the Local Planning Authority's concerns on the potential form and quality of the development, a Design Statement and illustrative layout has been included with the application.

29. The aim of the Design Statement is to provide a planning and design framework for development on the site. It is not intended as a prescriptive document but does establish standards of design that future developers of the site would be expected to meet. It sets out a number of urban design principles including key design principles.

30. A high quality of building design will be required and the guide recognises that the site represents a key opportunity for redevelopment in a highly visible location at one of the major entrances into the town centre and the need to integrate and enhance the local environment.

31. The application site is situated adjacent to the Town Centre Conservation Area, which is recognised in the Design Statement as an important material consideration in any future design. The Design Statement therefore includes a number of established design principles in relation to new buildings within or adjacent to conservation areas.

32. It is also recognised that the Castlegate Shopping Centre has traditionally turned its back on the River Tees to present a bland and featureless elevation. The Design Statement highlights the importance of enhancing the interaction between the River and the new development.

33. A condition covering future reserved matters to be considered against the Design Statement should provide sufficient control to ensure any future development is of the desired standard for this key town centre location.

### **Impact of Traffic and Highway safety**

34. The proposed development is in a highly sustainable location, PPG13 explains that major generators of travel demand should be focussed in city, town and district centres and near to major public transport interchanges.

35. A Highway Assessment accompanies the application in order to satisfy the Council that the principle of the development and the subsequent movement of future traffic can be accommodated in and around the site on the surrounding road network. The Head of Integrated Transport and Environmental Policy (HITEP) has considered the proposal and concluded that there would be an impact on the adjacent highway network and in particular the Riverside Roundabout. Given the material impact of the associated traffic the applicant has agreed to enter into a Section 106 Agreement so that the council can secure funds to develop and implement an improvement scheme that mitigates the impact of the development.

36. The redevelopment will be linked directly into the existing shopping centre and car park with vehicular access/egress via Riverside. These arrangements have been examined by HITEP and raise no objection.

37. Pedestrian access will also be linked directly into the existing shopping centre and providing an entrance from Bridge Road. The applicant has agreed to provide a safe pedestrian crossing across Riverside to give access to the River and the Millennium Bridge from this end of the town, thereby extending and reinforcing the pedestrian flows at this end of the town centre.

38. HITEP has raised a number of potential improvements to encourage cycling and use of public transport and taxis which may require infrastructure improvements and further negotiation of the Heads Of Terms to be contained in the Section 106 Agreement. It is recommended that the Head of Planning be authorised to determine other Heads of Terms as may be deemed necessary.

### **CONCLUSION**

39. The scale of the proposed store is considered to be appropriate to Stockton Town Centre and its catchment and redevelopment of the existing site would also result in economic benefits and contribute to regeneration objectives to Stockton Town Centre and in particular the southern end of the centre, as well as significantly enhancing the existing range of food retail provision.

