

Date: Wednesday 9 August 2023 at 1.30 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Stockton - on - Tees,
TS18 1TU

Cllr Mick Stoker (Chair)

Cllr Michelle Bendelow (Vice-Chair)

Cllr Stefan Barnes

Cllr Dan Fagan

Cllr Elsi Hampton

Cllr Tony Riordan

Cllr Norma Stephenson OBE

Cllr Sylvia Walmsley

Cllr Carol Clark

Cllr Lynn Hall

Cllr Eileen Johnson

Cllr Andrew Sherris

Cllr Jim Taylor

Cllr Barry Woodhouse

AGENDA

- 1 **Evacuation Procedure** (Pages 7 - 8)
- 2 **Apologies for Absence**
- 3 **Declarations of Interest**
- 4 **23/0975/REM Castlegate Shopping Centre, High Street, Stockton-on-Tees Reserved matters application with all matters reserved for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions** (Pages 9 - 56)
- 5 **1. Mr Stuart Dick, Staypleton House, Parsons Walk, Norton, Stockton- On-Tees, TS20 1TZ 22/0381/FUL - DISMISSED 2. Global - Land Adjacent To 46 Bishopton Lane, Stockton-on-Tees, TS18 2AQ 22/0116/ADV - ALLOWED WITH CONDITIONS** (Pages 57 - 66)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE
9 August 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/0975/REM

**Castlegate Shopping Centre, High Street, Stockton-on-Tees
Reserved matters application with all matters reserved for phase 1 for the erection of a
Community Diagnostics Centre building to include substation and associated hard and soft
landscaping, parking, cycle store, vehicular access, highway alterations and servicing
provisions**

Expiry Date: 23 August 2023

SUMMARY

Outline planning permission with all matters reserved was approved by Planning Committee on the 9th August 2021, for demolition of existing structures, including shopping centre, 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, 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 (21/0786/OUT). Work has commenced on the demolition and work is ongoing.

This application seeks reserved matters approval for phase 1 of the development which is the new Community Diagnostic Centre (CDC). The principle of development has been accepted through the approval of the outline permission and this application is for the more detailed consideration of the access, appearance, scale, layout and scale (the reserved matters).

The building is a modern functional building and changes have been made to the elevational treatment to create some texture and depth which will add some interest to the façade. Materials will compliment those already found within the town centre.

The access is via Tower Street and a new four-arm mini-roundabout is to be provided. The internal layout of the site is sufficient to accommodate the efficient delivery of goods, and access by service and emergency vehicles.

The application has been considered in full and there are no policy or consultation objections to the proposals subject to a number of conditions which have been recommended.

The application is recommended for approval with conditions as set out below.

RECOMMENDATION

That planning application 23/0975/REM be approved subject to the following conditions and informatives;

01 Approved Plans

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

Plan Reference Number

Date Received

JN2385-DWG-0014A	23 May 2023
TVCDC-RYD-00-XX-DR-A-3800-S2-P2	23 May 2023
TVCDC-RYD-00-XX-DR-L-2001-S2-P9	23 May 2023
TVCDC-RYD-00-ZZ-DR-A-2701-SO-P1	23 May 2023
TVCDC-RYD-00-00-DR-A-30021-S0-P1	14 July 2023
TVCDC-RYD-00-01-DR-A-30022-S0-P1	14 July 2023
TVCDC-RYD-00-R1-DR-A-30023-S0-P1	14 July 2023
TVCDC-RYD-00-R2-DR-A-30024-S0-P1	14 July 2023
TVCDC-RYD-XX-XX-DR-A-36010-S2-P1	14 July 2023
TVCDC-RYD-XX-XX-DR-A-36011-S2-P1	14 July 2023

Reason: To define the consent.

02. Materials

Prior to the construction of any walls of the building, full details of the materials, colour and finish shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

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

03 Landscaping - Hardworks

Prior to the installation of any hard landscaping, full details of proposed hard landscaping shall be submitted to and be approved in writing by the Local Planning Authority. This shall include all external finishing materials (other than buildings), finished levels, tree pits and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development, whichever is the later. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by as soon as practicably possible.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area

04 Street Furniture

Prior to the installation of any street furniture, full details of any such structures associated with the development shall be submitted to and be approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenity of the locality.

05 Scheme for Illumination

Prior to its installation, full details of the method of any external illumination, along with its siting and relationship to any new tree planting shall be submitted to and be agreed in writing by the Local Planning Authority and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Reason: To enable the Local Planning Authority to control details and in the interests of amenity and highway safety.

06 Landscaping – Softworks

No development shall commence on any planting/soft landscaped areas until full details of soft landscaping scheme has been submitted to and been approved in writing by the Local Planning Authority.

This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans.

All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- (i) Commencement of the development;
- (ii) or agreed phases;
- (iii) or prior to the occupation of any part of the development;

whichever is the later and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

07 Soft Landscape Management and Maintenance

Prior to the landscape works being undertaken, full details of proposed soft landscape management plan shall be submitted to and be approved in writing by the Local Planning Authority. The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc.

Any vegetation which within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: 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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative : Environment Agency

River Tees Modelling - Advice to Applicant For awareness, River Tees Flood Modelling is currently being undertaken by the Environment Agency. The modelling outputs can be requested through a FOI request when the data has passed QA checks and has been

signed-off by the EA. We expect to have modelling deliverables early next year if there are no delays to this project.

BACKGROUND

1. Outline planning permission with all matters reserved was approved by Planning Committee on the 9th August 2021, for demolition of existing structures, including shopping centre, 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, 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 (21/0786/OUT). Work has commenced on the demolition and is ongoing.
2. The vision for the proposal was to deliver transformational change within Stockton Town Centre. The reserved matters for phases 3-9 which was primarily the re-alignment and bridging over the A1305 and creation of new urban park, was approved by planning committee on the 5 July 2023.
3. The proposed Community Diagnostic Centre (CDC) under consideration forms part of phase 1 with the public buildings coming forward in the next phase. Supporting information states that diagnostic services in England are a key component for ensuring better healthcare is provided, enabling early diagnosis and preventative action, treating illness at an early stage and reducing the impact on acute hospital attendance. The CDC programme was established to provide dedicated locations for carrying out elective diagnostic procedures away from acute facilities. Combined with an aging population and diagnostics demand forecast to increase in the coming years, the Tees Valley CDC aims to improve access to diagnostics services and generate investment in the area.
4. The CDC will serve the wider population of Tees Valley, with this facility acting as hub and connecting with three other locations across the region to deliver services. The CDC spoke sites have been operational since September 2021 and in the first 18 months delivered an additional 80,000 diagnostics tests for the population across the Tees Valley.

SITE AND SURROUNDINGS

5. The overall site covered by the outline approval comprises 5.57 hectares and is located adjacent to the River Tees which was occupied by the Castlegate Shopping Centre and adjoining multi-storey car park, as well as the former Swallow Hotel building.
6. This application focuses on proposals for part of phase 1 with the remainder to the north and east of the proposed development forming part of a future development site.
7. To the south of the site is Tower Street with several commercial buildings, including a supermarket and car park. To the west of the site is Bridge Road which meets the High Street just to the north of the site.
8. The site sits to the south of Stockton town centre. It is less than a 15 minute walk from both Stockton and Thornaby rail stations and will have excellent pedestrian links to both the west and east riverside, the latter via the Millennium Bridge which lands to the north east of the site.
9. The site is adjacent to the conservation area and opposite a grade II listed building (Thomas Sheraton)

PROPOSAL

10. This application seeks approval of all reserved matters, including details of layout, scale appearance, landscaping and means of access pursuant to outline application 21/0786/OUT, for the CDC Building (Part of Phase 1).
11. The development site for the Tees Valley CDC is 3,755sqm and the proposed buildings have an overall gross internal area of 2,865sqm. This is spread across two floors of clinical space (level 00 and 01) with a further partial floor of plant area to level R1. The ground floor equates to 1,347sqm gross internal floor area plus a further 40sqm for the HV switch / substation that sits as a stand alone building on the site. The first floor has a gross internal floor area of 1,029sqm and level R1 of 449sqm.
12. The building will include the following services:
 - Cardiology - To comprise of Echocardiography (ECHO), Electrocardiogram (ECG), Ambulatory Blood Pressure monitoring and Ambulatory ECG monitoring.
 - Radiology - Imaging services to comprise of CT, MRI, Plain X Ray and Non Obstetric Ultrasound (NOUS)
 - Sleep Services - Service to provide a base for collection and drop off service for home monitoring wearable devices
 - Pathology Services - Each of the services to be equipped to carry out phlebotomy, bloods to be analysed off-site
 - Respiratory Services - Service to comprise of Oximetry, FeNO, Blood gases, Spiro (including Bronchodilator response).
13. It is anticipated that the service will operate between 08.00 to 20.00 and will accommodate up to 86 patients per hour plus any accompanying relatives. To operate the CDC, 70 staff are anticipated on site at any one time with infrastructure provided to suit these occupancy numbers.
14. The overall site layout provides 28 parking spaces including two electrical vehicle bays, five accessible bays and 16 cycle spaces. Two dedicated ambulance bays are also provided for patient transfer and emergency situations.
15. The Tees Valley CDC will create around 130 new jobs in the area by 2026/27, and collectively is planned to deliver an additional 150,000 diagnostic tests annually.

CONSULTATIONS

16. Consultees were notified and the following comments were received.
17. Highways Transport & Design Manager
Highways Comments: The application is supported by a Transport Assessment (TA) and drawings showing the site layout and access arrangements.
The site would be accessed from Tower Street via a 4-arm mini roundabout, as shown on drawing 0014A, which would also serve the existing Lidl development. A stage 1 Road Safety Audit has been carried out on the proposals and whilst some minor issues have been raised these can be resolved at detailed design.
The site layout, as shown on drawing TVCDC-RYD-00-XX-DR-L-2001 Rev P9, is broadly in accordance with the Councils design guide and car parking in accordance with SPD3: Parking Provision for Developments 2011 has been provided. Drawings have also been provided which demonstrate that a large articulated vehicle, such as a mobile MRI unit, can access the site. As set out in the TA the Accessible and Ambulance bays on Bridge Street

and the 'Drop off' layby on Tower Street will need appropriate Traffic Regulation Orders (TROs) to ensure the use of these bays for the intended purpose can be enforced. The cost associated with the TROs should be met by the applicant. The general site layout is therefore considered to be acceptable and, subject to the applicant entering into a s278 Agreement for the work within the adopted highway, there are no highways objections to the proposals.

Landscape & Visual Comments: The Highways Transport and Design Manager raises no objections to the proposals, but requests the following conditions be applied to the consent:

- Hard landscaping including tree pit construction;
- Soft landscaping;
- Maintenance and management of soft landscaping;
- Street furniture; and
- Street lighting.

Flood Risk Management: The applicant has not provided sufficient information regarding the management of surface water runoff from the proposed development however, a condition on the Outline approval requires this information to be provided and agreed prior to work commencing on site.

18. Environmental Health Unit

I have checked the documentation provided, have found no grounds for objection to the development and do not think that conditions need to be imposed from an Environmental Health perspective at this stage. I would be recommending a noise assessment is carried out for any heating plant, equipment or extract ventilation plant when this information is available.

19. Northern Gas Networks

Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

20. Natural England

Natural England has no comments to make on this reserved matters application.

21. Canal & River Trust (Former British Waterways)

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.

22. The Environment Agency

We have reviewed the information provided and have no objection to the reserved matters application. The development associated with this reserved matters application for the Tees Valley Community Diagnostic Centre is within flood zone 1 and is not in close proximity to an Environment Agency maintained flood defence.

River Tees Modelling - Advice to Applicant For awareness, River Tees Flood Modelling is currently being undertaken by the Environment Agency. The modelling outputs can be requested through a FOI request when the data has passed QA checks and has been signed-off by the EA. We expect to have modelling deliverables early next year if there are no delays to this project.

23. Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the

application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

24. Tees Archaeology

Thank you for the consultation on this application. The proposed development site has been subject to archaeological monitoring during the demolition of the former structures on site as part of application 21/0786/OUT; no archaeological work is necessary for this application.

25. Chief Fire Officer (Cleveland Fire Brigade)

Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in Approved Document B, Volume 1:2019, Section B5 for Dwellings. & Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. & AD B Vol 2 Section B5 Table 15.2. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above. Further comments may be made through the building regulation consultation process as required

26. Cleveland Police

1.0 Crime risks - Burglary, theft, violence against the person and vehicle crime. Potentially some spilling over of anti-social behaviour from nearby locations. There is some public realm CCTV and nearby street lighting.

1.1 Burglary - I would recommend that external doors and windows conform to at least the police preferred minimum standards:

Lighting - Good outdoor lighting can support CCTV systems and put off or draw attention to possible offenders. The most appropriate form of lighting to use is high-efficiency, low-energy lighting, controlled by a dusk 'til dawn switching, so that it comes on only when it is dark. This provides a constant and uniform level of light and can be particularly useful in the winter months to ensure sufficient visibility at entrance and exit points, and highlight unwanted visitors around the perimeter.

Lighting across the car park and around the building should conform to BS5489:2020.

CCTV - Objectives for the use of CCTV should be clearly defined. A policy for its use and operation should be in place. An operational requirement should be drawn up for the design, performance specification and functionality of the system. In effect, it is a statement of problems, not solutions and will highlight the areas that must be observed by the system and the times and description of activities giving cause for concern. A useful reference to help achieve this goal is the CCTV Operational Requirements Manual 2009 Published by the Home Office Scientific Development Branch. CCTV cameras should be capable of recording in colour in all lighting conditions.

Maintenance - Providing regular maintenance for the growth of trees and bushes so that there is good 'natural surveillance' to deprive criminals of any cover/hiding places. Making sure that planting does not obstruct CCTV cameras or sight of doors/window points.

1.2 Theft - Strict 'key' management is a priority with fewer people accessing them as possible. Regular key audits will highlight any discrepancies/issues with missing keys or staff that may have left who still have access to keys. Keep electronic card access systems up to date and ensure that any lost cards, or staff who have left are deleted from the system as soon as practicable.

Valuables - Ensure laptops, tablets and other high-value equipment are kept out of sight from windows and kept in a lockable room/storage.

Property Marking - Consider indelible property marking to 'reduce the payoff' for a thief.

Staff responsibility - All staff should be responsible for security precautions and should be given clear instructions on what is expected of them. Staff should be aware of tailgating and be encouraged to challenge anyone in restricted areas.

1.3 Violence against the person - Despite taking crime prevention measures, staff still need to know what to do in the unlikely event of a robbery or other violent incident. Speak to them about what to do and ensure they know where the information is detailed in working policies. Our team can provide personal safety sessions free of charge to staff if requested.

1.4 Vehicle crime - Staff and visitors should be reminded when parking, that anything on display, should be removed from the vehicle, this includes coats, as a thief will often smash a vehicle window believing that a coat might contain other items or be covering some other valuables inside the vehicle.

We would recommend the 'Safer Parking Award' scheme administered by the British Parking Association (BPA) on behalf of Police Crime Prevention Initiatives (PCPI)

Bicycle and motorcycle parking - Cycle storage shelter parking should benefit from formal and informal surveillance and be provided with secure ground anchors and be covered by CCTV and lit after dark when in use.

Motorcycle and scooter parking should be fitted with Sold Secure approved ground anchors to allow the securing of these vehicles.

2.0 Anti-social behaviour - there are a number of anti-social behaviour generators adjacent to the proposed site. Please report incidents of anti-social behaviour to us, this will enable any issues to be dealt with quickly.

27. Highway England

All issues affecting the Strategic Road Network for the above application were dealt with at Outline Application stage (appn 21/0786/OUT). We therefore do not wish to comment further on this application.

28. Councillor Paul Rowling

Fully support the application. No objections.

PUBLICITY

29. Neighbours were notified and no comments were received.

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: 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 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.

Paragraph 20 Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision¹³ for: a) housing (including affordable housing), employment, retail, leisure and other commercial development; b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation

Paragraph 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

Paragraph 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;

Paragraph 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

Paragraph 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

Paragraph 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

Paragraph 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.

Paragraph 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

Paragraph 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

Paragraph 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.

Paragraph 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

Paragraph 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.

Paragraph 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;

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 130. Planning policies and decisions should ensure that developments: 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;

are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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);

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 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

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.

Paragraph 131. Trees make an important contribution to the character and quality of urban 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.

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

Paragraph 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.

Paragraph 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).

Paragraph 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

Paragraph 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).

Paragraph 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

Paragraph 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

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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

Paragraph 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.

Paragraph 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

Town Centres

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:

- 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.

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

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:
 - 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).
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

2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:

- a. Town and District Centres, and for office development only, Principal Office Locations; then,
- b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
- c. Within the boundaries of the Local Centres; then,
- d. Sustainable out-of-centre locations within the limits to development.

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.

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).

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 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; Eggescliffe, 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.

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.

Transport and Infrastructure Policy 1 (TI1) - 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;

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 principle of development has been established on this site and this application seeks the reserved matters approval for the access appearance, landscaping, layout and scale only.
- 37. The building is a modern functional building and changes have been made to the elevational treatment to create some texture and depth which will add some interest to the façade. Materials will compliment those already found within the town centre and proposals for the nearby urban park and submission of these final details have been conditioned but the visuals at Appendix XX broadly show how the building will look.
- 38. The supporting information states that building is orientated to respond to the historic building arrangements on the site with its principal façade and main entrance addressing Bridge Road. The building mass has been pulled back from the previous building line to create a more generous public realm, whilst still maintaining a clear reduction in the overall width at the transition from High Street to Bridge Road. The information states that cues have been taken from the historic urban grain and existing street scape to inform the approach to the organisation of the building and articulation of its mass and elevational treatment, whilst recognising that this is a modern, highly serviced building with specialist requirements to deliver the clinical uses within.
- 39. Whilst the building is adjacent to the conservation area it is not in the heart which is seen to be the High Street around the main Town Hall and Shambles. Whilst this is a modern building it is not considered that it will detract from the significance of the Conservation area or the Listed buildings especially given what it is replacing which were very much of their time (Swallow Hotel and Car park).
- 40. The scheme has a financial budget that is has to work to a balance has to be struck between external envelope and the internal facility and equipment that needs to be provided. It is clear that the benefits of this scheme are to be recognised and given significant weight with this highly important facility in the heart of the community and it is considered that the appearance and scale of the proposal is acceptable.
- 41. In terms of landscaping the external works have been developed to provide a public realm that compliments the building and wider townscape. Where possible ornamental soft planting within raised planters will be used to soften the edges of the building along Tower Street adding texture and colour. Within the car park, planting will be used to screen part of the energy centre and to the ends of parking bays. Tree planting to the front elevation of the building responds to the tree planting already found within the town centre on the High Street and within the new Urban Park proposals. To avoid clashes with underground services trees will be planted within raised planters. A number of timber benches are proposed for those

awaiting collection / drop off or using the bus stop however final details of the street furniture and hard/soft landscaping have been conditioned.

42. The access is via Tower Street and a new four-arm mini-roundabout is to be provided. A Transport Assessment and Road Safety Audit accompanies the application. The internal layout of the site is sufficient to accommodate the efficient delivery of goods, and access by service and emergency vehicles. Swept path analysis has been undertaken and demonstrates safe and satisfactory manoeuvres. No objections have been raised by the Highways Transport and Design Manager although there may be some minor changes these can be dealt with at detailed design stage and as part of the section 278 works.
43. 28 parking spaces including two electrical vehicle bays, five accessible bays and 16 cycle spaces will be provided on site. Two dedicated ambulance bays are also provided for patient transfer and emergency situations. The parking strategy for the proposals has been reviewed and it is considered that sufficient parking will be provided through a combination of the onsite and town centre car parks to serve the proposed development. .
44. Overall it is considered that the scheme is acceptable and the proposal is recommended for approval subject to conditions

CONCLUSION

45. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications: as report

Environmental Implications: as 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

Application Files
National Planning Policy Framework
Stockton on Tees Local Plan Adopted 2019
SPD3 – Parking Provision for Developments - Oct 2011
SPD4 – Conservation and Historic Environment Folder - Jan 2006



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Castlegate Shopping Centre, High Street, Stockton-on-Tees
Reserved matters application with all matters reserved for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions

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APPLICATION 23/0975/REM
APPENDIX 3 – SITE LAYOUT PLAN



Castlegate Shopping Centre, High Street, Stockton-on-Tees
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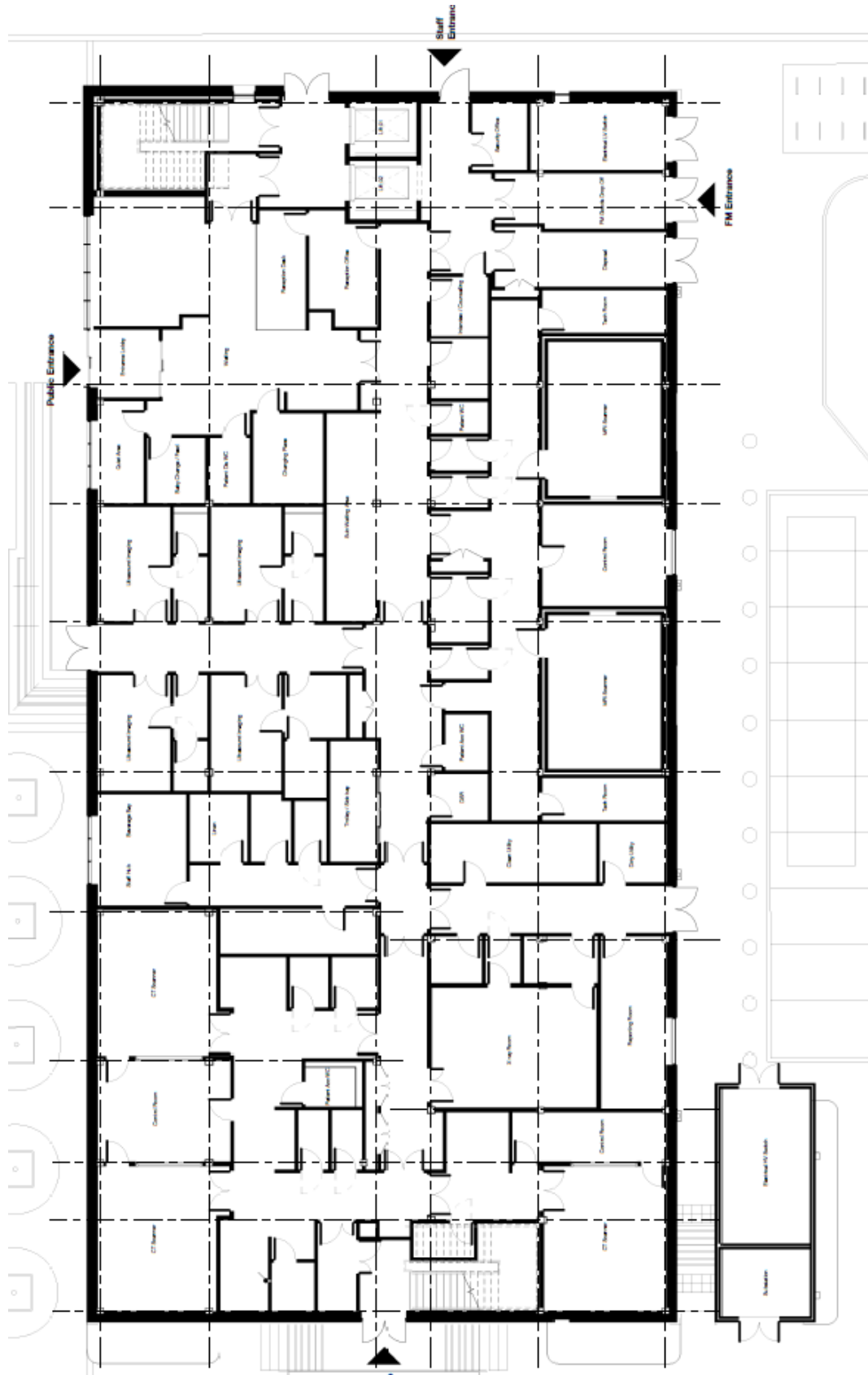
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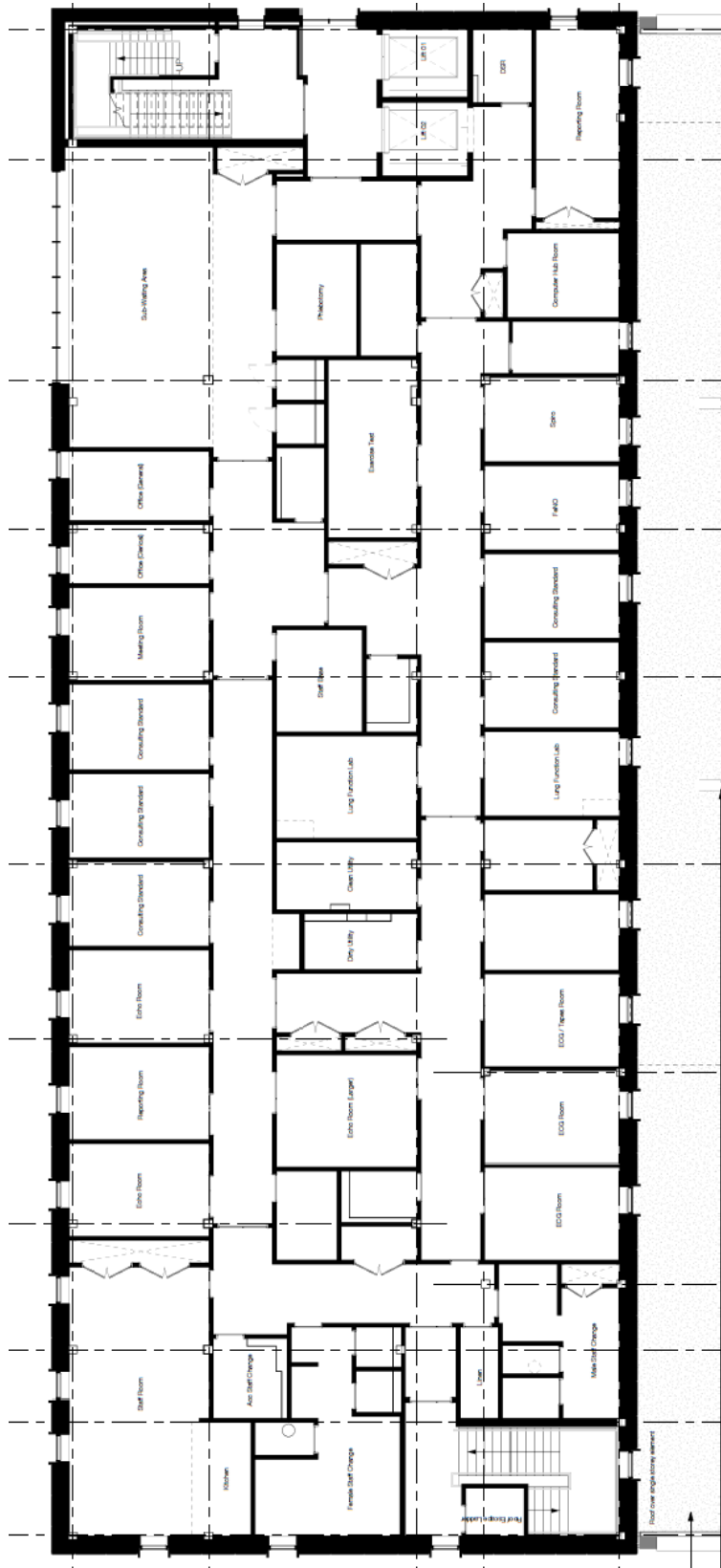
APPLICATION 23/0975/REM
APPENDIX 7 - PROPOSED FLOOR PLAN - LEVEL 00



Castlegate Shopping Centre, High Street, Stockton-on-Tees
Reserved matters application with all matters reserved for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions

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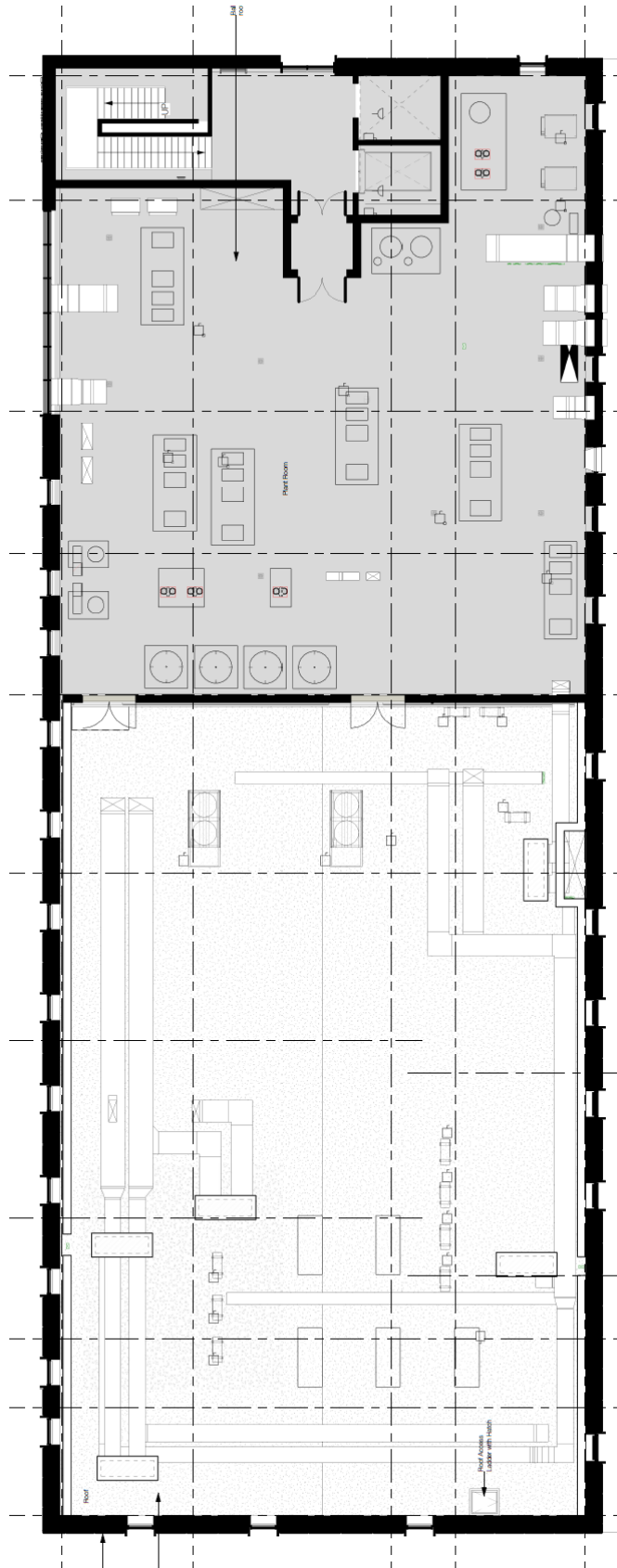
APPLICATION 23/0975/REM
 APPENDIX 8 - PROPOSED FLOOR PLAN - LEVEL 01



Castlegate Shopping Centre, High Street, Stockton-on-Tees
 Reserved matters application with all matters reserved for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions

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APPLICATION 23/0975/REM
APPENDIX 9 - PROPOSED FLOOR PLAN - LEVEL R1



Castlegate Shopping Centre, High Street, Stockton-on-Tees
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WEST ELEVATION (HIGH STREET)



EAST ELEVATION (RIVERSIDE ROAD)

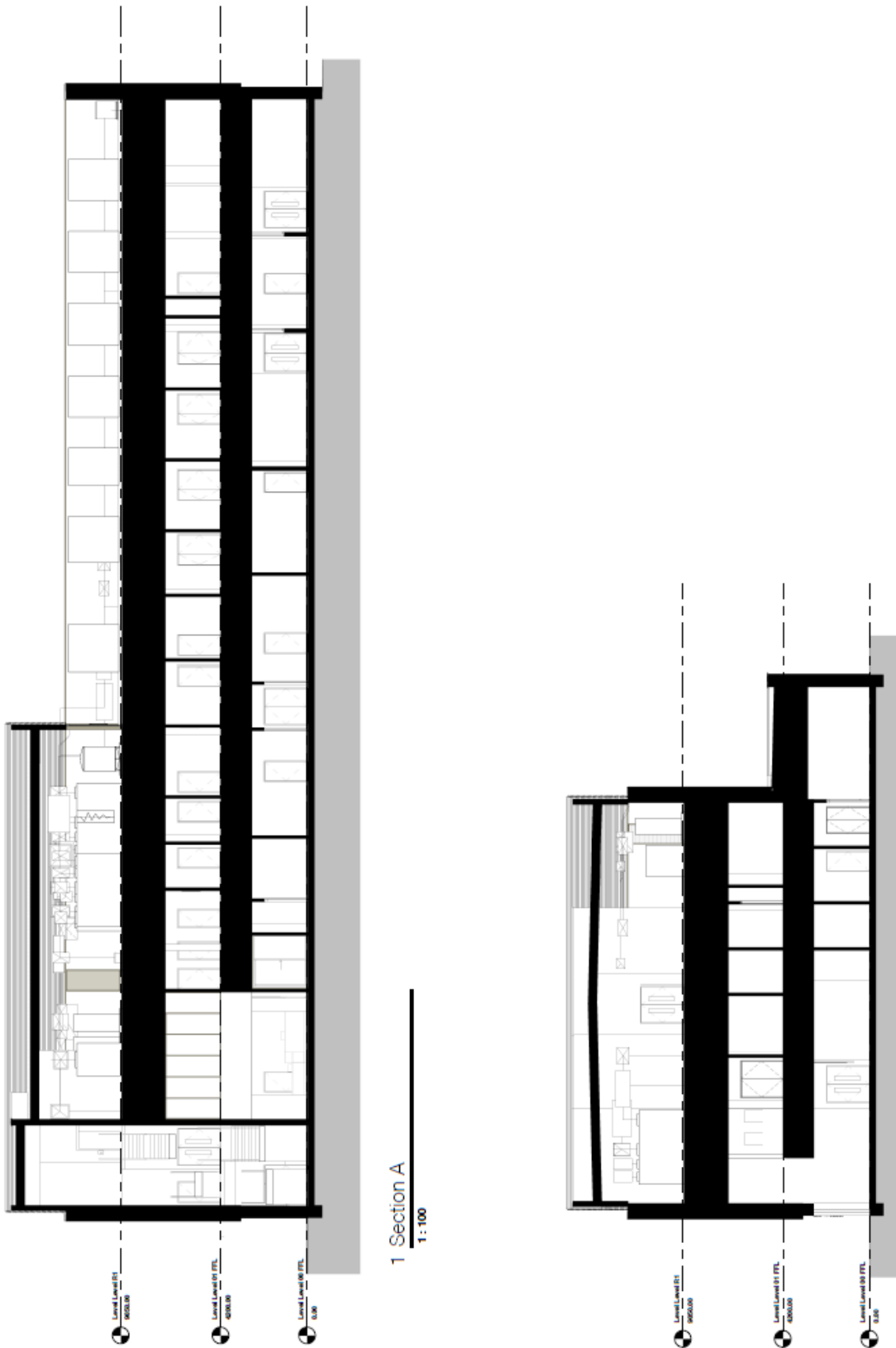


NORTH ELEVATION (URBAN PARK)

SOUTH ELEVATION (TOWER STREET)

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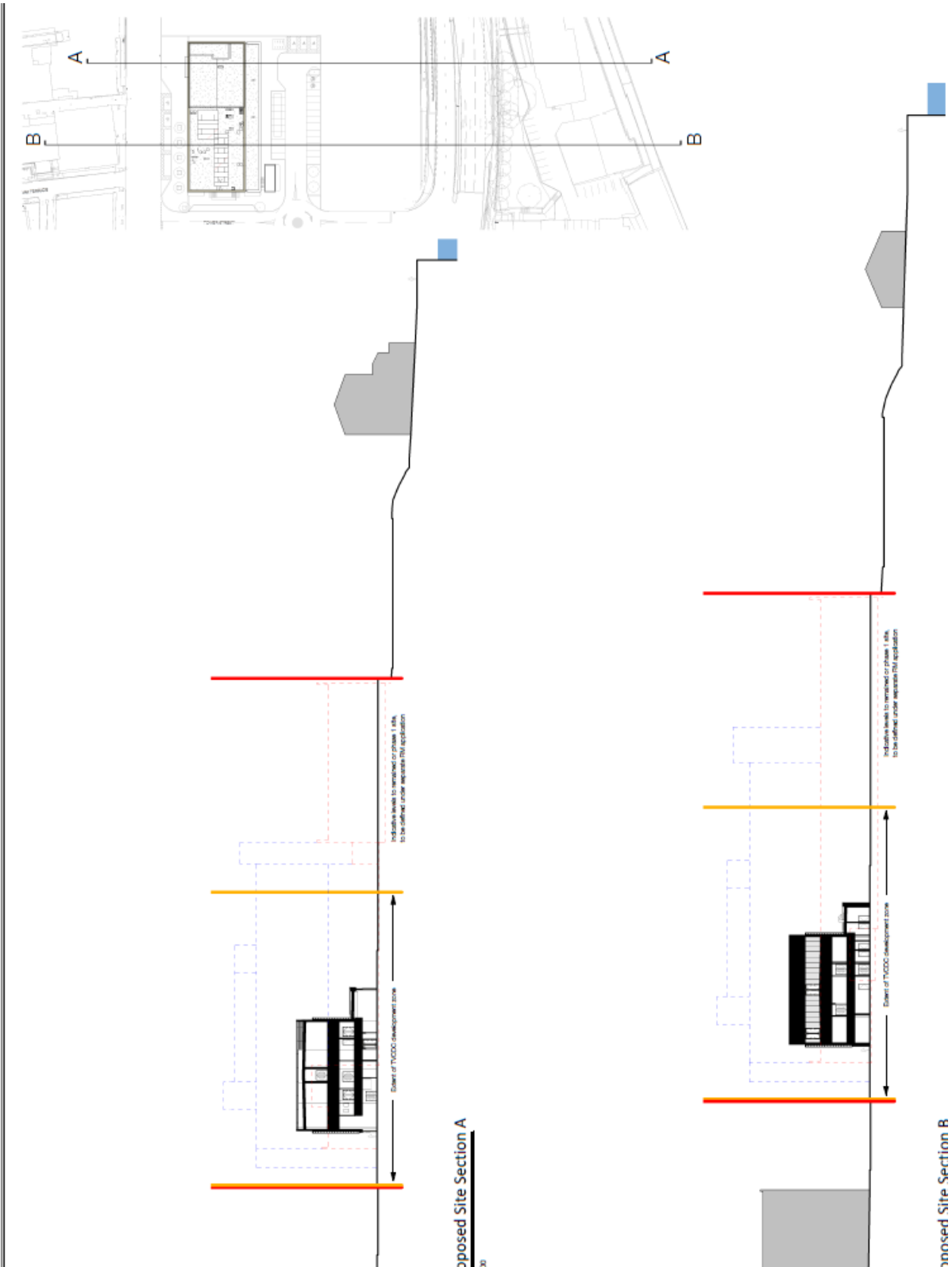
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APPLICATION 23/0975/REM
 APPENDIX 12 - PROPOSED CROSS SITE SECTIONS



Castlegate Shopping Centre, High Street, Stockton-on-Tees
 Reserved matters application with all matters reserved for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions

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Appeal Decision

Site visit made on 12 April 2023

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 July 2023

Appeal Ref: APP/H0738/D/22/3306366

Staypleton House, Parsons Walk, Norton, Stockton-on-Tees TS20 1TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stuart Dick, S D Print/Design, against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 22/0381/FUL, dated 10 February 2022, was refused by notice dated 27 June 2022.
- The development proposed is described as, 'demolition of existing linked garage/store; erection of a two-storey side/rear extension; installation of three conservation rooflights to rear (east) roof slope; with alterations to door & windows to sides and new boundary wall (resubmission following de-listing of property).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property and site were the subject of previous appeals, which I determined and dismissed based on the evidence before me¹. At that time Staypleton House was a Grade II listed building². Following this, the property was reassessed by Historic England (HE) and concluded to 'not possess special interest in the national context'³. As a result, it was removed from the National Heritage List for England (the NHLE) in January 2022.
3. The principal reasons cited in the HE Advice Report (the HE Report) for the de-listing of the building are: incorrect dating, found to be late 19th century not early 19th century; previous extensions having altered its appearance and compromised its historic character; its modern interior, with no historic fittings and fixtures; changes to its historic plan form; not a significant example of a modest late 19th century house and does not show any technological innovation or architectural virtuosity; and does not illustrate any important aspects of the country's history, or have any associations with any important historical individuals, groups, or events.
4. Nonetheless, the HE Report acknowledges that Staypleton House is 'clearly of local interest as a part of the historic village of Norton', with the 'countersigning

¹ Appeal Refs: APP/H0738/W/20/3253008 & APP/H0738/Y/20/3253009. Appeals against the Council's refusal to grant planning permission and listed building consent for 'demolition of existing linked garage/store; erection of a two-storey side/rear extension; new flue & installation of three conservation rooflights to rear (east) roof slope; with alterations to door & windows to sides' (resubmission of 19/1411/FUL & 19/1412/LBC). Decisions dated 5 October 2020.

² List entry number: 1139999. Date first listed: 19 Jan 1951.

³ Historic England. Advice Report, Case Number: 1476085. Dated 24 January 2022.

comments' reinforcing this view in affirming that it is 'an externally attractive late 19th century house which remains of some local interest'.

5. With regard to the above, the Council's Officer Report refers to Staypleton House as a 'locally listed building'. While the Appellant's evidence acknowledges that the building is a historic property⁴ albeit, in their view, of limited significance, and includes a reference to it being a 'non-designated heritage asset'⁵ (NDHA).
6. As the building's status is of relevance to the determination of the appeal and given the lack of clarity on this matter, at my request, the parties were given the opportunity to submit comments. The Council confirmed that Staypleton House is not formally locally listed, but highlighted that HE noted that it was of local importance, but no longer national. While the Appellant stated that they considered the term NDHA to be the 'correct status' of Staypleton House, with its value being limited and only relating to the contribution of the building to the Norton Conservation Area (the CA).
7. Having regard to the HE Report and the parties' submissions, I concur with the Appellant in so far as the correct status of Staypleton House is a NDHA, namely, a building which has a degree of heritage significance meriting consideration in planning decisions, but which does not meet the criteria for designated heritage assets⁶.
8. This status provides no statutory protection. However, Paragraph 203 of the National Planning Policy Framework (the Framework) advises that 'the effect of an application on the significance of a NDHA should be taken into account in determining the application'. Consequently, I have considered the appeal on this basis, and included this matter as a main issue. Given that both parties have had an opportunity to comment on the status of the building and have each considered the perceived effects of the proposal on the appeal property in their respective evidence, I am satisfied that their interests are not prejudiced by this approach.
9. Staypleton House is located within the CA. The CA's boundary is drawn tightly around the property, leaving the rest of the appeal site located outside of the CA, but acknowledged by both parties to be within its setting. As such and for the avoidance of doubt, only that part of the proposal sited within the CA is subject to the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). While all of the proposal located within the CA and its setting, is subject to the provisions within the Framework concerning designated heritage assets.
10. The evidence confirms that the appeal property and site are located within the vicinity of several listed buildings. These include St Mary's Church (Grade I); various tombs (Grade II); the Vicarage (Grade II); and Glebe Farmhouse (Grade II). Mindful of the statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings.
11. The enclosed churchyard/graveyard, adjacent public routes and verdant spaces, both public and private, that surround these designated heritage

⁴ Grounds of Appeal Para 2.9.

⁵ Forum Heritage Services: A report to support grounds for appeal against refusal of planning permission (ref. 22/0381/FUL) for a side extension and other works to Staypleton House. Dated September 2022. Para 3.22.

⁶ Planning Practice Guidance: Paragraph: 039 Reference ID: 18a-039-20190723.

assets, provide the space and opportunity to experience them and appreciate their special interest. On the whole, these 'settings' contribute positively to the listed buildings' significance as designated heritage assets.

12. From the information before me and my observations on site, given the location and form of the proposal in relation to the listed buildings, I consider that it would not diminish the ability to appreciate their significance and would preserve their settings. In this respect, the proposal would meet the requirements of section 66(1) of the Act. I also note that the Council did not consider any effects in this regard sufficiently harmful to justify a reason for refusal on this basis, and that Historic England were not notified of the proposal⁷. Consequently, I have not considered this matter further.

Main Issue

13. In the context of the above, the main issue is the effect of the proposal on: the significance of Staypleton House as a NDHA; the character or appearance of the CA; and the CA's setting.

Reasons

14. The appeal site (the site) occupies a fairly secluded position within the historic village of Norton. It contains Staypleton House along with a modern, detached, single-storey garage and other small timber outbuildings, all set within a sizeable garden. The site is enclosed by a combination of brick walls and close-boarded timber fences and accessed via a long private driveway. It is bordered by St Mary's Church and graveyard; Red House School and grounds; and Ridley Court, a residential complex. As stated above, Staypleton House is sited within the CA, but its curtilage is located outside of the CA boundary.

The significance of Staypleton House as a NDHA, the character and appearance of the CA, and the CA's setting

15. Staypleton House is a modest, detached, two-storey, domestic property, now confirmed as dating from the late 19th century. It is constructed of fair-faced brick with painted stone sills and lintels, and has a gabled pantile roof with two brick chimney stacks.
16. The HE Report sets out that historically, the building was a two-bay, two-storey, rectangular-plan house, with a projecting rear outshut forming an inverted and reversed two-bay 'L'-plan. The house was subsequently extended by a two-storey, single-bay to the north gable, and a garage to the space within the re-entrant angle formed by the main body of the house and the rear outshut⁸.
17. Staypleton House as a NDHA, by definition, must possess of itself a degree of heritage significance. Having regard to the submitted evidence and mindful of the definition of significance for heritage policy as set out in the Framework, I consider the building's significance to mostly stem from its local historic interest. Even though it has been substantially altered, it remains a good local illustration of late 19th century modest domestic architecture, to which its surviving historic fabric, simple architectural composition, and legibility of its

⁷ Historic England are required to be notified of development which the local authority think would affect the setting of a Grade I or II* listed building.

⁸ HE Report: Annex 1 'PLAN', p4.

historic plan form all contribute. Significance is also derived, in part, from the asset's spacious and verdant surroundings.

18. The CA encompasses the historic core of Norton. From the parties' submissions and my observations on site, I find the CA's prevailing character and appearance, and thus its special interest and significance, to largely stem from its surviving historic street pattern and green spaces, along with the variety and architectural richness of its historic buildings. The latter includes imposing landmark buildings as well as modest retail and domestic properties which, together, denote Norton's evolution. The CA's immediate setting, for the most part, also contributes to its significance.
19. By virtue of its identified local heritage merit, Staypleton House adds to Norton's historic and aesthetic charm. It reinforces the CA's special interest, and contributes to its character and appearance as a whole and thereby to its significance as a designated heritage asset. Moreover, its spacious and verdant curtilage, which forms part of the immediate setting to the CA, also contributes to the asset's significance in a positive way.

Effects of the proposal on the significance of Staypleton House as a NDHA, the character and appearance of the CA, and the CA's setting

20. Paragraph 203 of the Framework sets out that 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
21. I acknowledge the removal of Staypleton House from the NHLE. However, the building is still of local heritage merit. Given that this proposal is, for the most part, a resubmission of the previous scheme, the harmful effects to the building's significance identified at that time would, to some extent, still be realised.
22. The proposed extension would possess a degree of subservience to the historic property⁹. However, its scale and depth, which could not reasonably be described as modest, would subsume the surviving exposed historic gable and result in the loss of historic fabric. Moreover, the additional windows and door in the new side elevation would impart an undue prominence to what, historically, has been a secondary elevation.
23. The height and width of the proposed extension would 'mirror' those of the extension to the other side of the building which was granted listed building consent in 2000¹⁰. However, differences in the form and detailing of the proposed extension would be clearly perceptible. These include the incorporation of a splayed lintel above the first floor window, different first floor window opening detail, different eaves height and different rear roof pitch. As such, even with the use of carefully chosen materials to match the historic property, it would not successfully 'balance' the existing extension. Moreover, the formal subdivision of the building's spacious curtilage by a brick wall and ornate gate would add to this harm.

⁹ HE Report: Annex 1 'PLAN', p4.

¹⁰ Application Ref: 00/0468/P Listed Building Consent for the erection of two storey extension to side and erection of 1.75m high boundary wall. Granted 18 May 2000.

24. The HE Report confirms that the previous changes to Staypleton House have substantially altered its external appearance and compromised its historic character to the extent that it is no longer of national interest. Nonetheless, the building's heritage interest at a local level is still discernible, and the previous changes and the building's delisting do not justify the proposal.
25. In my opinion, the proposal would form additional incremental change to the external appearance of the property, that would further compromise and undermine the legibility of its historic plan form and modest character. In doing so, it would exacerbate the harm already caused by the previous extensions and alterations and further erode the building's local interest.
26. These identified harmful effects would be screened to a degree by existing boundary treatment and mature trees when viewed from the adjacent churchyard/graveyard. However, this would principally be in the spring and summer months when the trees would be in full leaf, and would not be the case in the autumn and winter months when leaf cover would be reduced. Moreover, they would be clearly visible in kinetic views when travelling along the adjacent public route towards the building.
27. I accept that additions and alterations incorporating the loss of historic fabric could be implemented under householder permitted development rights as set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), a point which I address in more detail below under Other Considerations. However this, of itself, does not invalidate the loss or the consequent harmful effects to the significance of this NDHA.
28. Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that significance can be harmed or lost from the asset's alteration or destruction, or from development within its setting, and should require clear and convincing justification.
29. The proposal would not affect some of the identified elements of the CA's character and appearance. However, it would result in further harmful change to a building and site which form an important part of the local built backdrop of the area. To my mind, if the heritage interests of such a locally important building, which is clearly visible in views from adjacent public routes and spaces, are adversely diminished, it reasonably follows that there would be some residual and incremental harm to the character and appearance of the CA.
30. I note the Appellant's assertion that the symmetry and grander scale which would be realised by the proposal would accord with listed and unlisted buildings in close proximity to Staypleton House and within the CA. However, limited information of the examples cited has been provided and I cannot be certain that their historic development is comparable to the proposal before me. In any event, I have found that any aspiration of the building to achieve balance and a grander scale, would be to the detriment of its own local significance and the character and appearance of the CA.

Conclusion on main issue

31. In coming to my conclusion, I have had regard to the decision making context as outlined by the Appellant, including the statutory duty under section 72(1) of the Act, as well as the relevant policies and provisions contained within the Stockton-on-Tees Borough Council Local Plan 2019 (the SLP) and the Framework at the time of this decision, relevant guidance published by Historic England, and pertinent case law. I am also mindful that conservation is an active process of managing change to heritage assets, designated and non-designated, in ways that sustain, reveal or reinforce their heritage interests.
32. In undertaking a balanced judgement, I consider that the proposal would harmfully diminish the fundamental elements which contribute to the local interest and significance of Staypleton House as a NDHA. Additionally, I find that it would fail to preserve or enhance the identified character and appearance of the CA as a whole, and would harm its significance as a designated heritage asset by virtue of adverse development both within its boundary and within its setting.
33. As a result, the proposal would be contrary to Policies SD5 (3d) and HE2 (2 and 3) of the SLP which together and amongst other things, seek to conserve and enhance the historic environment and Stockton's heritage assets. It would also fail to meet the requirements of section 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.

Other Considerations

34. The Appellant emphasises the fallback position that, as an unlisted single dwellinghouse within a conservation area, Staypleton House benefits from extensive permitted development rights as set out within the GPDO. On this basis, they submit that a variety of alterations and extensions to the property, as well as the construction of outbuildings within its curtilage, could be implemented without the need for planning permission.
35. I recognise the latitude of the relevant permitted development rights in this instance. However, in the absence of any details of such development, I cannot evaluate its effects in comparison to the appeal proposal. Moreover, given that the Appellant 'does not want to implement their permitted development rights to the full extent that Parliament has granted them under the GPDO'¹¹, I am not persuaded that there is any greater than a theoretical possibility that such development might take place, or that it would be a realistic alternative to what is proposed as part of this appeal. Nor am I convinced that any such development would be appreciably more harmful than the scheme before me to justify allowing the appeal. These considerations severely limit the weight that I attach to this stated fallback position.
36. I have had regard to the grant of consent for the previous extension in 2000 and that a similar proposal was granted consent in 2008¹². Nevertheless, whilst the relevant statutory duties of the Act have not changed and I acknowledge that the building has been delisted, there have been significant and material changes to the national and local policy context against which the proposal is

¹¹ Planning Support, Design and Access Statement, Para 2.8.

¹² Application Ref: 08/0681/LBC Listed Building Consent for two storey extension to side and rear and the erection of a garage (demolition of existing garage) and new 1.8m high wall. Granted 3 June 2008.

determined. Namely, the publication of the Framework in 2012 (latest revision in 2021) and the adoption of the SLP in 2019.

37. Whilst the Appellant contends that these changes have resulted in the policy framework being more pragmatic and positive towards development, no compelling evidence which is relevant to the appeal before me has been provided in this regard. As such, I am of the opinion that, given this material change in circumstances, the previous grants of listed building consent by the Council do not provide a reason to allow the appeal and limits the weight I attach to them.
38. The Appellant highlights the 'test' in the Framework that, 'permission should be granted unless...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. However, this test is only applicable where Paragraph 11(d) of the Framework is engaged, and there is no evidence to suggest that this is the case in this instance.
39. The Appellant raises concerns about the weight that the Council incorrectly gave to the status of Staypleton House as a 'locally listed building' in the determination of the application. However, the behaviour of the Council at that time is not within the remit of my considerations as part of an appeal under section 78 of the Town and Country Planning Act 1990.
40. I note that there were no objections to the proposal submitted by neighbours, the Norton Village Association, or internal and external consultees to the Council. Nevertheless, this is a neutral consideration and weighs neither for nor against the appeal.

Balance and Overall Conclusion

41. I have found that the proposal would result in harm to the significance of Staypleton House as a NDHA. I have also found that it would fail to preserve the character and appearance of the CA, and that it would harm the CA's significance as a designated heritage asset from development within its boundary and its setting.
42. In relation to the CA, with reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, including from development within its setting, the magnitude of that harm should be assessed. Given the fairly localised nature of the proposal, I consider any harm to be less than substantial. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight.
43. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, securing the optimum viable use of the area-based asset as a whole, such as a conservation area, is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. Nonetheless, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration¹³.

¹³ Planning Practice Guidance: Paragraph: 016 Reference ID: 18a-016-20190723.

44. Mindful of the advice set out in the Planning Practice Guidance¹⁴, I acknowledge that there are elements of the proposal which would be of public benefit. Heritage benefits to Staypleton House as a NDHA and the CA would accrue from the removal of the dilapidated garage. There would also be some social and economic benefits brought about by improvements to the existing housing stock, investment into the property and the construction phase.
45. These outcomes would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The scale of the benefits would be considerably tempered by the extent of the proposal, but still carry moderate weight in favour of the appeal.
46. Nonetheless, the primary outcome of the proposal, namely the creation of additional accommodation, would be of private benefit to the Appellant and any future occupier(s) of the building. Moreover, in considering securing the optimum viable use of this individual heritage asset within the CA, no substantive evidence is before me which demonstrates that the habitation of the building as a dwelling would be at risk if the development as proposed were not implemented, or that similar heritage and public benefits could not be realised by a scheme which would be less harmful.
47. The proposal could be said to make more effective and efficient use of previously developed land. However, the Framework is clear that the effective use of land should also safeguard and improve the environment, which I find that the proposal would not do in respect of the historic environment. Furthermore, given the detail of the proposal, any public benefits delivered in this regard would be limited.
48. Consequently, the moderate weight that I ascribe to the public benefits which would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm to the significance of the CA.
49. Taking all of the above into account, overall, I afford substantial weight to the harm I have identified and the conflict with the development plan when taken as a whole. Whilst I afford moderate weight to the benefits referred to above, material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.
50. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

¹⁴ Planning Practice Guidance, Paragraph: 020 Reference ID: 18a-020-20190723.



Appeal Decision

Site visit made on 13 April 2023

by **Elaine Gray MA, MSc, IHBC**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/H0738/H/23/3314059

46 Bishopton Lane, STOCKTON-ON-TEES, TS18 2AQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Global against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/0116/ADV, dated 17 January 2022, was approved on 8 November 2022 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is: Advertisement consent for 1no internally illuminated digital media display.
 - The condition in dispute is No 4 which states that: The intensity of the luminance of the advertisement shall be no greater than 300 per square metre and no greater than 150 candela per square metre during the hours of darkness.
 - The reason given for the condition is: In the interests of the residential amenities of the surrounding area.
-

Decision

1. The appeal is allowed and the advertisement consent Ref 22/0116/ADV for 1no internally illuminated digital media display at 46 Bishopton Lane, Stockton-On-Tees, TS18 2AQ granted on 8 November 2022 by Stockton-on-Tees Borough Council is varied by deleting condition 4 and substituting for it the following condition:
 4. The intensity of the illumination of the advertisement permitted by this consent during day time shall be no greater than that recommended by the Institute of Lighting Professionals (for a sign in the Zone where the advertisement is to be located) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide). In accordance with the hours of luminance specified in Condition 5, the intensity of the illumination of the advertisement shall be no greater than 150 candela per square metre during the hours of darkness.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenities of the area.

Reasons

3. The disputed condition 4 states that 'The intensity of the luminance of the advertisement shall be no greater than 300 per square metre and no greater than 150 candela per square metre during the hours of darkness.' This

condition is imposed in 'the interests of the residential amenities of the surrounding area'.

4. The wording of this condition has the effect of restricting luminance to below 300 candela per square metre not just at night time but also during the day. The site of the internally illuminated advertisement is the southern gable elevation of No 46, which faces towards the junction of Bishopton Lane and Allison Street. On my site visit, I saw that the surrounding area is well served by tall street lights, particularly at the busy junction close to the site.
5. Given these high ambient background light levels, I find that a level of luminance higher than that provided by condition 4 would be required for the display to be seen during day time. This view is consistent with the advice of the Institution of Lighting Professionals' (ILP) guidance document PLG 05 (the Guide).
6. Consequently, I conclude that the variation of condition 4 to allow an increase in the intensity of illumination during daylight hours to the recommended levels would not unacceptably harm the visual amenity of the area.

Condition

7. A condition restricting the level of illumination is necessary to safeguard amenity. I have taken into account the condition suggested by the appellant, but I have amended it by using the PINS model condition, so that the illumination levels of the sign remain in accordance with any future iterations of the Guide.

Conclusion

8. For the reasons given above, I conclude that the variation to condition 4, as set out above, would not be detrimental to the interests of amenity.

Elaine Gray

INSPECTOR