

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

15th January 2015

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Portfolio Transport and Regeneration – Lead Cabinet Member – Councillor Mike Smith

Local Plan: Regeneration and Environment Local Plan (RELP) Publication Version – Approval for Public Consultation.

1. Summary

The purpose of this report is to seek the approval of Cabinet for the Publication version of the RELP, its associated policies map and supporting assessments, documents and studies which provide the remaining parts of the evidence base which have informed the development of the policies contained in the document for a period of public consultation in February - March 2015. This is the final consultation period for the draft plan before it is submitted to the Secretary of State for Communities and Local Government for examination by an independent Planning Inspector.

This report summarises the contents of the RELP and explains the supporting documentation which accompanies it and the next stages in the plan preparation process before the plan can be adopted and used by the Council in determining planning applications.

The text of the RELP, the policies map and all other supporting documentation are available both electronically on agenda and in hard copy in the members' library. The Character Areas Study, previously endorsed by Cabinet, will also be available as part of this consultation. The updated plan will supersede some parts of the adopted Core Strategy and amended copies of these highlighting where the changes will occur are also available.

2. Recommendations

Cabinet are recommended to:-

1. Endorse the Publication version of the Regeneration & Environment Local Plan and policies map and associated Sustainability Appraisal, Habitats Regulations Assessment, Infrastructure Strategy, Whole Plan Viability Assessment and Consultation Statement for a period of public consultation from February to March 2015;

2. To endorse the officers' responses to comments made to the Preferred Options version of the RELP which are contained in the Schedule of Responses attached to the Consultation Statement and in topic papers entitled Wynyard, Yarm and Kirklevington, Housing Need and Demand, Housing Site Selection Process and Health and Safety Executive Assessment of Site Allocations ;
3. To endorse the updated Villages Study 2014 and the Green Wedge Review 2014 as evidence base to the RELP;
4. To endorse the proposed amendments to the adopted Core Strategy to reflect the changes resulting from the Core Strategy targeted review of the Housing Strategy and the RELP;
5. To delegate any further minor changes to the Head of Planning in consultation with the Portfolio holder for Transport and Regeneration.

3. Reasons for the Recommendations/Decision(s):

1. To enable the consultation to proceed;
2. To agree how officers' have dealt with comments made to a previous version of the plan;
3. To agree updated evidence bases to support policies contained in the plan and illustrated on the Policies Map;
4. To agree changes needed to the Core Strategy resulting from the Core Strategy Review and the policies contained in the RELP.
5. To prevent any unnecessary delays to the public consultation.

4. Members' Interests (the text below is fixed and should not be altered by the author, however, extensive guidance on the **Members' Code** of conduct is available to officers if required)

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, 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 and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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RECOMMENDATIONS

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DETAIL

1. The RELP is one of the last two documents which will complete the suite of documents forming the Local Development Framework (the other being the Gypsy and Traveller Site Allocations LDD) see Appendix 1. The document contains the outcome of a targeted review of the adopted Core Strategy's housing location strategy and also site allocations which will deliver the housing, employment, retail and community requirements identified in the adopted Core Strategy, as well as policies to protect the natural and historic environments of the borough.

BACKGROUND

2. The RELP sets out the Council's policies and site allocations to deliver the development strategy contained in the Core Strategy, which was adopted in March 2010. It also includes a revised Housing Spatial Strategy and the policies and site allocations that will deliver it. Along with the Core Strategy, the Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document, the Minerals and Waste Core Strategy and Sites and Allocations Development Plan Document and a number of Supplementary Planning Documents, it will make up the Development Plan for the Borough from 2015 until 2030.
3. The document should be read alongside the Core Strategy and national planning guidance, including the National Planning Policy Framework and Guidance.
4. The RELP includes a review of the housing location policies that were previously part of the Core Strategy. In 2012, the Council recognised that the housing location strategy in the adopted Core Strategy (2010) would not deliver the housing requirement for the Borough. The Council subsequently reviewed the housing location strategy, the results of which have been incorporated into the RELP.
5. The RELP was originally intended to be three separate documents: the Regeneration DPD, the Environment DPD and the Yarm and Eaglescliffe Area Action Plan. The three documents were brought together into a single document at the Preferred Options stage. Each had previously been the subject of a separate Issues and Options consultation, as had the review of the Core Strategy's housing location strategy.
6. The planning policies contained in the RELP are grouped into nine topic areas; strategic policies, sustainable transport, sustainable living, the economy, town centres, provision of facilities, housing, environmental protection and enhancement and historic environment. The following paragraphs provide a brief summary of the topic areas and policies contained in each section of the plan.

Description of the RELP

7. The Introduction:
 - explains the background to the plan and its relationship with other planning policy documents;
 - the results of the targeted review of the Core Strategy are contained in the plan;
 - it highlights the key cross boundary issues;
 - it describes the documents and assessments which support the plan;
 - it explains how the plan will be monitored;
 - it provides an outline of the Publication stage consultation and the need for any comments to address the tests of soundness;
 - it informs people how they can comment;
 - It explains the next steps in the process.

8. Strategic Policies:

- SP1 is a policy stating the Presumption in favour of sustainable development – this is required to be included by the National Planning Policy Framework and the policy wording is that advised by the Planning Inspectorate.
- SP2 contains the Housing Spatial Strategy and states that: the Council will support housing in the core area and within the conurbation; a new sustainable settlement will be created at Wynyard; it specifies housing densities across the Borough; supports renovation and improvement of existing housing stock; states that the majority rural housing needs to be met within the conurbation; that infill will be supported in the sustainable villages identified in the Planning for the Future of Rural Villages study; that rural affordable housing need may be met in locations adjacent to as well as within sustainable villages and that it must be affordable in perpetuity and meet an identified need in the locality; that market housing in rural locations outside village limits will only be allowed where there is robust evidence that it is needed to support the delivery of affordable housing in the locality.
- SP3 Locating Development explains that generally, new development will be acceptable within the limits to development and a more restrictive approach will be taken to proposals for development outside the limits; it specifies the types of development which may be acceptable in the rural parts of the borough and states that new development in the countryside should first be directed to existing underused buildings and, only if they are unsatisfactory, should new buildings be considered.
- SP4 Infrastructure Delivery states that the Council will seek the timely delivery of physical, social and green infrastructure as identified in the infrastructure strategy.
- SP5 Infrastructure and Development states that all new development will be required to provide necessary on-site or, where appropriate, off-site infrastructure needs of a development.
- SP6 Developer Contributions requires the provision of infrastructure, subject to viability, via an appropriate legal mechanism for example; Community Infrastructure Levy (CIL), Planning Conditions, section 106 agreement or other relevant funding, it states that the Council's preferred method of pooling developer contributions is via CIL and states that there will be no "double dipping" that is, developers will only be required to pay for infrastructure once either via section 106 contributions or CIL.

9. Sustainable Transport

- T1 Protecting and Taking up Opportunities for the Use of Sustainable Modes of Transport states that: opportunities for sustainable transport will be protected; developments which include sustainable transport modes will be supported, including the provision of charging points for ultra-low emission vehicles; existing infrastructure will be protected; new developments should be located to maximise the efficient delivery of goods and supplies; new developments and alterations should ensure that there is suitable access for all integrated into the local transport infrastructure.
- T2 Widening Transport Choice supports the development of the borough's strategic network of footpaths bridleways and cycleways as identified in the Council's Green Infrastructure Strategy and Delivery Plan and identifies and safeguards several specific routes which will play a role in widening transport choice.
- T3 Highway Infrastructure safeguards the routes of the following schemes; A1046 Portrack Relief Road, A19 second access to Wynyard, A19 widening Norton to A689 (replacement of concrete carriageway) Elton interchange to Yarm Road Interchange lane gain.
- T4 Local Parking Standards states that new developments should be able to demonstrate sufficient accessible and convenient operational and non-

operational parking and incorporate facilities for charging plug-in and other ultra-low emission vehicles and that new or revised parking should be of sufficient size and layout to facilitate its safe and efficient operation.

10. Sustainable Living

- SL1 Development and Amenity protects the amenity of neighbouring properties and occupants from new development.
- SL2 Renewable Energy Generation supports small to medium scale facilities where they do not result in significant individual or cumulative adverse impact on important assets and where there are no significant adverse impact on the amenity of the area during construction or operation.
- SL3 Communications Infrastructure supports the expansion of communications networks including telecommunications and high speed broadband, especially where there are gaps in coverage; it aims to keep numbers of masts and sites to a minimum, taking into account the operational needs of the communications network and technical limitations; requires developers to demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity; requires developers to deliver, as a minimum on-site infrastructure, including open-access ducting to industry standards to enable new premises and homes to be directly served by local fibre and internet connectivity, the infrastructure should be provided from homes and premises to the public highway or other location as part of the planning application.

11. The Economy

- EMP1 Employment Land Portfolio allocates 57 hectares (ha) of land employment purposes and designates land at: Wynyard Park for regionally important prestige employment; 8 ha of land at North Shore, 3 ha at Teesdale and Thornaby Place as strategically important office locations; Bowesfield and Preston Farm and Portrack Lane as strategically important secondary office areas; Durham Lane (33ha), Teesside industrial estate (32ha) Durham Tees valley airport (20 ha), Portrack interchange (13 ha) Malleable Industrial Estate (3ha), Bowesfield and Preston Farm (12 ha), Cowpen Lane (4ha) Primrose Hill, Phoenix Sidings and Oxbridge Lane (2ha), Belasis (20 ha) and Billingham House (3 ha) as general employment locations.
- EMP2 North Tees and Billingham allocates land at Billingham Chemical Complex (65Ha), North Tees Pools (72 ha) and Port Clarence (22 ha) for the process industries and at Billingham Reach (9ha), Casebourne Site (6 ha) and Haverton Hill (23ha) for port or river based uses.
- EMP3 Important Bird Populations and the Seal Sands and North Tees sites seeks to protect land which is of functional importance for bird species associated with the Teesmouth and Cleveland Coast Special protection Area (SPA) and Ramsar site and requires all development to take measures to reduce the impact of development on the birds of the SPA.
- EMP4 Durham Tees Valley Airport safeguards 135ha of land at Durham Tees Valley airport for the continued operation of a regional airport, 50 ha is allocated for related logistics south of the runway and a further 20 ha of general employment land is allocated south of the runway, transport improvements are supported, namely public transport access to the airport and road access to Southside employment site, a master plan is required in the future to set out future plans for the future growth of the airport.

12. Town Centres

- TC1 Supporting Town Centres sets a sequential hierarchy of locations where town centre uses (retail, including warehouse clubs and factory outlets, leisure,

entertainment, including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, indoor bowling centres, bingo halls, intensive sport and recreation uses, offices, arts and culture, tourism development, theatres, museums, galleries, concert halls, hotels and conference facilities) will first be directed to and states that proposals in sequentially less preferable locations will only be supported where applicants can demonstrate there are no available and suitable sites or premises in sequentially better locations

- TC2 Protecting Town Centres requires an impact assessment for retail, office and leisure uses over 280 square metres in locations which are outside designated centres or where the development is out of scale to its location
- TC3 Development for Town Centre Uses identifies three sites (land to rear of 90 to 101a High Street, Stockton, Southern Gateway, North Shore on land within walking distance of town centre) within and on the edge of Stockton Town centre for major mixed use development, including town centre and residential uses; supports proposals which contribute to the on-going regeneration of Billingham District Centre; allocates land at Ingleby Barwick Local centre for the extension of the anchor supermarket; seeks high quality design and linkages for new town centre developments.
- TC4 Stockton Primary Shopping Area gives support to proposals which support and complement the centre's retail offer providing the proposal does not result in the loss of a key retail unit or result in a significant proportion of the primary shopping area being taken up by uses which mainly operate outside daytime hours and is backed by an identified operator who is unable to operate their business model elsewhere; it seeks to maintain a high proportion of retail uses at ground floor level in the primary shopping frontage and sets percentages of the frontage to be retained in Class A1 retail use; it states that proposals which would result in more than two adjacent units in non-retail use at ground floor level will be resisted.
- TC5 Stockton Town Centre supports development which complements the centre's existing offer; encourages large retail units in the centre; supports non-retail offer; encourages residential development at upper floor level in the primary shopping area and at ground floor level in other locations subject to residential amenity; encourages a mix of retail, restaurants and cultural facilities in Dovecote and Silver Street; states that the Council will consider the cumulative impact of all non-retail proposals on the character perception and appearance of an area especially where it would result in more than four adjacent units in non-retail use or would result in an overconcentration of uses detrimental to that area.
- TC6 District and Local Centres states that the Council will maintain a high proportion of retail units in district and local centres and sets criteria for assessing proposals to change from retail use; it states that the evening economy will be supported in district and local centres; supports Norton and Yarm's historic High Street frontages and protects residential uses in certain identified properties; resists development which would result in the proportion of Yarm district centres frontage in retail falling below 50% or an increase food, drink and nightclub uses above 20% of the frontage.
- TC7 Small-scale convenience facilities supports the development and retention of a mix of small scale convenience retailing and community facilities in neighbourhood centres; supports small scale retail units outside designated centres in exceptional circumstances and states that proposals which fail to protect important local shops services and facilities will not be encouraged.
- TC8 Food Drink and the Evening Economy Uses states that proposals which would lead to an overconcentration of food, drink and evening economy uses will not be supported; outside designated centres they will be supported if they can pass the sequential and impact tests set out in policy TC2; hot food takeaways will be directed to town, district, local and neighbourhood centres; proposals for hot food takeaways outside designated centres will be resisted where the proposal falls within 400 metres of the boundary of an existing primary school, secondary school, park or playground boundary.

13. Provision of Facilities

- PF1 Open Space Sport and Recreation sets out the quantity standards that new development should provide in relation to facilities for open space and sport and recreation provision and sets out proximity standards to identify how far away from a development contribution for off-site provision or enhancement can be used.
- PF2 seeks to Maximise Civic Space for Community Interaction.
- PF3 Community Facilities safeguards land at Blakeston School for a cemetery, crematorium and open space; supports the development of moorings or a marina at Bowesfield and safeguards land in Ingleby Barwick for a community centre at Sandgate and community facilities at Blair Avenue.

14. Housing

- H1 New Housing Sites identifies as total of 41 site allocations and housing commitments (see Appendix 2 and policies map) to deliver the Council's housing requirement over the period 2015 to 2030. Key housing sites are identified at Wynyard Park and Wynyard Village, Harrowgate Lane and Yarm Back Lane and they also include areas of land which are not currently deliverable but which we have safeguarded for future housing development.

15. Supporting Evidence Base

- Villages Study 2014 Update assists in the application of the housing spatial strategy by identifying which villages are classified as sustainable locations by establishing the level of facilities which exist.
- Green Wedge Review 2014 reviews green wedge and limits of development in relation to the green wedge, taking into account recent planning approvals.
- Consultation Statement outlines the consultation activities undertaken in developing the publication draft of the RELP and summarises how the responses received have been taken into account in preparing the policies.
- Infrastructure Strategy sets out baseline infrastructure and assesses what additional infrastructure will be needed to deliver the development identified in the plan. It includes a schedule of projects including timing of delivery, costs and delivery mechanisms, where known.
- Whole Plan Viability Assessment demonstrates that the plan is deliverable in the context of all policy requirements. The assessment ensures that the cumulative effects of policies contained in the plan do not render site allocations unviable and therefore undeliverable.

16. Supporting Assessment

- Sustainability Appraisal (SA) is an assessment of the social, economic and environmental effects of the policies in the plan as a whole. It incorporates Strategic Environmental Assessment (SEA) which focuses on the environmental impacts of the policies. It is an iterative process: the findings inform the development of the policies to ensure that the plan delivers sustainable development.
- Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) assesses the potential impact of the plan on the integrity of any European designated sites which includes Special Areas of Conservation (SACs) and Special Protection Areas for birds (SPAs).

17. Topic Papers

The Council received 334 responses to the Preferred Options consultation, which was held in September 2012. These responses yielded 1103 individual comments. As a number of the comments made covered the same issues and, in certain cases, because the Council's response to the comment is complex, it was decided that they could best be dealt with in the form of topic papers which would enable a full response to be given. Where appropriate the topic papers are referred to in the Schedule of Responses. The topic papers produced are entitled:

- Wynyard this paper explains the history of development and planning permissions in the Wynyard area and why it was selected as a location for a new sustainable settlement with significant housing development over the plan period;
 - Yarm and Kirklevington this paper addresses comments relating to the impact of development on the infrastructure of Yarm (highways, education, health) and on local ecology and wildlife and the strategic gap; concerns that the separation between Kirklevington and Yarm would be lost; the impact of development on parking in Yarm High Street; the potential loss of the character, individuality and distinctiveness of Yarm.
 - Housing Need and Demand addresses the following comments: why the housing targets were not reviewed; why the Council did not take the opportunity to determine housing targets locally; why changed circumstances since the adoption of Core Strategy had not been taken into account; comments that the housing requirement should be higher or lower; that the planning strategy should be based on re-use of empty homes rather than new build; that more housing should be located in the rural parts of the borough, in particular village extensions should be identified; that the affordable housing shortfall identified in the Strategic Housing Market Assessment should be met in full and included in housing requirement; that the needs of the ageing population and vulnerable people had not been taken into account; requests for a definition of executive housing; comments that housing delivery and phasing was too restrictive and why a 20% buffer in first five years of housing supply was considered appropriate.
 - Housing Sites Selection Process explain the methodology the Council used to select potential housing sites and how final sites were selected, including how sites submitted by developers were assessed.
 - Health and Safety Executive (HSE) Assessment of Site Allocations responds to comments from HSE relating to proximity of some allocations to pipelines and sites with hazardous substance consent.
18. Policies map – this illustrates geographically the application of all of the policies in the plan and must be reproduced from or based on an Ordnance Survey map.

Next Steps in the Process

19. Once the plan and associated documentation has been agreed, there will be a six week period of public consultation and, unless a fundamental flaw to the plan emerges through the consultation process, this is the version of the plan which will be submitted to the Secretary of State for examination-in-public.
20. The Publication consultation is a more formal one than those previously held and those making representations will be asked to comment on whether the preparation of the plan and its contents pass the tests of soundness. This means that the plan is positively prepared, justified, effective and consistent with national policy.

21. Once the Council has considered all the representations it receives at the Publication stage, it can amend the plan before submitting it to the Secretary of State if it considers it necessary. Often some minor amendments are made, but if the Council considers that more significant changes are required, a further period of consultation will be required before the plan is submitted. At Submission, the Council has to provide a written summary of all of the issues raised throughout the preparation of the plan and state how the issues raised at Publication have been dealt with.

FINANCIAL IMPLICATIONS

Provisions for the preparation, submission and examination of the RELP are made within existing budgetary provisions.

LEGAL IMPLICATIONS

The RELP has been prepared in accordance with the relevant provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plans) (England) Regulations 2012. Failure to comply with the provisions of the Act or Statutory Regulations may result in the plan being found unsound at independent examination.

RISK ASSESSMENT

“This report 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 - The RELP contributes to the achievement of this theme by allocating sites for employment purposes, safeguarding the routes of proposed highway schemes and supporting the development of sustainable modes of transport (walking, cycling, public transport).

Safer Communities – the RELP supports the development of mixed sustainable communities.

Children and Young People – the RELP supports the provision of educational and recreational facilities, open space and play areas for children and young people as part of the development process.

Healthier Communities and Adults - the RELP supports this theme with policies requiring the provision of open space and amenity space in new developments, encouraging sustainable modes of transport to encourage active travel and policies to control hot food takeaways in the vicinity of places frequented by children and young people.

Environment and Housing – the RELP contains policies which protect the environment and which identify sites for housing development and includes a policy for the provision of affordable homes.

Supporting Themes:-

Stronger Communities – the RELP supports the development of mixed sustainable communities.

Older Adults - the RELP contains policies which support the provision of homes for the ageing population and provides guidance for the development of extra-care housing schemes.

Arts Leisure and Culture - the RELP supports the provision of leisure facilities, civic spaces for community interaction and protection of the historic environment

EQUALITIES IMPACT ASSESSMENT

This report has been subject to an Equality Impact Assessment, which is available as an appendix to this report, and has been judged to have a positive impact. No remedial actions are required.

CONSULTATION INCLUDING WARD/COUNCILLORS

The plan has been subject to extensive consultation during the course of its preparation so far and this is detailed in the Consultation Statement referred to in paragraph 15 of the report and which is available in the members' library.

No consultation has been undertaken with specific ward councillors as the plan affects the entire borough.

Name of Contact Officer: Rosemary Young
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Education related? No

Background Papers N/A

Planning and Compensation Act 2004

National Planning Policy Framework

National Planning Policy Guidance

The Town and Country Planning (Local Planning)(England) Regulations 2012.

Ward(s) and Ward Councillors:

No consultation has been undertaken with specific ward councillors as the plan affects the entire borough.

Property

The RELP takes into account the recommendations of the Capital Asset Review and, where appropriate, sites are allocated for the purposes identified in the review.

