

AGENDA ITEM

REPORT TO CABINET

5 August 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION / CABINET DECISION / KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

**LOCAL DEVELOPMENT FRAMEWORK: YARM AND EAGLESLIFFE AREA ACTION PLAN,
REVIEW OF LIMITS TO DEVELOPMENT AND GREEN WEDGE, AND CHARACTER AREAS**

1. Summary

This composite report details work on the following topics/projects:

- Yarm and Eaglescliffe Area Action Plan
- Review of the Limits to Development and Green Wedge
- Character Areas

The latter two items are evidence base reports for the Regeneration Development Plan Document (DPD)

2. Recommendations

Members are recommended to:

1. endorse the content of the evidence base documents relating to the limits to development and green wedge, and character areas for consultation as part of the Regeneration DPD Preferred Options; and
2. endorse the decision at LDF Members Steering Group not to proceed with the production of a separate Yarm and Eaglescliffe Area Action Plan (YEAAP) and incorporation of the YEAAP into the Regeneration and Environment DPDs.

3. Reasons for the Recommendations/Decision(s)

Yarm and Eaglescliffe Area Action Plan (YEAAP)

The Local Development Scheme (LDS) adopted in March 2009 details the purpose of the YEAAP as a document which will ‘...address the key pressures / development opportunities within Yarm and Eaglescliffe. Will include a series of co-ordinated proposals for traffic management and parking, future redevelopment opportunities and planning obligations.’

As the YEAAP has progressed it has become much more focused upon the historic built environment. With PPS12: ‘Local Spatial Planning’ identifying that in areas of conservation, area action plans should do two things:

- define areas where specific conservation measures are proposed and areas which will be subject to specific controls over development,
- set out the policies and proposals for action to preserve or enhance the area.

In the process of taking the YEAAP towards the Preferred Options stage and producing a draft Preferred Options report it became apparent that:

- there is no significant change scheduled within the area,
- the document has limited scope (relatively few deliverable actions identified),
- there are few identified actions to preserve or enhance the historic built environment,
- many of the proposed policies contained within the draft document are not specific to Yarm and Eaglescliffe and will be repeated within other DPDs.

In addition to the above there will also be major cost implications for producing a separate document. These costs include officer time, printing, consultation and independent examination by a planning inspector.

It has therefore been recommended that the YEAAP be incorporated into the Regeneration and Environment DPDs.

Review of the Limits to Development and Green Wedge

It is proposed that the Regeneration DPD will include policies concerning the 'limits to development' and 'green wedge'. In order for these policies to be robust they must be reviewed and updated to reflect the changes made to the landscape since the last review of these policies as part of the Local Plan in the mid-1990s. Following responses made to the Regeneration DPD Issues and Options Report each settlement in the Stockton conurbation has received its own limits to development.

It is intended that the revised limits of development and green wedges will be consulted upon as part of the Regeneration DPD Preferred Options Report. A technical paper containing the methodology, mapping and justification for reviewing these policy boundaries will support the Regeneration DPD Preferred Options as an evidence base document. The technical paper is available in the **Members' Library and the Electronic Members' Library** on the Council Intranet. Also available in the Members Library is a series of overview maps detailing the Local Plan and the Regeneration DPD preferred options boundaries for the limits to development and green wedge.

Character Areas

There are a number of areas within the Borough that have a distinctive character and sense of place. However, many areas within the Borough have been under pressure from development in recent years. The Council recognises that if a considered approach is not adopted then development can contribute to the loss of character or distinctiveness of an area. This may also lead to the disruption of the development pattern and result in the loss of trees and hedges.

Areas considered as having special character will be designated within the Regeneration DPD and be supported by policy to offer these areas protection from inappropriate development. A technical paper containing the methodology for selecting character areas and their individual assessments has been completed and is available in the **Members' Library and the Electronic Members' Library** on the Council Intranet.

It is intended that the proposed character areas will be consulted upon as part of the Regeneration DPD Preferred Options Report. The technical paper will be consulted upon as part of the preferred options.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;
- and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

AGENDA ITEM

REPORT TO CABINET

5 August 2010

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET/COUNCIL/KEY DECISION

LOCAL DEVELOPMENT FRAMEWORK: YARM AND EAGLESCLIFFE AREA ACTION PLAN, REVIEW OF LIMITS TO DEVELOPMENT AND GREEN WEDGE, AND CHARACTER AREAS

YARM AND EAGLESCLIFFE AREA ACTION PLAN

SUMMARY

1. The Yarm and Eaglescliffe Area Action Plan (YEAAP) was the subject of a period of public consultation on Issues and Options in August/September 2007 and work has been ongoing to take the report to the Preferred Options stage. On the 17th May 2010 a report was taken to LDF Members Steering Group advising members upon the scope of the document, progress to date and recommended that the YEAAP be incorporated into the Regeneration and Environment DPDs. The recommendation put forward at LDF Members Steering Group was supported.
2. The purpose of this report is to endorse the decision at LDF Members Steering Group not to proceed with the production of a separate YEAAP and incorporation of the YEAAP into the Regeneration and Environment Development Plan Documents (DPD).

DETAIL

3. The Local Development Scheme (LDS) adopted in March 2009 details the purpose of the YEAAP as a document which will '...address the key pressures / development opportunities within Yarm and Eaglescliffe. Will include a series of co-ordinated proposals for traffic management and parking, future redevelopment opportunities and planning obligations.'
4. As the YEAAP has progressed it has become much more focused upon the historic built environment. With PPS12: 'Local Spatial Planning' identifying that in areas of conservation, area action plans should do two things:
 - define areas where specific conservation measures are proposed and areas which will be subject to specific controls over development,
 - set out the policies and proposals for action to preserve or enhance the area.
5. In the process of taking the YEAAP towards the Preferred Options stage and producing a draft Preferred Options report it became apparent that:
 - there is no significant change scheduled within the area,
 - the document has limited scope (relatively few deliverable actions identified),

- there are few identified actions to preserve or enhance the historic built environment,
- many of the proposed policies contained within the draft document are not specific to Yarm and Eaglescliffe and will be repeated within other DPDs.

6. In addition to the above there will also be major cost implications for producing a separate document. These costs include officer time, printing, consultation and examination.

7. It has therefore been recommended that the policies proposed for the YEAAP be incorporated into the Regeneration and Environment DPDs. It is not considered that the incorporation of the YEAAP will be detrimental to the area of Yarm and Eaglescliffe as the policies anticipated for inclusion within the YEAAP will be integrated into the other DPD's as identified in the table below.

Policy/Allocation anticipated to be delivered within the YEAAP	Regeneration DPD	Environment DPD
Spatial Allocations		
Conservation areas		√
Character areas	√	
Retail hierarchy	√	
Residential allocation	√	
Employment allocations	√	
Conservation and the Historic Environment		
Character Areas	√	
Local list		√
Stockton and Darlington Railway		√
Flooding		
Policy relating to flood defences and the conservation area		√
Retail and Commercial		
Yarm High Street policy	√	
Transport and Accessibility		
Policies regarding highways, public transport, car parking and pedestrian/cycling provision	√	√

8. Should the recommendation be agreed it is intended that stakeholders will be contacted to explain the reasons why the document has been incorporated into other DPDs and explain that policies covering the area will not be undermined.

REVIEW OF LIMITS TO DEVELOPMENT AND GREEN WEDGE

SUMMARY

9. It is proposed that the Regeneration DPD will include policies concerning the 'limits to development' and 'green wedge'. In order for these policies to be robust they must be reviewed and updated to reflect the changes made to the landscape since the last review of these policies as part of the Local Plan in the mid-1990s. It is intended that the revised limits of development and green wedges will be consulted upon as part of the Regeneration DPD Preferred Options Report. A technical paper containing the methodology, mapping and justification for reviewing these policy boundaries will support the Regeneration DPD Preferred Options as an evidence base document.
10. This report seeks Members' endorsement of the content of the evidence base report for consultation as part of the Regeneration Development Plan Document (DPD) Preferred Options

DETAIL

11. The Regeneration DPD will include policies concerning the 'limits to development' and 'green wedge'. In order for these policies to be robust they must be reviewed and updated.
12. Policy boundaries contained within the Stockton-on-Tees Borough Council's Local Plan (adopted June 1997) were produced using base map Ordnance Survey (OS) information available at the time. However, changes in OS base mapping, improvements in GIS technology and physical changes on the ground necessitate a review of policy boundaries to form an evidence base document for the Regeneration DPD.
13. The Regeneration DPD Issues and Options Report asked the question whether or not green wedges should 'be included within the limits to development?' A total of 64 responses were received to this question with 57 wishing for green wedges to be removed from the limits to development thereby strengthening their protection from development. As such the purpose of this review of the limits to development is two fold:
 - place a limits to development around each settlement in the conurbation
 - review the existing limits to development to ascertain whether any changes are required.
14. The Council published the 'Planning the Future of Rural Villages in Stockton-on-Tees Borough' report in October 2008; during consultation on this report it was evident that the overriding preference of village residents was to retain the limits to development. As such limits to development around villages will be retained and where necessary revised (this will include the provision of limits to development around Wynyard Village).
15. It is intended that the revised limits of development and green wedges will be consulted upon as part of the Regeneration DPD Preferred Options Report. A technical paper containing the methodology, mapping and justification for reviewing these policy boundaries will support the Regeneration DPD Preferred Options as an evidence base document. The technical paper is available in the **Members' Library and the Electronic Members' Library** on the Council Intranet. Also available in the Members' Library is a series of overview maps detailing the Local Plan and the Regeneration DPD preferred options boundaries for the limits to development and green wedge.

CHARACTER AREAS

SUMMARY

16. There are a number of areas within the Borough that have a distinctive character and sense of place. However, many of these areas within the Borough have been under pressure from development in recent years. Areas considered as having special character will be designated within the Regeneration DPD and be supported by policy to offer these areas protection from inappropriate development. A technical paper containing the methodology of selecting character areas and their individual assessments will support the Regeneration DPD Preferred Options as an evidence base document.
17. The purpose of this report is to seek Members' endorsement of the content of the evidence base report for consultation as part of the Regeneration Development Plan Document (DPD) Preferred Options

DETAIL

18. There are a number of areas within the Borough that have a distinctive character and sense of place. These areas are those which are well established, have a mature quality and identity that sets them apart from the rest of the urban environment and where the fabric of what has made them special has not been fundamentally eroded. At present there is no recognition or protection of their local distinctiveness.
19. The character and distinctiveness of many areas within the Borough has been under pressure from inappropriate development in recent years. National planning policy for housing encouraged the intensification of housing development and in particular development on 'previously developed land'. It should be noted that the government has now removed private gardens from the definition of 'previously developed land', and removed the requirement upon local authorities to have regard to national minimum density for housing. The Council recognises that if a considered approach is not adopted then such developments can result in the loss of character or distinctiveness of an area.
20. The Core Strategy DPD provides the overarching development strategy for the borough. Core Strategy Policy CS8(3) outlines the policy considerations relating to housing densities, including, that in locations 'which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate'. The reasoned justification to this expands to identify that:

"Specific locations where development of a lower density than 30 dwellings per hectare may be appropriate will be identified through character assessment work the Council is undertaking and will be detailed in the Regeneration Development Plan Document."

(Core Strategy, Para 12.28)
21. A report was taken to LDF members steering group on 8 December 2008 advising members of those areas considered of having special character and welcoming suggestions of any additional areas they considered appropriate for assessment for inclusion as character areas.
22. The following 9 areas have been assessed as having Special Townscape Character:
 - Oxbridge Lane
 - Yarm Road (North), Eaglescliffe
 - Yarm Road (South), Eaglescliffe

- Junction Road
- The Spital/Leven Road
- Leven Road
- Darlington Road
- Yarm Road, Stockton
- Thornaby Airfield

23. A number of areas were assessed for inclusion but were not considered appropriate for inclusion owing to the following reasons:

- Durham Road- It is clear that there is a identifiable character within the area with respect to the street pattern and to some extent the house types present. However, there has been modern development in the area and it is not considered that there is an apparent mature quality in the area. As such it is considered that the site is at best borderline for inclusion as a character area.
- Darlington Lane (193-201 and surrounding)- The entirety of Darlington lane could not be considered appropriate as a character area as there is no mature quality or distinctive character. The properties 193 – 201 set within spacious plots and do have a mature quality. However this is only a small number of properties and they are not considered to have a specific identifiable character.

24. A technical paper containing the methodology for selecting character areas and their individual assessments will support the Regeneration DPD Preferred Options as an evidence base document. The technical paper is available in the **Members' Library and the Electronic Members' Library** on the Council Intranet.

25. It is intended that the proposed character areas will be consulted upon as part of the Regeneration DPD Preferred Options Report. The technical paper will be consulted upon as part of the preferred options.

FINANCIAL IMPLICATIONS

26. The cost of producing the YEAAP and Regeneration DPD is being met through current budgetary provisions. The incorporation of the YEAAP into the Regeneration and Environment DPDs is considered to reduce the financial burden of producing the LDF.

LEGAL IMPLICATIONS

27. The YEAAP and Regeneration DPD is being prepared under the provisions of Part 2 of the Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008 and the Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Development) (England)(Amendment) Regulations 2008, which make provisions for the operation of that system. Failure to comply with the provisions of the Act or Statutory Regulations may result in all or part of the YEAAP being challenged in the High Court under section 113 of the 2004 Act, which if successful may lead to all or part of the YEAAP being quashed.

RISK ASSESSMENT

28. The production of the YEAAP and Regeneration DPD is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

29. The Core Strategy DPD promotes sustainable transport and regeneration by supporting sustainable, mixed communities. The Regeneration DPD will help deliver the Core Strategy. The appropriate sections of the YEAAP will be incorporated into the Regeneration DPD

Safer Communities

30. Safer communities are a key principle of the Core Strategy and this will be replicated within other emerging policy documents as part of the LDF.

Children and Young People

31. Provisions will be incorporated within the emerging LDF policy documents

Healthier Communities and Adults

32. It is a key principle of the Core Strategy to create healthier communities and this will be replicated within other emerging policy documents as part of the LDF.

Liveability

33. It is a key principle of the Core Strategy to improve liveability and this will be replicated within other emerging policy documents as part of the LDF.

EQUALITIES IMPACT ASSESSMENT

34. It is recommended that the YEAAP be incorporated into the Regeneration and Environment DPDs. The emerging DPDs will be subject to an Equality Impact Assessment.

CONSULTATION INCLUDING WARD/COUNCILLORS

35. The YEAAP report was taken to the LDF Members Steering Group meeting of 17th May 2010 and Planning Committee on 23rd June 2010
36. Reports regarding the limits to development and green wedge, and character areas have been taken to LDF Members Steering Group at various stages through their production. The technical papers were reported to Planning Committee on 14th July 2010
37. A number of comments were made regarding the character areas report at Planning Committee on the 14th July 2010. Comments related to decision not to include sites at Durham Road and Darlington Lane as character areas (see section 23 of this report). A number of members considered that these sites warranted inclusion as character areas.

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Background Papers

Planning Policy Statement No 12: Local Spatial Planning

Ward(s) and Ward Councillors:

All ward councillors

Property

The report does not impact on the Capital Programme and Asset Management Plan.