

# Planning Committee

A meeting of Planning Committee was held on Monday, 9th August, 2021.

**Present:** Cllr Norma Stephenson O.B.E; Cllr Clare Gamble (vice Cllr Surtees); Cllr Carol Clark, Cllr Lynn Hall, Cllr Stefan Houghton (vice Cllr Riordan), Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Andrew Sherris, Cllr Mick Stoker, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr Bill Woodhead MBE

**Officers:** Julie Butcher, (HR, L&C), Simon Grundy, Gary Laybourne, Joanne Roberts, Iain Robinson (FD&BS), John Devine, Nigel Hart, Michael Henderson (MD).

**Also in attendance:** N/A

**Apologies:** Cllrs Fagan, Mathews, Riordan and Surtees.

## **P       Declarations of Interest**

**12/21**

There were no Declarations of Interest recorded.

**P**

**13/21**

**21/0786/OUT Castlegate Shopping Centre, Multi-storey Car Park and Former Swallow Hotel, Stockton-on-Tees - Outline application with all matters reserved for demolition of existing structures, including shopping centre, hotel and multi storey car park and for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision**

Consideration was given to an outline planning application 21/0786/OUT Castlegate Shopping Centre, Multi-storey Car Park and Former Swallow Hotel, Stockton-on-Tees with all matters reserved for demolition of existing structures, including shopping centre, hotel and multi storey car park and for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision.

Building on the success of the recent high profile regeneration schemes within the borough, including the refurbishment of the Globe Theatre, the opening in 2019 of the new Hampton by Hilton Hotel, and the ongoing developments on Northshore. Stockton Borough Council are looking to embark on another ambitious project which will completely transform the town centre.

The vision for the proposal is to deliver transformational change within Stockton Town Centre through the demolition of the Castlegate Shopping Centre and consolidation of Stockton Town Centre's retail offer to address the oversupply of retail floor space within the Town Centre. It is expected that the consolidation of floorspace will be primarily be at Wellington Square and across other areas of

the High Street.

This will release a 5.57ha riverside development site that will become home to a new urban park and provide further redevelopment opportunities. One of the key aims is to create an urban park that will create high quality spaces that are multifunctional by providing leisure and recreational opportunities as well as supporting the Council's events programme.

The site comprised 5.57 ha and was located adjacent to the River Tees. Much of the site was currently occupied by the existing Castlegate Shopping Centre and adjoining multi-storey car park, as well as the former Swallow Hotel building.

The site was bounded:

- To the north by various commercial uses facing on Finkle Street, the High Street, Green Dragon Yard and the Georgian Theatre;
- To the east by the River Tees and Castlegate Mills buildings, with the Teesdale business park and Durham University campus on the other side of the river;
- To the south by a new Lidl foodstore, and the A1305 dual carriageway beyond this; and
- To the west by the High Street, which contains areas of public space, the Town Hall and various bus stops, with retail and other commercial units to the other side of that. The Castlegate Centre and Swallow Hotel first opened in 1973, although the hotel has been vacant since 2009.

The site lay within the Stockton Town Centre Boundary and is predominately adjacent to the boundary of the Stockton Town Centre Conservation area, although a small part lies within the conservation area. In the vicinity of the site are a number of listed buildings and the Market Cross which is a scheduled ancient monument.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the application was submitted in outline with all matters reserved for future consideration. All of the publicly available images of the site are indicative only. All the relevant material planning considerations had been considered and addressed within the report and the proposal was considered to be acceptable in those regards and therefore should be Approved with Conditions for the reasons as specified within the main report.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

-It was questioned whether the proposed road layout, effectively reducing from

dual carriageway to single lane, would result in considerable congestion?

-What would the effects of the demolition be on neighbouring businesses?

-Without the detail of a Reserved Matters application being forthcoming, there was insufficient detail at outline stage to allow comment;

-Concern was expressed that existing trees along the A1305 be retained;

-Development should be 'future proofed' and be in keeping the existing heritage.

Officers were given the opportunity to respond to comments / issues raised. Their responses could be summarised as follows:

-The proposals are supported by a Transport Assessment that has demonstrated changes in traffic movements associated with the development and considers active travel modes and public transport links.

The proposal to reduce the Riverside Road to single carriageway for a significant length and with the elimination of the existing service access and exit, along with the proposal to reduce the speed limit will not materially impact on highway safety and the development can be safely accommodated. In addition, the development is supported by a stage 1 Road Safety Audit that has demonstrated that there are no issues that deem the development unacceptable.

-Conditions are proposed to control any disruption to neighbouring businesses. The Town Centre team would also be made aware of any concerns regards the condition of business dwellings that remain just outside of the development site.

-A condition was proposed to assess what effect the proposed bridging would have on existing trees, with as much protected as possible;

-Historic England would be consulted on any design proposals and the Town Centre team made aware of members comments.

A vote took place and the application was approved.

RESOLVED that planning application 21/0786/OUT be approved subject to the following conditions and informatives below;

Approved Plans;

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
STCMP-RYD-00-ZZ-DR-A-01000-S2-P519	March 2021

Reason: To define the consent.

Reserved Matters-Time period for submission;

03 An Application for the approval of the reserved matters shall be made to

the Local Planning Authority before the expiration of five years from the date of this permission.

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

Time limits reserved matters;

03 The development hereby permitted shall be begun either before the expiration of seven years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matter whichever is the later.

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

Reserved matters;

04 Details of the, layout, appearance, scale, landscaping and means of access(es), of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

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

General conformity;

05 The details of layout, scale, appearance, landscaping and access submitted pursuant to Condition no. 3 shall be in broad accordance with the Design Code set out in the Design and Access Statement submitted with the application and dated 27 July 2021.

Reason: To ensure a satisfactory form of development.

Demolition Management Plan;

06 No demolition shall commence until a Demolition Management Plan has been submitted to, and approved in writing by, the local planning authority. The Demolition Management Plan shall provide details of:

- (i) the site construction access(es);
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- (iv) measures to control and monitor the impact of noise, vibration, dust and dirt during demolition;
- (v) details of surface levels;
- (vi) details of any associated movement of material within or off the site;
- (vii) details of any surfacing treatments (including temporary measures post-demolition).

Reason: To ensure a satisfactory form of development

Recording of a heritage asset through a programme of archaeological works;

07 (A) No demolition shall take place until a programme of demolition works and associated archaeological strategy, including a programme of

archaeological work, has been submitted to and approved by the local planning authority in writing. A Written Scheme of Investigation must also be submitted to, and approved by, the local planning authority in writing prior to starting any programme of archaeological work. The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition shall take place other than in accordance with the programme of demolition works and associated archaeological strategy approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological strategy approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological interest

Construction Method Statement;

08 No development, other than demolition, within any phase of the development hereby approved, shall take place until a Construction Method Statement

(CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that phase of the development. The approved CMS for that phase of the development shall be adhered to throughout the construction period of that phase and shall provide details of:

- a) Construction access;
- b) Parking of vehicles of site operatives and visitors;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including any decorative displays and facilities to public viewing, where appropriate;
- f) Wheel washing facilities and measures to control and monitor the omission of dust and dirt during construction;
- g) A Site Waste Management Plan;
- h) Details of the routing of associated HGVs;
- i) Measures to protect existing footpaths and verges; and
- j) Measure to prevent earth movement and ensure land stability during construction

Reason: In the interests of highway safety and the occupiers of adjacent and nearby premises

Construction Environment Management Plan;

09 Excluding demolition, prior to the commencement of each phase of the development hereby approved, a detailed site-specific Construction Environmental Management Plan for that phase shall be submitted to and be agreed in writing with the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997. This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development. Once approved the CEMP Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to protect habitats and wildlife.

Construction Operating Hours;

10 Construction or demolition operations including delivery and removal of materials on and off the site shall take place only between 07:00 and 19:00 hours on weekdays, between 08.00 and 17:00 hours on a Saturday and no time on Sundays or Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties

Phasing programme;

11 Prior to the commencement of any development (excluding demolition), a Phasing Programme for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space, accesses and associated built development. Development shall be carried out in accordance with the approved Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.

Quantum of floorspace;

12 The total development hereby approved shall not exceed 33,000 sqm gross internal floorspace.

Reason: To define the limits of the consent and for the avoidance of doubt.

Updated Flood Risk Assessment;

13 Prior to the approval of a reserved matters application for the proposed development, the approved FRA (CAST-BGP-01-XX-RP-C-001, dated 26/02/2021) shall be updated to assess the development against the latest available data. The updated assessment shall be submitted to and approved by the Local Planning Authority prior to the commencement of development in accordance with the approved masterplan. The proposed development shall be implemented in accordance with the approved details, and any mitigation or compensatory measures recommended as part of the updated assessment will be adhered to throughout the lifetime of the development, unless otherwise agreed in writing.

Reason: To reduce the risk of flooding to the proposed development and its

future users.

Scheme for surface and foul water management;

14 No development shall take place, other than demolition, until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details and any agreed phasing programme for the agreed details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Site Levels;

15 Prior to the commencement of any phase of new development, details of the existing and proposed levels of the site within that phase, including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway), shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details for each relevant phase.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats

Biodiversity Net Gain;

16 Notwithstanding the submitted plans, prior to the commencement of the new development hereby permitted (excluding demolition works) a Biodiversity Gain Plan shall be submitted for approval in writing by the Local Planning Authority. The Biodiversity Gain Plan must contain, information about the steps that will be taken to minimise any adverse effect of the development on the biodiversity of the onsite habitat, and the site's pre and post-development biodiversity value, and how these gains will be incorporated within the landscaping details submitted as part of any reserved matters application. The works shall be implemented in accordance with the agreed details and any phasing programme. Such measures shall be retained thereafter for the lifetime of the development.

Reason: To preserve, protect and enhance the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

Ecology;

17 All ecological mitigation measures, enhancement and compensatory measures within the submitted Preliminary Ecology Appraisal, bat and bird risk assessment prepared by ECO Surv(submitted March 2021) shall be implemented throughout the development in full accordance with the advice and recommendations, unless otherwise superseded. Should any Reserved Matters application be received after 3 years of the date of this decision, a new Preliminary Ecology Survey shall be submitted to accompany that Reserved Matters application.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

Energy efficiency;

18 No above ground construction of the buildings hereby approved, shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how buildings in that particular phase of the development, will achieve a minimum 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Local Plan policy ENV1.

BREAAAM or equivalent rating;

19 The buildings hereby approved shall be built to achieve a minimum of BREEAM rating 'very good' or other equivalent alternative rating criteria which meets with the general sustainable construction aims and principles of BREEAM very good'. Such details shall be approved in writing by the Local Planning Authority prior to any above ground construction of any phase of the development.

Reason: In order to minimise energy consumption in accordance with Local Plan Policy ENV1

Travel Plan;

20 Prior to occupation of any building(s), the owner and/or the occupier of each building shall submit a travel plan to the Local Planning Authority for written approval. The travel plan should control the management of the site during operation from a traffic management and sustainable travel choices perspective.

Evidence of each travel plan's implementation over a minimum period of 12 months from first implementation shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Each travel plan shall be in place for the full time the end user occupies either part or all of the buildings hereby approved. The Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason: To promote sustainable travel choices to accord with the NPPF.

Open Access;

21 Open access ducting to facilitate fibre and internet connectivity shall be provided from the buildings to the public highway

Reason: To ensure that infrastructure is provided to facilitate fibre connections to all new development in accordance with Policy TI3 of the Stockton on Tees Local Plan



## Trees

22 Prior to the demolition of the Castlegate centre hereby approved an arboricultural survey and impact assessment to BS587 shall be submitted to the Local Planning Authority which considers the impacts of the works on the grouping of trees to the west of Riverside Road.

All applications for reserved matters approval in respect of any phase of the development hereby approved shall also consider the impacts of the proposed works on all remaining trees within the red line site boundary and within 10m of the application site and how they can be incorporated into the proposals. A plan identifying all those trees to be retained and any associated tree protection measures during construction of any phase of the development shall be submitted for approval to the Local Planning Authority as part of any reserved matters application for that phase.

No trees shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with details to first be approved by the Local Planning Authority.

Reason: To protect the existing trees on site that the Local Planning Authority consider to be important to the visual amenity of the locality and should be appropriately maintained.

## Land contamination;

23 No development, other than demolition, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components, to deal with the risks associated with contamination of the site, have been submitted and approved in writing by the local planning authority:

- A risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site;
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies 'Land Contamination Risk Management' guidance (2020), CIRIA C665 and BS87576: Guidance in investigations for ground gases. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

#### Unexpected land contamination

24 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters.

#### Air Quality Assessment

25 Notwithstanding the submitted information, prior to the commencement of any phase of new built development, an air quality assessment by a suitably qualified person shall be submitted to and be approved in writing by the local planning authority. Any assessment shall assess the present and future emission of air pollutants arising from the proposed development, identifying any associated impacts and where necessary propose suitable mitigation. Thereafter, the development shall be carried out in accordance with any agreed recommendations and mitigation measures identified.

Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters.