

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

DATE 20th December 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

LOCAL DEVELOPMENT FRAMEWORK

- **Preferred Options Regeneration Development Plan Document (DPD): Progress**
- **&**
- **Study to Review Core Strategy Housing Strategy**
- **Supplementary Planning Document 1: Sustainable Design Guide: Consultation Draft**
- **Supplementary Planning Document 3: Parking Provision in Developments: Consultation Draft**
- **Annual Monitoring Report 2009/2010**

1. Summary

This report sets out that a draft of the Preferred Options version of the Regeneration Development Plan Document (DPD) has been prepared, and that it sets out the Council's preferred policies and sites for development in the Borough up to 2026 in accordance with the strategic policies contained in the adopted Core Strategy. Further to this, it explains that the document and associated documents have been drafted for consideration through the Council's democratic processes in readiness for consultation and publicity early next year.

However, the current economic situation, malaise in the development industry and uncertainties in higher level planning and central government funding policy may have implications for the direction and policy with specific reference to housing in Core Strategy, whose impact may in turn filter through to the Regeneration DPD.

It explains that it is necessary therefore to decide if it is necessary to review the housing element of the adopted Stockton on Tees Core Strategy (March 2010).

It seeks agreement of the principle of undertaking a study to assess the need to review the housing element of Stockton's Core Strategy, and that if the study reveals that a review is necessary, a further report will be brought setting out a work programme and timetable for approval.

As any changes in the direction, approach and fine detail of the Core Strategy may have implications for the progress and content of the Regeneration DPD, the report seeks agreement for a temporary delay to the programmed consultation in respect of the Preferred

Options version of the DPD to ensure that any changes are properly incorporated into the Regeneration DPD.

Approval is sought for the content of the documents and agreement to a six-week period of consultation and publicity for Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Highways Design Guide (SPD3) in January 2011. The precise dates are yet to be determined, but it is expected to be during February/March 2011.

It should be noted that Cabinet previously approved the Issues and Options version of the Environment DPD 30 September 2010 (Cabinet Decision record number D100111) for consultation and this will run concurrently with SPD1 and SPD3.

It seeks approval of the content of the Annual Monitoring Report 2009/2010 (AMR) and for its submission to the Secretary of State by 31 December 2010.

Copies of the documents are available in the Members' Library, Members' Electronic Library, and via the Council Intranet.

2. Recommendations

That Cabinet:

1. Agree a temporary delay to the publication, consultation and publicity in respect of the Preferred Options version of the Regeneration DPD.
2. Agree to Officers undertaking a study to decide whether a review of the housing element of the Core Strategy is necessary.
3. Agree that if the study reveals that a review is necessary, a further report will be brought setting out a work programme and timetable for approval.
4. Approve and endorse the contents, publicity and consultation in respect of Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Highways Design Guide (SPD3).
5. Approve and endorse the content of the Annual Monitoring Report 2009/2010 (AMR) and agree its submission to the Secretary of State before 31 December 2010.
6. Note that consultation and publicity in respect of the Environment DPD will run concurrently with SPD1 and SPD3.

3. Reasons for the Recommendations/Decision(s)

1. **Regeneration Development Plan Document (DPD)**

A delay in the publication, consultation and publicity in respect of the Preferred Options version of the Regeneration DPD to allow time to undertake a study to determine the need to review the housing element of the adopted Stockton on Tees Core Strategy, may well impact on the content and direction of the Regeneration DPD. The Local Development Scheme will need to be altered.

2. **Study to Review the Core Strategy Housing Strategy**

Changes in the economic and political landscape may have an impact on the Council's adopted Core Strategy housing strategy. The study will determine the significance of those changes and whether they necessitate a review of the housing element of the Core Strategy and refinement of other related policies.

3. **Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Highways Design Guide (SPD3).**

SPD 1 and SPD 3 are new Council planning policy documents. Cabinet agreement is required to publish and consult upon those documents as part of the progress to final adoption by the Council.

4. **Annual Monitoring Review 2009/2010 (AMR)**

The policies contained within Local Development Framework (LDF) must have a robust and credible evidence base, and the AMR is a means of assessing whether policies are performing as intended and whether targets are being met. As well as monitoring the effectiveness of existing policies, it will also contribute to the development of new policies in the future. Cabinet endorsement of the findings of the AMR and agreement to submit to the Secretary of State is required as the document may influence policy development and inform any amendments to the Local Development Scheme.

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.

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SUMMARY

This report sets out that a draft of the Preferred Options version of the Regeneration Development Plan Document (DPD) has been prepared, and that it sets out the Council's preferred policies and sites for development in the Borough up to 2026 in accordance with the strategic policies contained in the adopted Core Strategy. Further to this, it explains that the document and associated documents have been drafted for consideration through the Council's democratic processes in readiness for consultation and publicity early next year.

However, the current economic situation, malaise in the development industry and uncertainties in higher level planning and central government funding policy may have implications for the direction and policy with specific reference to housing in Core Strategy, whose impact may in turn filter through to the Regeneration DPD.

It explains that it is necessary therefore to decide if it is necessary to review the housing element of the adopted Stockton on Tees Core Strategy (March 2010).

It seeks agreement of the principle of undertaking a study to assess the need to review the housing element of Stockton's Core Strategy, and that if the study reveals that a review is necessary, a further report will be brought setting out a work programme and timetable for approval.

As any changes in the direction, approach and fine detail of the Core Strategy may have implications for the progress and content of the Regeneration DPD, the report seeks agreement for a temporary delay to the programmed consultation in respect of the Preferred Options version of the DPD to ensure that any changes are properly incorporated into the Regeneration DPD.

Approval is sought for the content of the documents and agreement to a six-week period of consultation and publicity for Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Highways Design Guide (SPD3) in January 2011. The precise dates are yet to be determined, but it is expected to be during February/March 2011.

It should be noted that Cabinet previously approved the Issues and Options version of the Environment DPD 30 September 2010 (Cabinet Decision record number D100111) for consultation and this will run concurrently with SPD1 and SPD3.

It seeks approval of the content of the Annual Monitoring Report 2009/2010 (AMR) and for its submission to the Secretary of State by 31 December 2010.

Copies of the documents are available in the Members' Library, Members' Electronic Library, and via the Council Intranet.

RECOMMENDATIONS

That Cabinet:

7. Agree a temporary delay to the publication, consultation and publicity in respect of the Preferred Options version of the Regeneration DPD.
8. Agree to Officers undertaking a study to decide whether a review of the housing element of the Core Strategy is necessary.
9. Agree that if the study reveals that a review is necessary, a further report will be brought setting out a work programme and timetable for approval.
10. Approve and endorse the contents, publicity and consultation in respect of Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Highways Design Guide (SPD3).
11. Approve and endorse the content of the Annual Monitoring Report 2009/2010 (AMR) and agree its submission to the Secretary of State before 31 December 2010.
12. Note that consultation and publicity in respect of the Environment DPD will run concurrently with SPD1 and SPD3.

DETAIL

Regeneration Development Plan Document & Review of Core Strategy Housing Delivery Strategy

13. The Regeneration Development Plan Document allocates sites for development and contains related policies to deliver the vision contained in the Core Strategy and its objectives in accordance with the spatial strategy up to 2026. The site specific allocations are for land uses relating to housing, development policies relating to areas of special character, limits to development and green wedges, employment, retail, renewable energy development, mixed use developments, transport, regeneration and all land uses affected by, or affecting modes and patterns of transport.
14. In 2007, the Council consulted on the Issues and Options version of the document. Progress to the next stage – Preferred Options - stalled in favour of the production of the Core Strategy, and in particular the Independent Examination in 2009. The Regeneration

DPD and associated documents have now been drafted for consideration through the Council's democratic processes in readiness for consultation and publicity early next year.

15. The current economic situation, malaise in the development industry and uncertainties in higher level planning and central government's funding policy, means that a study is needed to decide if the housing element of the Core Strategy should be reviewed.
16. Officers have not yet determined precisely how this will be done, however, it will need to follow the stages in the production of the adopted Core Strategy. The process may involve the collection and review of evidence; generation, evaluation and consultation of options; sustainability appraisal; consultation; Preferred Options; Independent Examination and subsequent adoption. The Local Development Scheme will need to be altered.
17. Members are asked to agree to Officers undertaking the study. If the study demonstrates that the Core Strategy needs to be reviewed, then a further report will be brought to agree the nature of the review and how it will be progressed.
18. In view of this uncertainty, it is considered sensible to recommend a temporary delay of the programmed consultation and publicity in respect of the Preferred Options version of the DPD, to ensure any changes are properly incorporated in the Regeneration DPD. However, the scale of any delay is not yet known. Further updates and a timetable will be provided when available.

SPD 1: Sustainable Design Guide (SPD1)

19. PPS1: Delivering Sustainable Development sets out the Government policy for the delivery of sustainable development within the planning system. It states that 'good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development'.
20. Government Guidance (PPS3: Housing) also considers that 'good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities'. It requires that Local Planning Authorities encourage developers to provide sustainable and environmentally friendly housing developments. The purpose of the Sustainable Design Guide SPD is to reflect this guidance and to provide advice to developers to improve the design standards and sustainability of new developments.
21. The purpose of the document is to provide greater detail on Policy CS3 of the Core Strategy. The aim of this policy is to reduce the environmental impacts of development and, among other things, requires that 10% of the energy requirement of a major development is provided from on site renewable sources and that developments meet various national standards designed to improve their design and sustainability.
22. The main objectives of the SPD are, therefore, to encourage vibrant, sustainable and inclusive communities, to promote energy efficiency and environmental sustainability and to promote high quality design standards, which have a high regard for the surrounding character of the site and create attractive places. In order to assist the Council and private individuals, the SPD provides advice for example on site selection and development settings, design principles for built development, open space and landscaping, ecology, environmental sustainability, energy generation and renewable technologies, water efficiency and sustainable drainage, waste management, sustainable urban drainage techniques and feed in tariffs.
23. The next step is to release the document for consultation and publicity, consideration of representations, and the making of any changes, prior to continuing towards adoption by the Council.

SPD 3: Highway Design Guide (SPD3)

24. The SPD considers parking standards associated with developments in Stockton and provides an overview of the policy context in which they are set. It is a revision to a chapter of the adopted Tees Valley Design Guide and Specification for Residential and Industrial Estates Development. Core Strategy Policy CS2.3 Sustainable Transport and Travel refers to parking standards in the Tees Valley Highway Design Guide and that further guidance will be set out in a new Supplementary Planning Document: this is that document.
25. The Design Guide and Specification document is used by the five Tees Valley Authorities, and in its entirety sets out the basic principles which should be followed in order to provide a safe, convenient and functionally effective road, footpath and cycle routes, whilst ensuring that they contribute to the overall attractiveness of the development site and its setting. The document is a material consideration in determining planning applications.
26. The SPD sets out policy considerations, parking standards in new developments - conversions and extensions, cycle parking, travel planning, electric vehicle charging points, commuted lump sums, standards for people with disabilities, Stockton Town Centre Standards, parking in fringe areas, operational and non-operational parking, advice on adoption of parking areas, sustainable drainage systems, Park Mark Awards, size of parking spaces, and car parking layouts.
27. The next step is to release the document for consultation and publicity, consideration of representations made, and the making of any changes, prior to continuing towards adoption by the Council.

Annual Monitoring Report (AMR)

28. Review and monitoring have been key aspects of the Government's approach to the planning system and have been undertaken on a continuous, pro-active basis. Identifying outputs and trends which enables local planning authorities to build a comprehensive evidence base, to be used to assess the impact and effectiveness of existing local development document policies, as well as informing new policy development.
29. Stockton's sixth Annual Monitoring Report is based on reporting year for the period 1 April 2009 to 31 March 2010. The document sets out the Council's performance when measured against timetable and milestones for the preparation of documents in the Local Development Scheme, policies and related targets in local development documents. The AMR also assesses progress using a number of monitoring indicators some issued by the Department for Communities and Local Government and some locally, centred on the Core Strategy. It contains an update on the housing trajectory, which demonstrates how policies deliver housing policies.

Key Findings

30. Notably, the report sets out progress in meeting the timetable in the Local Development Scheme, with the Core Strategy and Open Space and Landscaping DPD adopted this year, and the Minerals and Waste DPD's moving towards submission. Some other key findings of the 2009/2010 AMR which may be of interest to Members are that:
 - 713 dwellings were completed in the Borough in 2009/2010, and that this figure is over one hundred dwellings greater than the 2008/2009 total.
 - Of the 713 dwellings completed, 89 (approximately 27%) were classified as 'affordable' whilst 499 (approximately 70%) were built on previously developed land.
 - Over 800 hectares of employment land (including allocations and extant planning permissions) were available within the Borough at the end of March 2010.

- 87% of Stockton Town Centre's Primary Shopping Frontage is currently classified as being in retail use, although some of these units are vacant.

27. The Annual Monitoring Report 2009/2010 is available in the Members' Library and in the Electronic Members' Library.
28. The next step following approval and endorsement of the document will be, and if agreed, for the Council to submit the document to the Secretary of State by the end of December 2010.

FINANCIAL IMPLICATIONS

29. Budget arrangements are in place, which will accommodate the financial implications arising from the recommendations within this report.

LEGAL IMPLICATIONS

30. The Core Strategy, Regeneration Development Plan Documents and the Supplementary Planning Documents have been prepared under the relevant provisions 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 documents being challenged in the High Court under section 113 of the 2004 Act, which if successful may lead to all or part of an adopted Development Plan Document being quashed.
31. The Planning and Compulsory Purchase Act 2004 states that every Local Planning Authority must make an annual report to the Secretary of State. This report must be submitted within 9 months of the end of the monitoring period.

RISK ASSESSMENT

32. Consultation in respect of the Supplementary Planning Documents, delay to the production of the Regeneration DPD, and study and review in respect of Core Strategy Housing strategy are 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**
- **Safer Communities**
- **Children and Young People**
- **Healthier Communities and Adults**
- **Environment and Housing**

33. The Local Development Framework is the delivery mechanism for the Sustainable Community Strategy. The AMR will help inform on progress in implementation of this Strategy by reporting the Council's progress against relevant National, Core and Local Indicators. These indicators particularly relate to ***Economic Regeneration and Transport, Healthier Communities and Adults, and Liveability***. Performance against these indicators will demonstrate the effectiveness of existing policies, as well as contributing to the development of new policies in the future.
34. The Core Strategy contains policies, which support and encourage ***economic regeneration*** of the Borough, and seek to provide for a network and facilities to support

sustainable **transport** options. Policy requires development with **safer communities** in mind incorporating “Secure by Design” and “Park Mark” standards as appropriate. Provisions are made for education, open space, sports and recreation facilities thereby supporting **children and young people**.

35. In respect of **healthier communities and adults**, the objective of providing a safe, healthy and attractive environment is reflected in all policies of the document. The protection and enhancement of the Borough’s natural and man-made **environment** is a high priority for the Core Strategy, as is the identification of general locations for new **housing** development and policies to ensure the right tenure, type and mix of homes, including affordable homes, are provided to the highest design and sustainable standards.

Supporting Themes: -

- **Stronger Communities**
- **Older Adults**
- **Arts Leisure and Culture**

36. The Core Strategy is underpinned by the objective of creating sustainable and **stronger communities**. This is not just in the environmental sense but also in the social and economic terms so that the Borough is comprised of inclusive communities where all residents have access to the best in housing, education and training, health care, employment opportunities, sport, recreation and cultural activities in safe, healthy, prosperous, inclusive and sustainable communities. It recognises the needs of the Borough’s **older adults** in its approach to the ageing population, and seeks to provide the right type of facilities and accommodation in the right location.
37. The **Arts Leisure and Cultural** offer of the Borough is supported by the Strategy, which seeks to safeguard and enhance the Borough’s diverse cultural heritage, including Preston Park, early railways and engineering heritage and the area’s WW2 Contribution.
38. The Core Strategy is the parent document for the Regeneration Development Plan Document, and it establishes the site allocations and locational policies to implement the Core Strategy. The Supplementary Planning Documents provide further details in support existing policies. Those documents are directly related to, and reflect the aims and objectives of the Core Strategy, and thereby support the Sustainable Community Strategy.

EQUALITIES IMPACT ASSESSMENT

39. This report, in its totality is not subject to an Equality Impact Assessment. The Sustainable Design Guide and Highways Design Guide SPD’s have been assessed separately, and both score neutral and positive effects. The Annual Monitoring Report is a factual document and has not been assessed. The report also seeks agreement to undertake a housing strategy study and delay the production of the Regeneration DPD, and these are matters that do not require assessment.

CONSULTATION INCLUDING WARD/COUNCILLORS

40. The matters within this report were presented to the Local Development Framework Members’ Steering Group on 14 December and Planning Committee on 8 December 2010. The Core Strategy, Regeneration DPD and SPD’s 1 and 3 affect all wards in the Borough. Those documents have been subject to several stages of public consultation at which stakeholders, including members, were able to comment. Details of the various consultation stages in respect of the Core Strategy are contained in the accompanying Consultation Statement and are available on request. SPD 1 and SPD 3 have been consulted internally and details of the consultations undertaken are available upon request.

The Issues and Options version of the Regeneration DPD has been consulted upon both internally and externally, again details are available on request.

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Education related?

41. Core Strategy Policy CS6 supports the delivery of several education programmes; Building Schools for the Future, Primary Capital Programme. Extended Schools Programme and the expansion of University of Durham's Queens Campus. SPD 1 and SPD 3 are applicable to education facilities. Policies in the Regeneration Development Plan document are to include allocations for education based facilities and the re-use of former school sites.

Background Papers

- Stockton on Tees Regeneration Development Plan Document: Issue and Options September 2007
- Adopted Stockton on Tees Core Strategy Development Plan Document 24 March 2010
- Supplementary Planning Document 1: Sustainable Design Guide – Consultation Draft – December 2010
- Supplementary Planning Document 3: Highway Design – Consultation Draft – December 2010
- Annual Monitoring Report 2009/2010
- Planning and Compulsory Purchase Act 2004
- The Planning Act 2008
- The Town and Country Planning (Local Development) (England) Regulations 2004
- The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008
- Planning Policy Guidance 13 Transport
- Planning Policy Statement 12: Creating strong safe and prosperous communities through Local Spatial Planning (2004)
- Planning Policy Statement 12: Local Spatial Planning (2008)
- Regional Spatial Strategy and Local Development Framework: Core Output Indicators – Update 2/2008

Ward(s) and Ward Councillors

42. All Wards and Councillors.

Property

43. Development Plan Documents (DPD) only have implications if proposals are likely to involve development of Council land or assets. The Core Strategy is the overarching plan, which sets out broad locations for development but which does not go into detail. The Regeneration DPD is a site-specific allocations document, and there is ongoing internal consultation with Officers. However, the Local Development Framework will support the Council's Capital Strategy and Asset Management Plan.