

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

13 September 2006

**REPORT OF THE CORPORATE
DIRECTOR, DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

06/1983/OUT

**Former Stockton and Billingham College site, Finchale Avenue/The Causeway,
Billingham**

**Outline application for residential development including new vehicular access
onto Finchale Avenue**

Expiry date: 22nd September 2006

SUMMARY

This outline planning application seeks approval for residential development on 3.2 hectares of land previously occupied by the buildings of Stockton and Billingham College located on the corner of The Causeway and Finchale Avenue, Billingham. The site has been left derelict following the demolition of the college building with brick rubble and building foundations left in place. Apart from a new means of access onto Finchale Avenue, all matters of detail have been reserved for future approval. The application is supported by a Transport Assessment and a letter setting out the planning case submitted by the applicant's planning consultant.

The site is owned by Morrisons who previously sought to develop the site as a retail store. However, permission for that use was refused in 1998 and the site owner now wishes to dispose of the land with the benefit of outline approval for housing, which it considers as being the most appropriate use for the site. It is understood that subject to planning permission being granted the site will be sold to a local house builder.

Limited concerns to the proposal have been made by local residents (2 letters) with primary concern that it would result in the loss of the existing open space. However, the application site only relates to that part of the site designated as previously developed land (i.e. the site of the buildings) and specifically excludes the former running track and playing fields.

In land use terms the site is considered suitable for housing development and whilst the final views of the Head of Integrated Transport and Environmental Policy are awaited on a revised Transport Assessment, it is not anticipated that the development will give rise to significant traffic concerns.

RECOMMENDATION

It is recommended that subject to the views of the Head of Integrated Transport and Environmental Policy, the application be approved subject to conditions covering the following matters:

- ***Development carried out in accordance with the approved plans;***
- ***Future approval for the siting, design, external appearance and landscaping of the site***
- ***Boundary treatment and tree protection***
- ***Pedestrian links***
- ***Provision of open space on the site or alternative arrangements elsewhere***
- ***Management of adjoining open space area in the applicant's ownership***
- ***Method for dealing with any contamination on the site***
- ***Hours of construction***
- ***Control over any oil storage***
- ***Site drainage including alternative means of foul drainage***
- ***Provision of 10% affordable housing and***
- ***Any other relevant matters including meeting highway concerns***

The following policies were relevant in this decision:

Stockton on Tees Local Plan policies GP 1, HO3, HO 4, HO11

Tees Valley Structure Plan policies H1A, SUS2, T25.

Regional Policy Guidance 1 and emerging Regional Spatial Strategy

Planning Policy Statement 1 and Guidance Notes No 3, 13 and 23

Heads of Terms for possible 106 Agreement

1. **Financial contribution towards any necessary highway improvements**

BACKGROUND

1. The application relates to a 3.2 hectares site forming land previously occupied by the buildings of Stockton and Billingham College located on the corner of The Causeway and Finchale Avenue, Billingham. On the opposite corner is John Whitehead Park. North of the demolished area the land remains in open space use and includes a running track. Open space in council ownership is located to west with the existing Community Centre occupying the frontage onto the Causeway. To the south on the opposite side of The Causeway, are residential flats.
2. A location plan is attached as **appendix 1** to this report
3. The site has been left derelict following the demolition of the college building with brick rubble and building foundations left in place. Morrisons who previously sought to develop the site as a retail store own the site, including the running track to the north. However, permission for that use was refused in 1998 and the appeal dismissed. Use of the site for education purposes ceased in 2002 following the transfer of the college to a new building on Teesdale. The site owner now wishes to dispose of the site with the benefit of outline approval for housing, which it considers as being the most appropriate use for the site. It is understood that subject to planning permission being granted, agreement has been reached that the site will be sold to a local house builder.

4. The outline application now received reserves all matters of detail for future approval, apart from a new means of access onto Finchale Avenue. This access is located 25m immediately north of the existing access which is to be closed, as is the second existing access onto The Causeway
5. The application is supported by a Transport Assessment (TA) and a letter submitted by the applicants planning consultant setting out the planning case. The TA assesses the highway and traffic effects of the proposals on the local highway network and sustainable transport issues. It assumes a housing density of about 50 dwelling per hectare, which equates to approximately 160 dwelling being erected on the site. It concludes that there are no highways or transport reasons why planning permission should not be granted.
6. The support letter from the planning consultant describes the planning history and the proposal; sets out the planning policy context and discusses the planning merits of the proposal concluding that the development generally accords with planning policy.

THE CONSULTATIONS

7. Local residents and occupiers have been individually notified of the application. The application has also been advertised on site and in the local press. Two letters have been received as a result of this publicity.
8. Mr W Stott of 30 Sidlaw Road makes a number of detailed comments some of which are not totally relevant to the planning application. In summary the comments made are:
 - Information is not available as to the likely effect the development would have on the Town Centre Regeneration scheme and it may be that the site would be better developed for future town centre uses and replacement car parking space.
 - Queries the description of the site as being derelict.
 - Is concerned about what will happen to the open space area not part of the application – will it be maintained as a condition of the planning approval?
 - No details of the residential layout have been supplied and therefore it is difficult to assess impact and therefore for outline planning permission to be granted
 - Trees are removed notwithstanding that the application says no trees are to be removed.
 - Comments are made on land values
 - In summary considers a decision on the application should be deferred until the Town Centre scheme and forward planning policy proposals for the area have been clearly defined and made known.
9. Ruth Lavin of 30 Finchale Avenue objects to the development on a number of grounds:
 - The new access in front of house will be more dangerous for children as there will be traffic increase

- The land should be left as a green field and for community use rather than housing. Current use of the running track will cease if the application goes ahead.
 - The area is over-crowded with housing and lacks any facilities for children.
10. CPRE: supports the establishment of housing on the existing serviced area but has concerns about the loss of playing field and would expect significant planning gain for the local community
11. A number of statutory bodies have been consulted and no objections or response has been received from:
- Development Plans Officer
 - CE Electric
 - Northern Gas Networks
12. The Head of Engineering & Transportation: comments that the Transportation Assessment carried out by the consultant has failed to incorporate all the relevant information into it, which was requested by the Traffic Management Section. Until a revised Transportation Assessment is received it cannot indicate whether or not the proposed development is acceptable on highway grounds.
13. Landscape Officer makes various detailed comments:
- There is a wide grassed frontage to the site along The Causeway, which should be maintained and enhanced as part of the development and also continued along Finchale Avenue.
 - The existing building line of the centre should be maintained within the application site.
 - There is an opportunity to provide landmark entrance buildings along this frontage into the site, whilst enhancing the existing street scene with additional tree planting. These buildings should 'turn the corner' and should instil a sense of place within this town centre location.
 - A planting buffer is required adjacent to the community centre, particularly where the site abuts the existing community centre car parking area.
 - The access with John Whitehead Park located on the opposite side of Finchale Avenue should be formalised by way of a speed table/crossing point under a section 278 agreement.
 - A pedestrian entrance should be provided into the running track site directly to the north of the site, which should extend through the site and connect back onto Finchale Avenue.
 - The treatment of the edge of the development along Finchale Avenue needs to be carefully considered. The erection of rear garden boundary fencing facing onto the highway would be entirely unacceptable and a green boulevard type treatment should be considered which would compliment the tree and hedge-planting present on the opposite side of the road. Car access to individual plots directly from Finchale Avenue would not be acceptable as this is likely to prevent significant and effective avenue tree planting being undertaken.
 - The housing units in this location should face outwards onto Finchale Avenue with car access from the rear. This treatment would also apply to the development alongside The Causeway. These boulevard areas may be

suitable for title transfer, for which the sums could only be determined once a detailed scheme has been received.

- As there is no final site layout of the development at this stage, it is uncertain as to what area of Public Open Space is likely to be retained within the red line boundary of the site. A minimum of 0.6 hectares of a roughly square shape of POS would normally be required within a development such as this. However, due to the close proximity of the adjacent running track site to the north and John Whitehead Park to the east, the final required size of the POS provision will have to be determined and agreed as a reserved matter.
- Should no POS be retained within the site, then I suggest that a commuted lump sum be payable for improvements to John Whitehead Park, calculated as follows:

£3,500 payable per 0.1 hectare site area.

3.2 hectares site area = £112,000 commuted lump sum

- Protection measures shall be provided for retained trees to ensure that no damage occurs during the construction period.

14. Care for your Area make similar comments about the need for open space and the provision of footpath links
15. The Environmental Health Unit has no objection in principle but recommends conditions to check for contamination and restrict hours of construction.
16. Children, Education and Social Care: welcomes housing development on this site at Finchale Avenue and The Causeway. The primary and secondary schools serving this area all have some spare capacity. It is considered unlikely that a development of fewer than 200 family homes would create a need for any additional education provision.
17. Environment Agency: no objection but recommends conditions to deal with possible water pollution concerns.
18. Northumbrian Water: comments foul and surface water must be on a separate system with surface water prevented from entering public surface water or combined sewers. However, it objects as a public sewer is located within the site and no development must be within 3m of the sewer. Also the design capacity of the sewage treatment works has been reached and alternative means of disposal needs to be investigated.

PLANNING POLICY CONSIDERATIONS

National Planning Policy

19. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).
20. Relevant to this application are:

PPS 1 "Delivering Sustainable Development"

PPG 3 “Housing” (advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of Greenfield land developed)

PPG 13 “Transport” (promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas)

PPG 23 “Planning and Pollution Control” (provides advice on the relationship between planning and pollution control including requiring investigation and remediation of contaminated sites)

21. Regard also has to be given to the emerging Regional Spatial Strategy, which will ultimately replace RPG1. Policies in RPG1 set out the need for a sequential approach to development; sub-regional guidance to include, inter alia, targets for the re-use of previously developed land and buildings; and a managed release of housing land for development.
22. Section 54a of the Town and Country Planning Act 1990 states that all planning applications have to be determined in accordance with the Development Plan(s) for the area unless material considerations indicate otherwise. The development plan for the purposes of the application comprises the Tees Valley Structure Plan 2004 and the Stockton Borough Local Plan 1997.

Tees Valley Structure Plan

23. The Tees Valley Structure Plan policies that particularly need to be considered include:
 - H1A (Sequential approach for allocation of new housing sites) preference given to previously developed land
 - SUS2 (Sustainable Development Policy) states the Tees Valley authorities should give regard to several factors through their local plans, development control decisions and partnership activities, including: give preference to brown field sites, and prevent the unnecessary use of Greenfield sites; promote the re-use of vacant land and buildings; encourage development in locations which minimise the need for travel and can be well served by public transport; maintain and enhance the vitality and viability of town and district centres.
 - T25 (Transport Requirements for New Developments) promotes the location of new development to give priority to walking, cycling and public transport access.

Stockton Borough Local Plan

24. Policy GP1 is the general policy and sets out ten criteria that all development proposals need to be assessed against. These criteria are as follows: -
 - i. The external appearance of the development and its relationship with the surrounding area.
 - ii. The effect on the amenities of the occupiers of nearby properties.
 - iii. The provision of satisfactory access and parking arrangements.
 - iv. The contribution of existing trees and landscape features.
 - v. The need for a high standard of landscaping.
 - vi. The desire to reduce opportunities for crime.

- vii. The intention to make development as accessible as possible to everyone.
- viii. The quality, character and sensitivity of existing landscapes and buildings.
- ix. The effect upon wildlife habitats.
- x. The effect upon public rights of way.

25. Policy HO3 states “Within the limits of development residential development may be permitted provided that:

- (i.) The land is not specifically allocated for another use; and
- (ii.) The land is not underneath electricity lines; and
- (iii.) It does not result in the loss of a site which is used for recreational purposes; and
- (iv.) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v.) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi.) Satisfactory arrangements can be made for access and parking.

26. Policy HO4 requires the provision of affordable housing to an agreed extent for housing developments exceeding 2 hectares.

27. Policy HO11 requires all new residential development to be designed and laid out to a high quality standard with open space and a satisfactory degree of privacy and amenity for both the new dwellings and the occupiers of nearby properties.

MATERIAL PLANNING CONSIDERATIONS

28. In light of the objections received, the consultation responses, current and emerging planning policy and the planning history of the site, a number of planning issues are considered material to the consideration of this application.

Principle of Development

29. The application site is an unallocated site in the adopted local plan but is located within the defined urban limits.

30. Policy HO3 of the approved local plan allows for new residential development within the limits to development provided a number of criteria are met including that:

- “(iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and

(vi) Satisfactory arrangements can be made for access and parking.”

31. Viewed against the criteria, it is considered that there is no significant loss of a recreational facility; the development is considered sympathetic to the area and there is no unacceptable loss of amenity and that whilst the final views of the Head of Integrated Transport and Environmental Policy have not yet been received it is likely that satisfactory arrangements can be made for access and car parking. Accordingly, it is not considered that the application conflicts with Policy HO3.
32. The applicant also comments that the development of the site for housing will be fully in accordance with the sequential approach to residential development as described in the RSS, Tees Valley Structure Plan and PPG 3. Furthermore it is argued it will help widen local choice and assist in meeting land recycling targets as well as complementing the Council's plans for the regeneration of Billingham Town Centre.
33. As a Windfall housing site (a site not specifically identified through the local plan process) it can make an important contribution to housing supply and help prevent the unnecessary loss of Greenfield land. The site is in a sustainable location for housing development close to a range of shopping and service facilities, schools, community and health facilities necessary to meet the everyday needs of residents.
34. Accordingly, development of this site for housing is acceptable in principle from a land use standpoint.

Affordable Housing

35. As the site is over 2 hectares some affordable housing needs to be included in the development and the applicant initially offered 5% as a proportion. This was not considered acceptable. A further offer of 10% has now been made reluctantly. This still falls short of the Council's general requirement that up to 20% of new housing should be affordable. However, it is also recognised that an up to date assessment of housing need is not available and that a need in this location for more than 10% would be difficult to justify. In the circumstances the 10% figure is acceptable and any approval should be conditioned accordingly.

Traffic and access

36. The application has been subject to a formal Transport Assessment which claims to demonstrate that the traffic generated by the redevelopment of the site can safely and satisfactorily be accommodated on the local road network which will continue to operate in a safe and efficient manner. Nevertheless, the Head of Engineering & Transportation (HITEP) has concerns that not all relevant issues have been examined and has requested that the TA should assess the effects of the proposed development on Roseberry Road / Wolviston Road as it is known that there are traffic issues at this junction. The response of the applicant's Transport consultant is awaited. However, notwithstanding this concern, given the past use of the site as a college and its location adjacent to the Town centre it is considered unlikely that a fundamental objection on highway grounds will be made to the principle of redeveloping this site for some 160 dwellings. The Inspector, in dismissing the planning appeal against the previous proposal to develop the site for retail purposes, accepted that there was no convincing evidence that unacceptable congestion would result from that proposal which would have generated significantly more traffic than a residential

use. Nevertheless any approval to the development should be withheld until the highway issues are satisfactorily resolved.

Open Space and Landscape

37. The landscape architect and Care for your Area have drawn attention to the need to provide 0.6 hectares of land within the development for formal open space uses or alternatively provide a commuted lump sum of £112,000 for improvements to John Whitehead Park. The applicant is aware of this requirement but as the site is to be sold off to house builder, is unable at this stage state which direction it would wish to go. However, this matter can be secured by appropriate planning conditions. The other issues raised about layout of the site, boundary treatment, pedestrian links, tree planting and tree protection are matters to be considered at the detailed planning stage and can be secured by planning conditions.
38. It should be noted that the existing open space edged blue on the application site, as being within the applicant's ownership does not form part of the proposed housing development site. Concerns have been raised as to what will happen to this land. A management scheme for this land can be made a condition of any planning approval.

Alternative Uses

39. One local resident has raised the issue as whether this site would be better used for town centre uses as part of the emerging scheme for the regeneration of the town centre and argues that a decision on this application should be deferred until this scheme is finalised. The other resident also comments that the site would better used for community purposes. Whilst noting these suggestions, it has to be realised that the land is in private ownership and a planning application submitted which has to be dealt with on its merits in accordance with planning legislation. Furthermore, it may be some time before the plans for the Town Centre regeneration scheme are finalised and resources in place to implement the approved scheme. In the circumstances and whilst noting the views made it is not reasonable to defer consideration until possible alternative uses can be found and resources secured to acquire the land. This may also require the use of Compulsory Purchase powers

Contamination and drainage

40. The Environment Agency and the Environmental Health Unit have raised the possibility of the land being contaminated given that the site is previously developed land. Appropriate conditions can be imposed to secure testing for contamination and proper remediation of the site should it be necessary.
41. Northumbrian Water has lodged an objection as a public sewer crosses the site and no development must be within 3m of the sewer. Also the design capacity of the sewage treatment works has been reached and alternative means of disposal needs to be investigated. These concerns can be resolved through appropriate planning conditions.

CONCLUSIONS

42. The application site constitutes previously developed land and is an unallocated site in the adopted local plan, located within the defined urban limits the development of which for housing does not conflict with planning policy. In principle the development is therefore acceptable.
43. It is unlikely to give rise to a significant highway concerns notwithstanding the final views of the Head of Integrated Transport and Environmental Policy are not yet known. Open space provision can be secured by means of planning condition, as can the boundary treatment, pedestrian links, drainage etc.
44. On balance it is considered approval can be recommended subject to appropriate planning conditions to secure necessary controls over the development.

Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

Financial Implications:

None

Environmental Implications:

See 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

None

Background Papers:

Application file 06/1983/OUT

Ward and Ward Councillors:

Billingham central Ward

Councillor B Woodhouse
Councillor N Teasdale