

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

9th August 2021

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

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.

SUMMARY

The application is an outline application with all matters reserved for the demolition of existing buildings including the Castlegate shopping centre, Swallow 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.

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 park will connect the High Street to the riverside with a new land bridge over the reduced width A1305 road. It will deliver a new, flexible public space to accommodate a range of events, riverside building plots and future commercial and leisure opportunities. The relocation of existing operators will also help to consolidate the town centre's retail offer, reducing the vacancy rate and addressing the existing over-supply of retail floorspace in Stockton.

Funding awards of £16.5million from the Governments Future High Streets Fund and £20million via Tees Valley Combined Authority has been secured to enable its delivery.

The application is submitted in outline with all matters reserved for future consideration. For clarity, all of the publicly available images of the site are indicative only. All the relevant material planning considerations have been considered and addressed within the report and the proposal is considered to be acceptable in those regards.

Whilst all of the publicly available images of the site indicative only, the proposal offers exciting opportunities to design a high-quality sense of place and locally distinctive design informed by the prevalent historic character of the area.

The proposal also offers a both and exciting opportunity to deliver transformation change bringing with it the potential for significant environmental and social benefits to the town centre, particularly as a result of the creation of a new urban park. Additionally through both that investment and that of the additional built development, it is also anticipated that the development will attract visitors and trade to support those businesses within the high street. Consequently, it is considered that there are not any adverse impacts from the proposed development that would cause such demonstrable harm that it would warrant a refusal of the application.

The application is recommended for approval with conditions as set out in the committee report below.

RECOMMENDATION

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

- 01 Approved Plans:**
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-P5	19 March 2021

Reason: To define the consent.

- 03 Reserved Matters-Time period for submission:**
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.

- 03 Time limits reserved matters:**
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 it the later.

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

- 04 Reserved matters:**
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.

BREAAM 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.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1:Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative 2:Northumbrian Water

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- o Soakaway

- o Watercourse, and finally
- o Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

A number of assets cross the redline boundary of the wider site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus. They will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development further information is available at <https://www.nwl.co.uk/services/developers/>

Informative 3: Canals and rivers trust

The applicant/developer is advised to contact the Canal & Rivers Trust's Works Engineering Team via switchboard on 0303 040 4040 or at Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works would comply with the Trusts "Code of Practice for works affecting the Canal & River Trust".

Informative 4: Northern Gas networks

There may be apparatus in the area that may be at risk during construction works and the promoter of the works should contact Northern Gas Networks directly to discuss requirements in detail. Should diversionary works be required these will be fully chargeable.

BACKGROUND

1. The Castlegate Centre and Swallow Hotel first opened in 1973, although the hotel has been vacant since its closure in 2009. The Castlegate shopping centre is still in use, although a significant proportion of the floorspace in the centre is now vacant. Along with Wellington Square Shopping Centre, which is located slightly further north, the Castlegate Centre was purchased by Stockton-on-Tees Borough Council in 2019.
2. An application for extensive refurbishments, in order to update the appearance of the Castlegate Centre, and for the refurbishment of the market hall, was approved in 1995 (ref: 95/1783/P). Permissions for other refurbishment/reconfiguration works were also obtained, including updates to the front elevation of the market hall area and internal alterations in 2012 (12/0320/FUL).
3. In 2006, planning permission (ref: 06/01440/OUT) was granted for a new foodstore, other commercial uses and replacement car parking on a site to the south of the Castlegate Centre, excluding the Swallow Hotel but incorporating its service area. The total proposed floorspace approved comprised 5,687 sqm gross across one large foodstore and six smaller retail units. However, an operator for this store was not identified and, as a result, the permission was not implemented.
4. An application was approved in 2016 for the change of use of the former Swallow Hotel to student accommodation, with the retention of flexible mixed-use floorspace at ground floor level (ref: 16/0256/FUL). However, it is understood that this permission was never implemented.

SITE AND SURROUNDINGS

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

The site is 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.
6. The site lies 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.

PROPOSAL

7. The application is in outline with all matters reserved for demolition of the existing structures, including the Castlegate shopping centre, Swallow hotel and multi storey car park 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.
8. The works proposed involve the creation of a new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision.
9. The existing Castlegate Shopping Centre and former Swallow Hotel will be demolished, and a new urban park created, linking the High Street to the River Tees, with vibrant new public space in the centre of the town. A new land bridge from the park will cover part of the re-aligned riverside road and will extend down to a new riverside plaza.
10. The submission of an outline application reflects the desire to retain maximum flexibility over the future detailed design and layout of any development which comes forward on the site, which is likely to evolve further over time. As such, the accompanying Design and Access Statement (DAS), prepared by Ryder Architecture, sets out a number of Design Principles and Design Code Parameters, which will guide the form of development which comes forward as part of any future reserved matters application.
11. As set out in the design and access statement, the development site has been split into four broad Character Areas in order to provide a vision as to what could be achieved on the site. These areas, which are described in more detail in the design and access statement, are as follows:
- Character Area 1: High Street / Finkle Street
 - Character Area 2: Urban Park / High Street
 - Character Area 3: Waterfront and Riverside Road
 - Character Area 4: Bridge Road / Tower Street
12. Whilst indicative visualisations and masterplans are available of the wider site, these are all indicative proposals with all details yet to be fully designed and do not form part of the current considerations.

CONSULTATIONS

13. The following Consultations were notified and any comments received are set out below (in summary):-

14. **Highways, Transport and Design Manager** - The proposals are supported subject to the comments and required conditions detailed below.

Highways Comments - 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, it is considered that the proposal 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 is unacceptable.

The proposed development is to create a new urban park linking the High Street to the River Tees with a new land bridge from the park to a riverside plaza. The development also incorporates new mixed use building(s) incorporating use classes including commercial, business and service; learning and non-residential institutions and local community uses. These use classes would permit a wide range of uses which will be considered as part of the reserved matters.

However, in traffic generation terms, the worst case use during the morning and evening traffic period would be office use, therefore this has been considered in the traffic modelling process in order to determine the level of impact. In addition some link trips have been considered for the proposed urban park and are not considered to generate additional trips in the morning and evening peak traffic period. It is also noted that any large scale event in the town centre is robustly managed through their own procedures and would have suitable traffic management plans in place for that event.

The current application is outline only with all matters reserved. Parking standards will therefore be applied in accordance with the Parking Provision for New Developments Supplementary Planning Document (SPD) for consideration in future reserved matters applications. However for the purposes of the assessment the outline GFA is 33,000M2 that would generate 94 car parking spaces.

In terms of trips associated with the proposed development this has been modelled in line with current guidance and is not considered to have a material impact on the surrounding highway network in accordance with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

As part of any future reserved matters application the following should be secured by condition.

- A suitable Travel Plan
- A Construction Traffic Management Plan (CTMP)

Landscape & Visual Comments – The proposals aim to remove poor quality buildings and open up the High Street to the river, improving connections, access and views through the creation of an urban park. Development of this site should respect the character, scale and materials already found within the High Street, and seize the opportunity to increase soft landscaping and soften the area.

There are established mature trees on the river frontage and west of Riverside Road close to the northern car park entrance, and these should be retained during demolition and where possible integrated into the final proposals.

15. **SBC Flood Risk Management** - The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. A condition to secure detailed design for the management of surface water runoff is requested.

16. **Highways England** - No objections

17. **Environmental Health Unit** –The phase 1 site Investigations identified made ground and historical industrial usage which are defined as potentially contaminated land uses. It is recommended that a phase 2 contaminated land site investigation is undertaken to demonstrate that the proposed works do not pose an unacceptable risk to human health or controlled waters receptors. However, there are no objections to the proposed development subject to conditions controlling the following aspects.

- Contaminated Land Risk Assessment
- Materials Management Plan.
- Construction/ Demolition Noise
- Construction Management Plan
- Air Quality Report

18. **Northumbrian Water Limited** - Having assessed the proposed development against the context outlined above we have the following comments to make:

We note a drainage philosophy has been submitted with the application, however, the document states that a pre-planning enquiry has not yet been submitted. A condition to control a detailed scheme for the disposal of foul and surface water from the development is requested.

19. **Northern Gas Networks** - No Objection

20. **Northern Powergrid** - No objections

21. **Chief Fire Officer** - The application has been examined and Cleveland Fire Brigade offers no representation but will require that emergency access will be available and maintained for the premises that border the site of the proposed demolition.

22. **Tees Archaeology** - The Archaeological Desk-Based Assessment concludes that there is a moderate to high potential for medieval and post-medieval remains, as well as a moderate potential for palaeo-environmental deposits, on the development site.

However, these remains will have been significantly impacted by the construction of the Castlegate Shopping Centre and the Swallow Hotel in the 1970s. It is believed that there is a higher potential for archaeological remains to have survived in the southern and eastern parts of the development site. We would therefore advise that a full archaeological condition should be applied to the development.

The type and amount of archaeological work will evolve as further information is provided through work such as the archaeological monitoring of site investigations and other activities.

23. **The Environment Agency** - We have reviewed the proposal and have no objection subject to the following conditions.

- Updated Flood Risk Assessment (Prior to the approval of a reserved matters)
- Scheme for surface and foul water management

24. **Canal & River Trust (Former British Waterways)** - The proposals would help improve the engagement between Stockton Town Centre and the River Tees which we broadly welcome. The main issues relevant to the Trust as a statutory consultee on this application are:

- a) Measures to ensure that the proposals do not compromise land stability; and

- b) Measures to reduce the risk of pollution towards the waterway.

Land stability

is important to ensure that the work and loading from any new structures does not result in adverse loading towards the river walls of the Tees which could otherwise result in land slips towards the river. Land stability is a material planning consideration, as highlighted by paragraphs 170 (part e) and 178 of the NPPF and the PPG. We advise that detailed sections should be submitted at reserved matters stage showing the changes to land levels and their relationship to river walls to enable an assessment to be undertaken with regards to the key likely impacts of the proposals on land stability.

Construction works in proximity to the Tees could also adversely impact upon the stability of the land. We would therefore request that a detailed Construction and Environmental Management plan (CEMP) should be provided prior to the commencement of development by means of a suitably worded condition.

The risk of contamination towards the waterway

The site has the potential for contamination. We advise that appropriate Phase II and Phase II investigations should be undertaken to ensure that the risk to sensitive receptors, are adequately quantified and mitigated against. Details could be reserved through the use of appropriately worded conditions. It is also recommended that a CEMP should also include details of dust suppression and protection measures to avoid any unmanaged run off to the Tees.

In the event of a positive determination it is requested that the following informative is included.

The applicant /developer is advised to contact the Canal and River Trust's Works Engineering Team via switchboard 03030404040 or at Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consent are obtained and that the works would comply with the Trusts "Code of Practice for Works affecting the Canal and Rivers Trust.

25. **Natural England** - No objection

26. **Friends of Stockton and Darlington Railway** - The Friends support the application particularly with regard to opportunities to recognise and enhance the railway and commercial heritage of the Riverside. The proposal to provide paths following the former S&DR is welcomed as would the opportunity to be involved in preparing the detailed proposals, including railway heritage themed artworks and information displays.

27. **Historic England** - Historic England is very supportive, in principle, of proposals which will reinvigorate this key historic area of Stockton and we welcome the transformative opportunities this exciting project will bring to its High Street. Nonetheless, we have concerns at this outline application stage. It is our position that in its current form the proposed design for the public realm does not make the most of the opportunities available to enhance the town's rich heritage significance. We would welcome an approach which strengthens the enclosure of the High Street by retaining an active building line that reflects the scale of surrounding buildings.

The demolition of the Castlegate Centre will remove an active building line and the sense of enclosure from a substantial length along the High Street, and a key part of the conservation area. We are concerned that without a strong building line fronting onto the High Street, the application site will read as an ill-defined gap within the heart of the historic streetscape. This would weaken the established historic pattern of development in a key part of the conservation area by disrupting the important spatial relationship between the openness of the central High Street space and the built-form either side.

We would welcome opportunities to strengthen the enclosure of the High Street by retaining an active building line which reflects the scale of surrounding buildings. This would provide a more effective

mechanism for both containing and activating the new area of public realm in accordance with the strategic aims of the project and wider master-planning objectives for Stockton's town centre.

We welcome the continued engagement with your authority and their commitment to achieving a successful, sensitive and sustainable scheme for this key part of historic Stockton.

28. **SBC Place Development Manager** - The proposal seeks to transform the southern end of the High Street which will build upon recent regeneration schemes within the High Street and ensure the area meets the needs of current and future high street trends. It is acknowledged that this outline planning application has all matters reserved but the supporting Design and Access Statement begins to articulate the design ethos and how character zones could be established.

These design principles and deliverables/parameters are supported in principle as they highlight the main principles the site should be seeking to achieve. As all matters are to be reserved it will be important for Design Codes / masterplanning to be developed to articulate how the development will deliver against these overarching principles. A design code is a set of simple, concise, illustrated design requirements which will provide the opportunity to create a consistent and high-quality standard of design. Owing to the identification of four-character areas it may be appropriate that separate design codes be developed.

PUBLICITY

29. Neighbours were notified by letter, site notices and press advert and comments received are set out below :-

Mr Simon Griffin Units 9 And 11 Castlegate Mill

We are Hifisound based in Castlegate Mill and would like to be informed of the following that may affect our business during and after the development:

- 1) Access to Castlegate Mill off Riverside Road.
- 2) Noise and pollution.

We want to know that our customers and suppliers will be able to get to us and that our business will not be disrupted by the works.

Heron Foods 8A Castle Way Stockton-on-Tees

We have the notice of planning application for the subject site. Please note Heron Foods operate trading premises at 8A Castle Way within the shopping centre on a lease which expires in August 2024. There are no options for the landlord to terminate that lease early or grounds for our occupation to be removed to allow for the proposed planning permission.

We would therefore like to raise an objection to the planning on the basis that it cannot proceed without breaching the terms of our occupational lease or forcing the closure of a trading business without any suitable or feasible relocation options.

Alistair Scott RIBA 4 The Grove YARM

I retired as a working Architect in 2017, however I thought I may pass on some comments with regards to the proposed opening up of the East side of the High Street to the South of the Town Hall.

Firstly I am very much in favour of making better use of the major asset of having the river passing so close to the centre of town. The demolition of the buildings forming the historic East side of the High Street back in the late 60's/early 70's was bad enough, but the construction of the Castlegate centre which turned its back on the river was a major disaster and a missed opportunity. So the removal of the Castlegate centre and opening up of the river frontage is much to be welcomed.

I have some reservations about the townscape implications of the proposals, however. The historic form has always been of a "Street", with buildings enclosing a linear space punctuated with highlights

- the Town Hall and the Shambles. The proposals seem to lose this sense of enclosure entirely, with the East side only being delineated by the street lighting columns and a row of trees. My personal view is that the historic form of the High Street should be reflected to a greater extent. Assuming rebuilding on the frontage is not viable at the moment I feel that some way of forming a vertical element along the line of the existing frontages should be provided. This could possibly be by means of a colonnade in front of an avenue of tall linear planting (Lombardy poplar type trees) with some open filigree screening behind to give intriguing glimpses through to the parkland and river beyond. The idea would be that viewed obliquely a degree of enclosure could be maintained without restricting access.

I am basing these comments on the published image in Stockton-on-Tees News. I realize proposals may have moved on since then.

Mr Ian Dalgleish 112 Dovecot Street Stockton-on-Tees

With regard to application 21/0786/OUT I have the following comments.

1. Based on Greenspace assessments showing an under provision of allotment space in central ward Stockton please can provision be made for a community growing area/allotments within this wider urban park. It would be ideal if links were made through the local health trust and GPs.

2. I am glad to note provision of SuDS systems within the submitted drainage strategy although provision of source control interception and water quality treatment is hardly given a mention. Please could consideration be made to green roofs and above ground rain gardens, bioretention areas and pond areas be provided to include water with the park. These will provide interception as well as water quality treatment and biodiversity. Can I also suggest that particularly for any surfaces taking traffic flow the developer consider application of proprietary solutions such as 3Ptechnik Hydro Filter drain (or similar) which have been tested (by Dibt) to remove dissolved pollutant loading as well as particulate loading and improve discharge of water to the River Tees.

PLANNING POLICY

30. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 Plan is the Stockton on Tees Borough Council Local Plan 2019.
31. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

32. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
33. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

34. The following paragraphs of the NPPF are considered relevant to the determination of the application.

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible

86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green

infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling

93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services

98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

100. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails

104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places

105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

106. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans

107. If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development;

- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

108. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that :

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

112. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public

transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

120. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

123. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

132. Design quality should be considered throughout the evolution and assessment of individual proposals

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

157. In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

183. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

189. Heritage assets range from sites and buildings of local historic value to those of the highest significance,

These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They

should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

207. Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole

Local Planning Policy

35. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,

- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

6. To meet the town centre use needs of the Borough, there is a need for:

a. Up to 2,700 sq m (gross) of convenience retail floorspace by 2031/2032.

b. Up to 4,500 sq m (gross) of comparison retail floorspace by 2021/22, although this could be met through the implementation of existing commitments. Beyond 2021/22 there may be a need to bring forward new comparison retail which will be determined by future retail capacity assessments.

c. Economic growth proposals which improve the quality, range and choice of retailers in Stockton Town Centre and Billingham District Centre.

Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

2. Proposals for the redevelopment of previously developed land, in particular prominent sites which have been derelict for a significant period of time, will be supported.

General Employment

7. The following sites are identified as principal office locations where new office development will be directed:

a. Stockton Town Centre and the District Centres.

Town Centres

10. Stockton Primary Shopping Frontage will be the main location for new retail development to 2032, whilst the wider town centre will be the main location for new leisure and evening economy uses.

11. Proposals for new town centre uses will be directed to suitable and available sites and premises in the centres within the following Town Centres Hierarchy:

Centre Tier	Location	Role and Function
Primary Shopping Area /Town Centre	a. Stockton	The largest shopping centre within the Borough containing the Primary Shopping Area, an administrative function and evening economy.

Sustainable Tourism and the Tranquil River Corridor

17. Support will be given to sustainable tourism proposals in the Borough's main town centres, tourist attractions, main parks and country parks, as well as enhancing the River Tees as a leisure, recreation and water sports destination.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

- a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
- h) Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:
 - i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;
 - ii. Any alterations or extensions are limited in scale;
 - iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and
 - iv. Any associated outbuildings/structures are of an appropriate design and scale.
- i) Considering development proposals within green wedges against Policy ENV6.
- j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable

impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.

c. Supporting sustainable water management within development proposals.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

3. Conserve and enhance the historic environment through a variety of methods including:

a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.

d. Supporting proposals which positively respond to and enhance heritage assets.

e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.

4. Priorities for interventions to conserve and enhance the historic environment include the conservation areas of Stockton and Yarm, assets associated with the route of the Stockton & Darlington railway of 1825, the branch line to Yarm and associated structures, and assets identified as being at risk. These assets, along with Preston Park, are also the priorities for celebrating the historic environment.

Strategic Development Strategy Policy 6 (SD6) - Transport and Infrastructure Strategy

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.

2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.

4. To ensure residents needs for community infrastructure are met, where the requirement is fully justified and necessary, the Council will support planning applications which:
- a. Provide for the expansion and delivery of education and training facilities.
 - b. Provide and improve health facilities.
 - c. Provide opportunities to widen the Borough's cultural, sport, recreation and leisure offer

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

Economic Growth Policy 1 (EG1) - General Development Sites

3. In order to maintain an adequate supply of land and premises for economic growth, all allocated sites, and all existing land and buildings last used for employment purposes, will be protected from alternative uses, unless it can be demonstrated through the submission of proportionate evidence that:
4. The following sites within Stockton Town Centre are allocated for an appropriate mix of main town centre uses and or residential development:
 - b. Southern Gateway, Stockton.

Economic Growth Policy 2 (EG2) - Managing Centres

Maintaining Vitality & Viability

1. The Council will seek to maintain and enhance the vitality and viability of all centres in the Town Centre Hierarchy, as defined in Policy SD4 and represented on the Policies Map. Proposals for the change of use, or redevelopment of premises, away from retail (Use Class A1) will only be supported where it can be demonstrated that:

- a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and
- b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and
- c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre; and
- d. Proportionate evidence has been provided to demonstrate that the premises are no longer required for retail purposes.

2. In addition to the above, within town, district and local centres the Council will support proposals for food and drink (Use Classes A3, A4 and A5) and other evening economy uses providing the activities in the area do not result in a harmful over-concentration of that use, either as a proportion of the centre overall or as a cluster within the centre.

Stockton Town Centre

3. The Primary Shopping Area, as defined on the Policies Map, will continue to be the main town centre shopping location in the Borough. The Council will aim to retain and enhance the retail function of the town centre whilst seeking a reduction in the number of vacant ground floor commercial units. In addition to the criteria above, the vitality and viability of the Primary Shopping Area will be maintained and enhanced by:

- a. Directing proposals for hot-food takeaways (Use Class A5) and uses that operate principally outside daytime hours away from the Stockton Primary Shopping Frontage, with significant clusters of these uses resisted elsewhere in the town centre; and
- b. Resisting development proposals that would result in a harmful over-concentration of non-retail uses to the detriment of the vitality and viability of the Primary Shopping Area; and
- c. Resisting proposals for ground floor residential development within the Primary Shopping Area; and
- d. In order to consolidate the retail offer of the centre, encouraging proposals which reduce the proportion of retail uses (Use Class A1) in the wider town centre, outside the Stockton Primary Shopping Area, that provide opportunities for a wider variety of town centre uses, including offices (Use Class B1), hotels (Use Class C1) and assembly and leisure (Use Class D2).

4. The Council will support proposals for food and drink uses (A3, A4, A5 Use Class) and other evening economy uses outside the Stockton Primary Shopping Frontage, providing the activities do not result in a harmful over-concentration of that use in that area, either as a proportion of the centre overall or as a cluster within the centre.

5. Proposals to reconfigure and modernise commercial units throughout the town centre, whilst protecting and enhancing the historic character of the area, will be encouraged.

Economic Growth Policy 3 (EG3) - Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:

- a. Stockton Town Centre Primary Shopping Area; then,
- b. Sites within the boundaries of Stockton Town Centre;
- e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area;

Transport and Infrastructure Policy 1 (T11) - Transport Infrastructure

Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

2. A comprehensive, integrated and efficient public transport network will be delivered by:
 - a. Retaining essential infrastructure that will facilitate sustainable passenger movements by bus, rail and water;
 - b. Supporting proposals for the provision of infrastructure which will improve the operation, punctuality and reliability of public transport services;
 - d. Improving public transport interchanges to allow integration between different modes of transport;
 - e. Working with public transport operators to maintain and enhance provision wherever possible;
 - f. Working with partners to promote the provision of accessible transport options for persons with reduced mobility; and
 - g. Ensuring appropriate provision is made for taxis and coaches.

3. Accessible, convenient, and safe routes for pedestrians, cyclists and other users will be delivered by:
 - a. Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and
 - b. Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment.

Highways Infrastructure

6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.

8. The Council and its partners will support the development of the Key Route Network which through continual assessment of the strategic and local road network, will help identify and ensure appropriate improvements are delivered.

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.

- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- b. Work with partners to ensure existing deficiencies are addressed; and
- c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.

4. To ensure needs for community infrastructure are met, the Council will:

- a. Support opportunities to widen the cultural, sport, recreation and leisure offer;
- b. Support proposals of education, training and health care providers to meet the needs of communities;
- c. Encourage the multi-purpose use of facilities to provide a range of services and facilities within one accessible location;
- f. Support the provision of additional river accesses with increased landing stages/moorings/marina at appropriate locations where they are of a scale appropriate to the location;

Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.
- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of 1,000 sq m and above of gross floor space, will be required to:

- a. Submit an energy statement identifying the predicted energy consumption and associated CO₂ emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
- b. Achieve a 10% reduction in CO₂ emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

Non domestic

4. All new non-residential developments up to and including 499 sq m of gross floor space will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

5. All new non-residential developments of 500 sq m and above of gross floor space will be required to:

- a. Submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO₂ reduction; and
- b. Be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

Natural, Built and Historic Environment Policy 2 (ENV2) - Renewable and Low Carbon Energy Generation

1. Development proposals will be supported where renewable energy measures are considered from the outset, including incorporating small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, and where there would be no unacceptable adverse effects on landscape, ecology, heritage assets and amenity. The Council encourages and supports:

- a. The local production of energy from renewable and low carbon sources to help to reduce carbon emissions and contribute towards the achievement of renewable energy targets; and
- b. Community energy schemes that reduce, manage and generate energy to bring benefits to the local community.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
- d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,
- c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.
4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:
 - a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
 - b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.
5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.
6. To improve the quality of the water environment the Council will:
 - a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;
 - b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
 - c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

Historic Environment Policy 3 (HE3) - Stockton and Darlington Railway

1. The Council will support development which safeguards the route of the historic Stockton & Darlington Railway of 1825, the branch line to Yarm and associated structures, and which preserves and enhances this cultural asset, its archaeological remains and setting.
2. The Council will require any proposal for development on or adjacent to the line(s) to show how the proposal has regard to the preservation of any physical remains along the route(s) and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.

3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
4. The loss of a heritage asset, in whole or part, will not be permitted unless the Council are satisfied that reasonable steps to ensure new development will proceed after loss has occurred.
5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before development commences.
6. The following are designated heritage assets:
 - a. Scheduled Monuments - Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle Mound and Bailey; Larberry Pastures Settlement Site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge
 - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglescliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
 - d. Listed Buildings
8. The route of the Stockton & Darlington Railway of 1825, the branch line to Yarm, and associated structures should be considered for their international interest.
9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset.
10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.
11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.
12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.

Policy T13: Communications infrastructure

Taking into consideration viability, The Council require developers of employment or main town centre uses to deliver, as a minimum on site infrastructure including open access ducting to industry standard to enable new premises to be directly served by local fibre internet connectivity.

MATERIAL PLANNING CONSIDERATIONS

36. The main material planning considerations of this application relate to whether it satisfies the requirements of National Guidance and Local Plan Policies, the impacts on Stockton Town Centre, the impact of the proposed development on the locality in terms of neighbouring amenity, flood risk, land contamination, ecology, impacts on heritage assets, nature conservation, traffic impacts and highway safety. These and all other material considerations are set out below:

Principle of development:

37. The NPPF sets out the governments objectives for the planning system and in particular those for achieving sustainable development, which has three distinct elements economic, social and environmental. The NPPF also includes a number of core planning principles. The National Planning Policy guidance seeks to encourage the efficient re-use of previously developed land within existing urban areas in addition to reducing the need to travel and reinforcing the local economy and community.
38. At the heart of the Framework is a presumption in favour of sustainable development on which decisions should apply (Paragraph 11). The NPPF confirms that significant weight should be placed on the need to support economic growth and productivity, taking into account both local needs and wider opportunities for development (Paragraph 81). Paragraph 86 of the NPPF highlights that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It states that planning policies should promote the long-term vitality and viability of town centres, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing), and reflects their distinctive characters. Paragraph 93 seeks to ensure that planning policies and decisions plan positively for the provision and use of shared spaces, including, amongst other things, meeting places, open space and other local services to enhance the sustainability of communities and residential environments.
39. Stockton Town Centre Waterfront redevelopment project forms an essential part of Stockton Borough Council's strategy for the regeneration of the Town centre. It follows the Council's acquisition of the Castlegate Shopping Centre in 2019, which aims to address the perceived over-supply of retail floorspace in the centre. These proposals are also intended to be funded, in part, through money provisionally awarded to the Council by MHCLG as part of the Future High Streets Fund.
40. With regards to the development plan, the site is within the limits to development, the core area and within the Stockton Town Centre boundary which provides a variety of commercial, retail and leisure facilities to meet day-to-day needs. In addition, the provision of public transport through bus connections and Stockton and Thornaby Railway Stations assist in making a choice of sustainable transport modes available. The site is therefore considered to be appropriate for re- development and is considered to be sustainably located.
41. The proposal also brings forward some significant benefits and enhancements for the town centre with the aim of delivering transformational change, bringing with it the potential for significant environmental and social benefits, particularly as a result of the creation of a new urban park. Additionally, through the creation of the urban park and that of the additional built development, it is anticipated that the development will attract visitors and trade to support those businesses within the high street. It is therefore recommended that the application be Approved with Conditions for the reason(s) specified above.
42. The specific impacts of the proposal on the town centre are considered below;
- Town centre vitability and viability/loss of existing buildings and associated commercial floorspace
43. The application site is a prominent and significant part of Stockton Town Centre. Policy EG2 sets out the approach to managing the Borough's town centres, placing a focus on only supporting change of use or redevelopment of premises away from retail use class when a number of criteria are considered below.

Role and Function of the Centre -Town Centre Hierarchy

44. Policy SD4 sets out a hierarchy of town centres that is consistent with advice in the National Planning Policy Framework. This hierarchy identifies Stockton Town Centre as a 'town centre' and 'primary shopping area'.
45. The redevelopment of this site forms part of a programme which seeks to revitalise all of the Borough's town centres, some of which are experiencing similar challenges to Stockton Town Centre. Whilst details of the interventions in other centres are not confirmed, vision documents suggest that demolition works could take place in other centres in the Borough which could involve the removal of commercial floorspace. In this context, it is therefore expected that Stockton Town Centre will remain the largest centre within the Borough and the town centres hierarchy will not be affected.

Retail Function

46. Policy EG2 sets out the approach to managing all of the defined centres in the Borough. Point 1 requires a proposal in a defined centre to demonstrate that it '...will contribute to the centres viability and does not detrimentally impact on the retail function of the centre'. The objectives of this policy build on policy SD4 and the National Planning Policy Framework. Policy EG2.1 must also be considered in tandem with EG2.3 which is specific to Stockton Town Centre and recognises that the area has suffered from high vacancy rates in recent times, and there is a requirement to diversify the offer of the centre. As a result, the policy states that '*... the Council will aim to retain and enhance the retail function of the centre whilst seeking a reduction in the number of vacant ground floor commercial units*'.
47. Whilst the proposal involves the removal of a significant level of retail floorspace, this is part of a strategy to address decline across Stockton Town Centre as a whole, which involves the consolidation of the retail function of the centre with the aim of creating a more focused shopping experience and tackling vacancy rates across the centre. Along with addressing long term vacancies of historic properties on the High Street and those within Wellington Square. This strategy also seeks to reconnect the centre to the River Tees, a long-held ambition, and introduce a high-quality development which aims to revitalise the town centre. Whilst the detail of the new development will be considered through future reserved matters applications, the principle of the development in this outline application will positively impact the vitality and viability of the town centre.
48. The application also includes market intelligence which outlines how the town centre, and the Castlegate Centre in particular, have been affected by structural changes in the market for retail premises. This includes the level of vacant retail floorspace and perceived over-supply of across the town centre ge as well as the significant over-supply of retail floorspace across the town centre, the increasing levels of internet shopping and more recently the effects of the on-going pandemic. Whilst the full impacts of the later are not fully know as yet, the evidence provided also highlights that the existing shopping centre suffers from a variety of other issues notably the ongoing running costs of the building, the reduced rental income & the impact this has on the possibility of future investment in the centre, and its unsightly appearance and poor state of repair. These issues, combined with the major regeneration opportunity that the redevelopment offers provide significant justification for the loss of the retail units in the Castlegate Centre.
49. Furthermore, as set out above, the Council is actively promoting and supporting the relocation of tenants into Wellington Square and other premises in the centre. This approach aims to mitigate the loss of floorspace in the centre, protect the retail function of the area by consolidating operators and creating a situation where the level of vacant / void floorspace is reduced to a more manageable level.
50. Whilst the application seeks to reintroduce a broad range of town centre uses / floorspace which is considered acceptable in principle. The conditions proposed provide flexibility to accommodate

adjustments to the scheme which will come forward at future date and provide the opportunity for the finer details of the reserved matters to be fully considered at that stage.

Future Need

51. Policy SD2 of the Local Plan set out general needs for retail development. The policy took a cautious approach to retail needs due to the uncertainty around the forecasts beyond the initial 5-years. As a result, Policy SD2 requires future retail capacity assessments to understand the level of provision required beyond April 2022. This study will commence when there is further detail available from the overall town centres programme regarding development sites, and there is further clarity on the Government's plans for reforming the planning system.

Impact on the character of the area;

52. Paragraph 126 of the NPPF promotes the creation of high-quality buildings and places. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. With paragraph 130 requiring that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In determining applications, paragraph 134 states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

53. Following the purchase of the Castlegate Shopping Centre the council has taken the decision to relocate the existing businesses into vacant units across the High Street and Wellington Square. As a result this outline proposals seek to demolish the shopping centre and associated buildings releasing a 5.57ha riverside development site that will become home to a new urban park and provide further redevelopment opportunities.

54. The park will connect the High Street to the riverside with a new land bridge over the reduced width A1305 road. The dual carriageway to the east of the site severs the high street from the riverside and presents a major constraint and barrier for pedestrians. Pedestrian connectivity between the high street and the riverside is limited to the Teesquay Millennium footbridge crossing and a second footbridge further to the north. The riverside currently has an attractive well used route to the north east, with public access limited to the south connecting to Moat Street. The proposals will therefore deliver a new, flexible public space to accommodate a range of events, riverside building plots and future commercial and leisure opportunities.

55. Redevelopment of the wider site offers a significant opportunity to reconnect the high street to the River Tees. Visual and physical links could be made from High Street to the River Tees and its bridges, recreating historic connections. There is potential to access the river for leisure and transport connections. Reduction in width of A1305 would help reduce the barrier and greening it would improve the amenities of the area. The site benefits from proximity to the historic arts quarter, which encompasses Green Dragon Yards and the Georgian Theatre. Strengthening links to the town's cultural assets is seen as a major opportunity.

56. Additional direct relationships with neighbours in respect of any impacts on privacy, amenity and separation distances would be considered at reserved matters stage. The application site is an outline proposal with all matters reserved it is considered that the site is capable of accommodating the scale, nature and level of the development proposed with an urban park forming a pivotal intention of the evolving design. Should the application be considered acceptable a suitable condition in respect of broad conformity to the design parameters and the indicative floor space provisions would be applied. On that basis the application is considered to accord with the aims of policy SD8.

Landscape implications;

57. It is recognised that the council has invested heavily in high quality public realm on the high street in recent years; the aspiration is to continue this quality landscaping into the proposals for a new urban park.
58. The Highways, Landscape and Design Manger comments that the proposals aim to remove poor quality buildings and open up the High Street to the river, improving connections, access and views through the creation of an urban park, in conjunction with development of the southern part of the site. Development of this site should respect the character, scale and materials already found within the High Street, and seize the opportunity to increase soft landscaping and soften the area.
59. There are no landscape and visual objections to the proposal and all matters of detail will be resolved as part of the Reserved Matters application and a condition is recommended to retain the established mature trees on the river frontage and west of Riverside Road during demolition and where possible integrated into the final proposals.

Impact on heritage assets;

60. The statutory duties of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess) with section 72 setting that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
61. Paragraph 194 of the framework requires that the significance of a heritage asset should be established to a level of detail proportionate to the asset's importance. A heritage assessment has been submitted with the application and it is considered that this submission meets the requirements of paragraph 194 of the NPPF and policies SD5, HE2 of the local plan enabling the significance of affected heritage assets to be appropriately understood and established to inform the decision making process.
62. The High Street has many historic features in the vicinity of the site, which include the Shambles market, the eighteenth century market cross, and the town hall. Finkle Street is a fine example of a Georgian terrace. There is a 6 - 7 metre level change from the riverside to the High Street, currently taken out by the basement level of the Castlegate Centre and a retaining wall to the east of Finkle Street.
63. The historic pattern of development of the town centre was characterised by long and narrow burgage plots that extended down from the high street towards the river. Post-medieval development of Stockton was strongly informed by its medieval town plan, and forms a key part of the special interest of Stockton Town Centre Conservation Area. The growing prosperity of the town as a port in the 18th and 19th centuries provided continued investment in the High Street and marketplace. The majority of the grade II listed building stock, the grade II* listed Town Hall (1735 with later alterations) and replacement Market Cross (1768; Scheduled Monument; grade II* listed), all date from this period.
64. Sadly, the historic medieval grain was subsequently lost during the late 1960s early 1970s, when the Castlegate Shopping Centre and Swallow Hotel were built creating a solid block of development and while this resulted in the loss of the traditional grain of development in a core part of the conservation area, the Castlegate Centre retains a traditional building height, occupies the historic building line and retains a commercially active frontage. These design choices have ensured that the historical context and setting of the High Street remain evident.

65. The application site lies outwith the boundary of the Stockton Town centre conservation area but clearly any development here has the potential to impact significantly on the character and setting of the Stockton town centre conservation area. Additionally, there are a number of listed buildings in the immediate and wider area and the market cross located on the High Street in close proximity to the application site.
66. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset and should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore, adding that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
67. Historic England have provided comments on the application and whilst they are very supportive, in principle, of proposals which will reinvigorate this key historic area of Stockton and they welcome the transformative opportunities this exciting project will bring to the High Street. Nonetheless, they have expressed concerns that in its current form the proposed design for the public realm does not make the most of the opportunities available to enhance the town's rich heritage significance, particularly as a result of its relationship to the High Street through maintaining a sense of enclosure and active building line. They urge the authority to take every opportunity to develop the proposed design and deliver a higher quality more locally distinctive approach in this sensitive historic area.
68. The application has been submitted in outline only at this stage (with all matters reserved), however, the applicant has submitted with the application proposed design principles and parameters that would inform the development of the particular key character areas coming forward as well as the overall approach to design of the site. The comments of the place team in respect of the positive use of design codes is also noted. The comments of Historic England are fully acknowledged as are the concerns raised. The applicant has reconsidered the design code principle and parameters within the submitted D&A through the course of the application to look to address these concerns and provide clarity over the points raised. Historic England have welcomed those revisions and have acknowledged that the application is in outline with all matters reserved.
69. Whilst the proposals to demolish the existing Castlegate, hotel and associated infrastructure are not considered to raise any specific issues in respect of the loss of these buildings which are considered to be of poor architectural form and little historic merit. It is considered that the proposal offers opportunities to improve the setting of heritage assets such as those on the High Street and Finkle Street by providing opportunities to enhance their setting through appropriate treatment. Additionally, the proposals offer opportunities to better reveal the significance of the wider conservation area through a programme of informed archaeological work.
70. Improved connectivity to the river also provides opportunities for interpretation and physical works to celebrate and promote the story of the Stockton and Darlington railway and associated river heritage connections. It is considered that subject to conditions in respect of the evolving design of the site, that the initial concerns raised by Historic England could be suitably managed through the emerging design. However, as the application is in outline with all matters reserved, it is not possible to provide certainty at the current time as to how aspects such as the sense of enclosure and active building line to the High Street. Nor would it be possible to judge the direct impacts of the proposals on the setting of neighbouring listed buildings and the scheduled market cross. Such matters can only be considered fully at the reserved matters stage once the finer details of the scheme are known.

71. Whilst all of the publicly available images of the site indicative only, the proposal offers exciting opportunities to design a high-quality sense of place and locally distinctive design informed by the prevalent historic character of the area. Additionally, the project and design team have fully committed to working positively with Historic England in respect of the evolving design culminating in the reserved matters submission(s). Should the quality of the scheme put forward at that time be materially diminished in quality and not reflect the design principles set out in the accompanying Design and Access statement then in accordance with paragraphs 134 & 135 of the NPPF the local authority could consider whether a refusal of any reserved matters application(s) would be justified at that time.
72. It is therefore considered that appropriate tools are in place to ensure that a high-quality scheme is developed which reflects the intentions of the Council and its partners to deliver an exemplary regeneration scheme. Additionally, it is considered that there are clear and demonstrable public benefits associated with the proposal in respect of creation of the urban park, economic growth through new built development and the community facilities that would be created and the wider regeneration benefits to the town centre as a whole.
73. Due consideration is given to the requirements of the NPPF and the Planning (Listed Buildings and Conservation Areas) act which require the decision maker to place great weight on the conservation of historic assets and the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
74. Nevertheless, in view of the above considerations and the nature of the application being outline only with all future matters reserved approval of the scheme. It is not considered to have a detrimental impact on the historic character of the area or the character and appearance of the neighbouring Stockton Town Centre conservation area that would justify a refusal of the scheme. It is considered that subject to robust conditions in respect of future reserved matters for all detailed design matters, that sufficient control is in place to safeguard the evolution of the designs coming forward at the site. The application is therefore considered to accord with the aims of policies SD5 and HE2 of the Local Plan and the guidance of the NPPF on heritage matters.

Highway Implications;

75. The development proposes the demolition of the Castlegate Centre, including its multi storey car parking provision. The application is outline with all matters reserved. The proposals are supported by a Transport Assessment which, concludes that the proposed development would not have any severe impact upon the surrounding highways network and no mitigation measures are required. The application has also been reviewed by Highways England who raise no objection.
76. The methodology for assessment is acceptable and in line with accepted practice including future year scenario. The development has considered a number of identified committed and allocated developments in this process and it is considered that the base plus committed development traffic modelling is robust and demonstrate that the highway network can accommodate the proposed development without adverse effect in both the morning and evening peak traffic periods without adverse effect.
77. Equally, the development is not expected to adversely affect highway safety as the recent collision history demonstrates that the road safety record along Riverside is good. Although the proposal is to reduce the Riverside to a single carriageway, for a significant length with the elimination of the existing service access and exit, along with the proposal to reduce the speed limit, it is considered that the proposal 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 is unacceptable.

78. The development also incorporates new mixed use building(s) incorporating use classes including commercial, business and service; learning and non-residential institutions and local community uses. These use classes would permit a wide range of uses which will be considered as part of the reserved matters, however, in traffic generation terms, the worst case use during the morning and evening traffic period would be that of an office use. This has been considered in the traffic modelling process in order to determine the level of impact.
79. The current application is outline only with all matters reserved. Parking standards will therefore be applied in accordance with the Parking Provision for New Developments Supplementary Planning Document (SPD) for consideration in future reserved matters applications to determine the nature and scale of the provision, including disabled parking and provision for electric vehicle charging. However, based on the maximum floor area there would be a requirement for 94 car parking spaces.
80. It is therefore considered that this development is acceptable in traffic terms, sufficient car parking will be provided as part of the detail of any future reserved matters including cycle parking, and suitable travel plans should also be provided. A construction management plan should also be provided which would also consider issuing in respect of access, site compounds, car parking and wheel washing activities. The site is sustainably located in the town centre with excellent public transport links and active travel opportunities, along with car parking that can be further enhanced with the detailed reserved matters application.

Archaeology;

81. Tees Archaeology have provided comments on the application and note the inclusion of a Heritage Statement and an Archaeological Desk-Based Assessment. The Archaeological Desk-Based Assessment concludes that there is a moderate to high potential for medieval and post-medieval remains, as well as a moderate potential for palaeo-environmental deposits, on the development site. However, these remains will have been significantly impacted by the construction of the Castlegate Shopping Centre and the Swallow Hotel in the 1970s. It is believed that there is a higher potential for archaeological remains to have survived in the southern and eastern parts of the development site. They therefore advise that a full archaeological condition should be applied to the development and this is recommended accordingly.

Drainage/Flood risk

82. In terms of surface water management and foul waste, the Environment Agency, The Councils Flood Risk Management Team (s the Lead Local Flood Authority) and Northumbrian Water have raised no objections subject to the imposition of recommended conditions and informatives.
83. The Local Lead Flood Authority are satisfied that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the detailed design for the management of surface water runoff from the proposed development has not been submitted and this information should be secured by condition. The Environment Agency advise that an updated flood risk assessment should be provided prior to submission of reserved matters.
84. As such, it is concluded that the development accords with Policy ENV4 of the Stockton Local Plan given that the application proposals would be located in the area of lowest flood risk and that the hierarchy of drainage options has been reflected in the proposals.

Contamination

85. The Environmental Health team recommend that due to the potential for land contamination that phase 2 land contamination study is carried out, due to the potential for unexpected land contamination and the age of the buildings at the site a suitable condition can therefore be applied should permission be forthcoming.

Air quality/dust

86. The Environmental Health Team have provided comments on the application advising that an Air Quality Report should be submitted by a suitably qualified person, assessing the present and future emission of air pollutants arising from the proposed development. Such a requirement is recommended to be controlled via a planning condition.
87. During the demolition and construction phases of the development, dust is likely to be generated the impacts of this and suppression measures can be suitably mitigated through a construction on management plan to control the details of such measures, timings and methods of demolition and construction.

Noise and vibration

88. Existing and proposed places of work and residences have the potential to be affected by noise and vibration from the proposed development and build period. Construction work is often associated with temporary increases in noise levels, which may result in short-term disturbance. Given the scale of the development it is likely that construction will be done across a number of phases. Suitable controlling conditions in respect of a phasing plan, construction management plans can therefore be applied. It is also acknowledged that construction on this scale can generate a degree of dust and disturbance and suitable conditions to control these issues can be applied. Working hours conditions can also be applied. Suitable conditions can therefore be applied to ensure that the amenity of existing neighbouring occupiers are not adversely impacted on during demolition and general construction activities.

Land stability/site levels;

89. The application site has varied levels with a significant level change towards the river. The general design approach to the indicative plans looks to address this in the detailed design. Comments received from the Canals and Rivers Trust note the potential impacts on land stability, due to the varied land levels and the proximity of the river corridor such impacts need to be appropriately managed. It is considered that detailed levels of the site and the proposals to redevelop around these would be subject to condition and further detailed assessment at reserved matters stage. Additionally, suitable measures could be applied via condition through construction in respect of management of construction activity at the site to consider these impacts.

Waste;

90. The Environmental Health team recommend that all materials re-used or imported to site should follow the CL:AIRE 'Definition of Waste: development Industry Code of Practice' (v2, March 2011) to demonstrate that re-use of excavated or imported soils would not pose an unacceptable risk to human health or controlled waters receptors, by documenting how all of the materials to be excavated during the proposed site preparatory and remediation earthworks are to be dealt with, including suitability for use, quantities of materials and verification. A suitable informative can therefore be applied.

Ecology;

91. The application is accompanied by a preliminary ecology appraisal, bat and bird risk assessment. This concludes that the site overall and existing buildings is of low ecological value. Natural England raise no objection to the proposal. The ecological appraisal recommends a number of enhancements, mitigation and compensatory measures to deal with the potential impacts of nesting birds and wildlife using the river corridor and opportunities to improve the ecological value across the site.
92. It is considered that subject to suitable conditions for updating of any ecological work in respect of the site prior to the commencement of development (due to the likely long time periods involved)and conditions to improve general ecological benefits and biodiversity across the site as recommended in the ecological appraisal that the site is acceptable in respects of any ecological impacts. Subject to the imposition of the recommended conditions it is considered that the proposed development

would not only safeguard habitats but can achieve biodiversity gains in accordance with the requirements of the NPPF and Local Planning Polices.

Low Carbon;

93. The level of developable floor space proposed through the application, would trigger the requirement for the submission of an energy statement and furthermore expect the development to achieve a 10% reduction in CO2 omissions over and above current building regulation requirements and to provide at least 10% of total predicted energy requirements of the development from renewable energy sources either on site or in the locality. A condition requiring the submission of a scheme to achieve the requirements of policy ENV1 is therefore recommended.

Residual matters;

94. Comments received from the chief fire officer are noted, and he project team have made contact directly and will continue to liaise as part of the on-site development works.
95. In accordance with policy T13 a condition regrading open access to internet connectivity from the new buildings has been applied.
96. Issues raised in respect of impacts of extant lease arrangements within the Castlegate are a civil matter and do not form part of the current considerations of the application.

CONCLUSION

97. 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. The proposal also offers an exciting opportunity to deliver transformation change bringing with it the potential for significant environmental and social benefits to the town centre, particularly as a result of the creation of a new urban park.
98. It is considered that the proposed development is in accordance with the policies of the development plan and the NPPF. It is considered that the creation of commercial floorspace as set out in the submission for up to 33,000 sqm can be comfortably be accommodated on the site without significantly affecting the character of the area, the neighbouring properties or highway safety. With all detailed matters to be considered further at reserved matters stage. The development is therefore viewed to be acceptable in planning terms.
99. Additionally, through the creation of the urban park and that of the additional built development, it is anticipated that the development will attract visitors and trade to support those businesses within the high street. It is therefore recommended that the application be Approved with Conditions for the reason(s) specified above.

**Director of Finance, Development and Business Services
Contact Officer Fiona Bage Telephone No 01642 526271**

WARD AND WARD COUNCILLORS

Ward	Stockton Town Centre
Ward Councillor	Councillor Paul Kirton
Ward Councillor	Councillor Pauline Beall

IMPLICATIONS

Financial Implications:As report

Environmental Implications: A report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Stockton-on-Tees Local Plan 2019

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD4 – Conservation and Historic Environment Folder

SPD6 – Planning Obligations