

APPENDIX A.



**Supplementary
Planning Document
6: Planning
Obligations**

**Adopted Draft, for
Planning Committee
Consideration**

November 2007



Stockton-on-Tees
BOROUGH COUNCIL

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1.0 Introduction

- 1.1 This document is the Supplementary Planning Document (SPD) for Planning Obligations concerning development within the Stockton-on-Tees Borough. This guidance is concerned with the current status of planning obligations and guidance and therefore has not considered the future legislative changes which may occur regarding planning obligations.
- 1.2 The purpose of the SPD is to provide developers, planning officers and the public with information and guidance concerning the Council's approach towards securing planning obligations associated with development within the Borough. The SPD expands on policies contained within the adopted Local Plan, and on policy areas that will be the subject of future Development Plan Documents (DPD).
- 1.3 Any development proposals shall be made in accordance with the adopted Local Plan, or Alteration Number 1. This SPD supplements the policies contained within these documents, and as such, is a material consideration in determining planning applications. Paragraphs 1.6 to 1.10, set out the planning policy context surrounding the SPD. The SPD is one of the documents identified in the Local Development Scheme (2006).
- 1.4 The SPD was subjected to a six-week public consultation period, together with a Sustainability Appraisal (SA). The process for producing this document is detailed in Planning Policy Statement 12: Local Development Frameworks. A summary of all representations made on the draft document can be viewed within the accompanying Statement of Consultation, together with the Council's response and recommendation.
- 1.5 Planning obligations are a legally binding agreement entered into between a developer and the Council. Circular 05/2005 'Planning Obligations' provides guidance as to how planning obligations should be applied. They are an effective tool in ensuring all development within the Borough of Stockton-on-Tees contributes to the objective of sustainable development. Planning obligations should however, only be used to "make acceptable development which would otherwise be unacceptable in planning terms" (Circular 05/05, Para. B3). Every planning obligation must, according to the government's guidance, meet the following tests:

- Be relevant to planning;
 - Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development;
 - Reasonable in all other respects.
- 1.6 A developer may wish to enter into a unilateral undertaking as opposed to a planning obligation. Such an undertaking is offered by the applicant in support of an application (or appeal), as opposed to agreeing an obligation following negotiation with the Council.

Planning Context

- 1.7 The legal framework for planning obligations is set out under Section 106 in the Town and Country Planning Act 1990, as amended by section 12 of the 1991 Planning and Compensation Act. Circular 05/2005 'Planning Obligations' was issued by the government in July 2005, and supersedes Circular 1/97. Planning Policy Statement 1: Delivering Sustainable Development also contains further guidance, surrounding planning's requirement to deliver sustainable development.
- 1.8 In terms of local policy context, the Adopted Local Plan and Alteration Number 1 form the current policy framework. However, the Planning and Compulsory Purchase Act (2004) introduced a statutory requirement for Local Planning Authorities to produce a Local Development Framework (LDF). The LDF consists of a folder of documents, including this SPD, to guide development and land use in the area. Over a period of time, this framework and the Regional Spatial Strategy (RSS) will replace the existing Local Plan and Alteration Number 1.
- 1.9 During the transitional period between the old and the new system, some policies within the Local Plan and Alteration Number 1 are 'saved' for the next three years, or until they are replaced by new documents within the Local Development Framework. Initially, the Council is preparing the Core Strategy

and Regeneration DPDs. The Core Strategy sets out strategic level policies, the Regeneration DPD sets out the site allocation policies.

- 1.10 Currently, the Council has no specific planning obligation policy within the Adopted Local Plan or Alteration Number 1, although some policies refer to the need to incorporate open space and crime prevention measures within proposals (HO11), satisfactory access arrangements (GP1), and environmental enhancements (EN11). Therefore, in accordance with policies within Circular 05/2005 (paragraph B27), this document “sets out the implications for planning obligations of the relevant topic based DPD policies” (e.g. transport, open space).
- 1.11 According to Circular 05/2005, a planning obligation may be applied in the following forms:
- prescriptive – for example requiring that a certain proportion of a housing development is affordable;
 - compensates – for example secures a contribution from a developer to fund open space development;
 - mitigates – for example increased public transport provision.

Planning Obligations and Stockton-on-Tees Borough Council

- 1.12 The following is a list of topic areas where the Council will seek planning obligations when appropriate, in that the development requires their provision to ensure that the essential infrastructure requirements are addressed:

- Affordable Housing,
- Education,
- Highway Infrastructure,
- Public Transport Infrastructure,
- Open Space and Recreation,
- Landscape,
- Biodiversity and Public Realm schemes,
- Employment and Training Initiatives,
- Community Facilities and Community Safety,
- Public Art.

It must be noted this list is not exhaustive, and is in no order of priority.

- 1.13 Other obligations may be negotiated in particular circumstances, dependent on the scale and nature of the particular proposal. Such obligations may be related to site specific issues and could include such issues as contributions towards improvements to the historic environment, although some improvements may occur to the historic environment through public realm improvements. Where such obligations are requested they must either meet the circular 05/05 tests or be specified within an adopted SPD or DPD.

Delivery

- 1.14 Wherever possible, planning obligations shall be provided on-site by the developer. For instance, this may be delivered in the form of affordable housing, or open space. However, there may be circumstances where this is not practicable, or appropriate. Such circumstances may include new or improved highway works in the local area. If the developer is unable to provide either on or off-site improvements, a financial sum may be paid to the Council to fund their provision. In all cases, the obligations secured shall be relative to the type, size, and intended uses of the development.
- 1.15 Potential applicants should be aware that planning obligations are not limited to physical developments. For instance, the document includes information on employment and training obligations.

Commuted Lump Sum Payments

- 1.16 There may be instances where the Council requires the developer to fund capital works and the maintenance of a facility provided, such as highways infrastructure, public realm, landscaping or open space. The Council will therefore seek contributions as laid out elsewhere in this document.

Project Management Costs

- 1.17 All planning obligations require drafting, implementing, monitoring, and, if necessary, enforcing. As such, the Council will require a project management cost, based on a percentage of the cost of the value of the contribution or the costs of works required through the obligation. The project management costs are applied in addition to any other fees incurred by the Council when

implementing the obligation. Such an approach is in line with Circular 05/2005 (paragraph B34).

Index Linking of Financial Contributions

1.18 All costs identified within this document are correct at the date of the adoption of the SPD. The figures specified in the SPD and the final financial contributions made with regards to planning obligations will be index linked to the Retail Prices Index. On receipt, all monies will be held in an interest bearing account, and identifiable by a unique reference. Any contributions (apart from open space/adopted highway commuted revenue maintenance sums) remaining unspent at the end of a period agreed between the relevant project officer from the Council and developer will be returned, with interest, to the payee.

Thresholds

1.19 Certain types of development are subject to thresholds, for instance affordable housing. To avoid development sites being sub divided which may create separate development schemes falling below thresholds, regard will need to be had to the entirety of development.

1.20 Where no minimum threshold exists, any obligations sought by the Council must meet the tests laid out in paragraph 1.5, with the Council being required to demonstrate the proposed development would generate the requirement for the relevant obligation.

Outline Applications

1.21 The Council would seek to agree the terms of a planning obligation with the developers at the point when an application for outline planning permission is made. As the exact scale of the development may not be known, the nature and terms of the obligations would not specify an exact sum to be paid by a developer or infrastructure requirement. Instead, the obligation would stipulate:

- The formula to be used for calculating contributions;
- The scheduling of payment in relation to the development (to ensure that new facilities will be provided in advance of need);

- The apportionment of other costs. (e.g. legal costs for drawing up the agreement).

1.22 Similarly, where the cumulative impact of several different developments results in a need for additional infrastructure etc, the Council may pool contributions to fund such improvements. This will be done in an equitable way, to avoid unreasonable costs being borne by one developer.

Future Guidance

1.23 This SPD is the first planning obligations policy document produced by Stockton-on-Tees Borough Council, and as such draws together existing best practice where applicable. Currently, an exercise is underway across the Tees Valley local authorities to explore common approaches to securing planning obligations. However, in the absence of such a Tees Valley wide approach in the immediate future, this guidance has been prepared for the interim period. As new policies and strategies emerge, the SPD will be reviewed and amended as necessary.

Pre-application discussions

1.24 Planning obligations will be negotiated on a case-by case basis, and the priority given to the different types of obligations outlined in this document will be at the discretion of the Council. Consideration needs to be given to a range of policy issues, site characteristics, government guidance and comments received from consultations during the development process.

1.25 In addition all cost figures set out in this document are calculated as of the date of adoption of this document and may be subject to change. Given this and the advice in paragraph 1.24 all developers are encouraged to enter into pre-application discussions.

2.0 Open Space and Recreation

Policy Background

- 2.1 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (Para. 23), states '*planning obligations should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities*'. The guidance also comments '*planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation facilities. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs*'.
- 2.2 Planning Policy Statement 3: Housing also requires local authorities to have regard to the areas open space requirements when developing housing densities.
- 2.3 Circular 05/2005 (Para. B15) justifies the use of planning obligations to seek open space and recreation facilities through planning obligations.
- 2.4 Policy HO 11 of the adopted local plan requires that
- 'New residential development should be designed and laid out to:*
- (i) Provide a high quality of built environment which is in keeping with its surroundings;*
 - (ii) Incorporate open space for both formal and informal use;*
 - (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;*
 - (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;*
 - (v) Pay due regard to existing features and ground levels on the site;*
 - (vi) Provide adequate access, parking and servicing; and*
 - (vii) Subject to the above factors, to incorporate features to assist in crime prevention."*
- 2.5 Open space provision and required maintenance will be assessed on a case by case basis. All developers / agents are strongly recommended to enter into pre-application discussions with the Local Planning Authority in this regard. Further information on maintenance requirements can be found in Appendix F.

Open Space Typologies

2.6 The term 'open space' has been broken down to the following typologies, as per the guidance in Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation:

- Parks and Gardens;
- Natural Greenspace;
- Green Corridors;
- Sports Facilities;
- Amenity Greenspace;
- Play Areas;
- Allotments;
- Cemeteries and Churchyards;

Note: Civic spaces (Public Realm) have been identified separately as this may not be transferred to the Council as open space but as adopted highway.

Thresholds

2.7 Currently, there are no minimum thresholds below which planning obligations may not be sought in connection with open space and recreation; therefore proposals will be assessed on a case-by-case basis. The size, type, location and intended uses of the development, along with existing needs, will form the basis of negotiations where open space obligations and contributions are sought.

2.8 The Council is presently producing a number of strategies in relation to open space and recreation. These include:

- Open Space Audit, which identifies current provision within the Borough.
- Proposed Green Infrastructure Strategy;
- Play Strategy, and the associated Play Area Strategy, and Strategy for the Development of Informal Sports facilities;
- Sports and Leisure Strategy 2007-2010; and
- Playing Pitch Strategy.

2.9 Once adopted, these strategies will form the basis of the standards, thresholds, and requirements concerning open space and recreation within the Borough, which will allow a standard calculation to be developed. Until

such a time, the policy of assessing each application on a case-by-case basis will continue.

Delivery

- 2.10 The presumption will be for on-site provision, unless there are clear reasons as to why this is inappropriate, or off-site provision would be of more benefit. In circumstances where the Council may agree to off site provision of open space this will be in reasonable proximity to the development site, and may be on land owned by Stockton Borough Council or other public bodies such as Town or Parish Councils and other not for profit organisations. The Council will require commuted payments for site works (for example landscape planting) and maintenance over a specified period. This is calculated on the basis of, for every 0.1 ha of land within the planning application boundary, the Council would seek a contribution of £3500 plus maintenance contributions as per appendix F.
- 2.11 Where the Council and the developer have agreed an 'on site' open space scheme as part of a planning obligation, development shall not commence until the scheme details have been submitted to, and received written approval from the Council. A comprehensive 'open space' scheme (often referred to as a 'landscape scheme') including details of hard landscape, planting and maintenance will generally be required when planning applications are submitted. The developer must also indicate on plans by what mechanism they envisage future maintenance to be delivered in which areas (for example, through transfer to the Council or management company or divided between them).
- 2.12 Where the Council and the developer have agreed an 'open space' scheme as part of a planning obligation, development shall not commence until the scheme has been submitted and received written approval from the Council. In these instances the following will be expected in an obligation, it should be noted that this is not an exhaustive list:
- In all developments no more than X% of the dwellings in the development shall be completed / occupied before the open space identified in the agreed scheme is laid out in full.
 - In exceptionally large developments open space delivery may have to be phased. In such instances the developer will agree a phasing

schedule as part of a masterplan. The open space shall be provided con-currently with the part of the development it is intended to serve and accord with other criteria identified within this paragraph.

- Areas proposed for open space shall not be occupied by compounds, storage of materials, cabins or any other structure related to the on-site construction works, nor shall they be traversed by vehicles associated with construction, deliveries or staff, unless as part of development of the open space.

Title Transfer

- 2.13 The Council will consider the title transfer of open space in perpetuity for areas which are of general benefit to the development, once these have established to an acceptable standard in accordance with approved plans. The SBC document, 'Design Guidance Notes for the Title Transfer of Open Space. - Identifies the establishment compliance monitoring procedure that must be undertaken by the developer (normally for a minimum period of 24 months, but may be varied on individual sites), prior to any transfer to the Council. Establishment maintenance includes all site maintenance operations plus watering, which must be detailed on the approved landscape plan or management plan. The Developer will be required to enter into a formal agreement with the Council for such purposes. The land is to be transferred to the Council under the terms of the 1906 Open Spaces Act unless agreed otherwise.
- 2.14 Planning consent does not indicate the Council's willingness or otherwise to accept areas of land for Title Transfer. Where the developer seeks to transfer title of land to the Council he is encouraged to agree the detailed design for the open space as part of the landscape design for the site. Failure to do so may result in the Council being unwilling to accept the land or requiring amendments that will require the developers to obtain planning consent for the revisions.
- 2.15 To assist the Council in this process the developer is encouraged to clearly identify all areas that are proposed for transfer in the future on plans submitted with the planning application.

2.16 Any open space land that the Council does not agree to accept or the developer does not wish to transfer to the Council must be subject to alternative maintenance arrangements. Details of how this is to be achieved must be submitted for approval by the Council.

Commuted sums

2.17 There are both 'Capital' and 'Revenue' commuted sums concerning open space. Commuted sums are individually identifiable by a unique reference number. The procedure for each is as follows:

- Capital: Where a capital commuted sum is received, the sum will normally be placed into a working account and transferred to the relevant department to apply the funds
- Revenue: Where revenue commuted maintenance sums are received, the funds are placed into an interest bearing account, and the interest is used solely for grounds maintenance. The Council is not required to return revenue maintenance funds back to the developer as the core funding remains intact with only the interest being spent.

2.18 Where the Council are to assume responsibility for the maintenance of either on or off-site open space or recreational provision, developers will be required to provide maintenance payments via a revenue commuted lump sum. The Council requires a commuted revenue lump sum for the equivalent of 25 years maintenance.

2.19 The calculation of the maintenance contribution will be established following the approval of the landscaping scheme; however payment of the sum is not due until immediately prior to completion of the title transfer. Since there is a time delay between these two events, RPI inflation shall be added annually for every year from the date of calculation to the transferring of the land that is required from the developer.

2.20 Circumstances may arise where long-term maintenance may be provided by a management company. In such circumstances a restrictive covenant is required to ensure the area remains in the agreed use, and a management plan is to be drawn up and agreed with the Council to ensure the open space is suitably maintained in perpetuity. The management plan will be required to

establish the details of the open space maintenance, be written to cover the site for the first 25 years and be subject to review and approval by the Council every 5 years thereafter.

3.0 Public Realm

- 3.1 In terms of national policy, one of the government's wider planning objectives, expressed in Planning Policy Statement 6:Town Centres requires the promotion of high quality and inclusive design, and for the quality of the public realm and open spaces to be improved. Circular 05/2005 provides the justification for seeking planning obligations concerning areas of public realm, in paragraphs B15, B16 and B19.

Public Realm Typology

- 3.2 In the context of Stockton-on-Tees Borough Council public realm comprises of streets, squares, interchanges, hard and soft landscaped areas, alleys, and yards where free accessible public access is provided (but does not include privately owned and maintained spaces). Public realm improvements will be required when a proposal is situated in close proximity to a civic space, which is likely to be well used by occupants of the proposed development. Where applicable public realm contributions will be sought rather than an open space contribution.
- 3.3 These spaces can be civic, residential, commercial, and community spaces which are generally, but not exclusively, within the town & district centres. These areas are usually land that is adopted highway, owned or maintained by Stockton Borough Council or other public bodies such as Town or Parish Councils and other not for profit organisations. These types of spaces shall predominately be transferred to the Council as adopted highway under the 1980's Highways Act.
- 3.4 The Council may also seek public realm contributions in prominent areas, which are identified as gateways into the town and district centres. In such instances the areas of public realm will be identified in design briefs, which will be adopted as SPDs.
- 3.5 Such spaces should not only provide the functional needs of the Council but should also seek to provide aesthetically pleasing environments for the user of the space, pedestrians and cyclist in particular. Given the historic development of the borough a number of the civic spaces have a historic context which needs to be conserved, enhanced and form the basis of public realm schemes.

Public Realm Elements

3.6 Contributing to the amenity and attractiveness of the public realm streetscape are the hard and soft landscape elements that sit within it. These elements can be defined as:

- Streetscape Materials – Paving, kerbs, decorative surfacing.
- Street Furniture – Seating, bollards, bins, cycle stands, barriers.
- Soft Landscaping – Street trees, general tree & amenity planting.
- Signage – Pedestrian signage, legibility etc...
- Lighting – Decorative, security. street lighting and or illumination of buildings and structures
- Street Scene Features -- Public Art, Water, Features, Hanging baskets, Banners etc

Manual for Streets.

3.7 Stockton Borough Council will take a flexible approach to highway design and adoption in line with Manual for Streets guidance (2007). However, this design approach may lead to street layouts which do not conform to conventional highway standards the authority is unlikely to accept maintenance and/or liability responsibilities relating to planting and other street furniture which are not are required for road safety purposes. SBC will, therefore, seek maintenance contributions:

- For landscaping associated with the residential layout that has been placed in the public realm;
- The use of surfacing materials which whilst being approved will result in higher maintenance or replacement costs;
- The installation of specialist or non standard street furniture including lighting equipment.

Threshold

3.8 All the Council's uses and users can benefit from high quality public realm and any new development within Stockton's town and district centres will increase pressure on the demand for public realm. Developers will therefore

be encouraged to provide a contribution towards public realm within the areas detailed in the typologies above.

Commuted Lump Sums

3.9 There are both 'capital' and 'revenue' commuted sums concerning public realm. And the procedure for each follows the same format as listed in the open space section 2.15.

3.10 Examples of capital works that would contribute to the public realm streetscape are listed in section 3.6 Public Realm Elements. The commuted sum for public realm elements will be calculated as follows:

- Residential (houses and large apartments) £2000 per dwelling.
- Residential (apartments with 2 bedrooms or less) £2000 per dwelling.
- Non- residential £30 per sq. metre.
- 10% of the capital cost contribution for a period of 25 years.

A threshold would apply to all developments of 7 dwellings or over or 500 square metres

3.11 Where the Council are to assume responsibility for the maintenance of public realm elements, developers will be required to provide maintenance payments via a commuted revenue lump sum to cover all elements/operations that are an improvement to the current Government guidance on adopted highway maintenance or over and above the Stockton Borough Council's Highway Design Guide. The Council requires a commuted revenue lump sum for the equivalent of 25 years maintenance.

3.12 The calculation of the maintenance contribution will be established following approval of the detailed scheme; however payment of the sum is not due until immediately prior to completion of adoption. Since there is a time delay between these two events, RPI inflation shall be added annually for every year from the date of calculation to the transferring of the land that is required from the developer.

3.13 Circumstances may arise where a management company may provide long-term maintenance, and in such circumstances the same procedure should be followed as detailed in section 2.18.

4.0 Landscape Character, Biodiversity and Geodiversity.

Policy Background

- 4.1 Circular 05/2005 provides justification for requiring planning obligations in respect of landscape, biodiversity and geodiversity.
- 4.2 Planning Policy Statement 9: Biodiversity and Geological Conservation points out that “development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design”. The policy continues, stating that “local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.”

Thresholds

- 4.3 There are no minimum thresholds below which planning obligations may not be sought in connection with schemes that contribute towards landscape character and/or deliver biodiversity schemes; therefore proposals will be assessed on a case-by-case basis.
- 4.4 Proposals will be assessed in the context of the existing local and sub-regional policy and strategy framework, including:
- Tees Valley Biodiversity Action Plan (1999);
 - Tees Valley Geodiversity Action Plan (2003);
 - the proposed Green Infrastructure Strategy and Plan.

Delivery

- 4.5 When planning new development consideration needs to be given to landscape character and biodiversity. Where conditions or other controls are not suitable or adequate for the agreed purposes planning obligations can be used to:
- Restrict development to protect existing features from damage;
 - Secure the works and long term management needed to improve an existing feature(s) – on or ‘off site’, as appropriate;
 - Secure the works and long term management needed to create new features - on or off site as appropriate, including creating and maintaining networks of natural habitats;

- Secure a contribution towards nearby landscape/and or biodiversity or geodiversity assets and their maintenance; and
 - Monitoring to ensure that environmental gain is delivered.
 - Ensure provision for access and interpretation of landscape / biodiversity / geodiversity features as appropriate.
- 4.6 Planning obligations may also contribute towards habitat creation and management of landscape features, species or habitats, or be required to integrate development into the wider landscape. Existing landscape characteristics may need to be enhanced, or in some cases it may be considered appropriate to create 'new' landscapes. Planning obligations may also contribute towards habitat creation and thus to wider biodiversity / geodiversity objectives (e.g. Local Biodiversity Action Plan targets). As part of this process developers may be required to undertake landscape character assessments or site surveys to identify wildlife, habitat or landscape features. Such information would inform the development of effective mitigation or enhancement measures. Should this process highlight significant landscape features or areas/species of biodiversity / geodiversity interest, then it is in the interests of the developer to instigate early discussions with the Council, to agree acceptable future management arrangements.
- 4.7 The Council will require planning applications that reflect and enhance landscape character, biodiversity and geodiversity within the scheme. Schemes should include management objectives of the site in terms of landscape, biodiversity and geodiversity. Where the developer is to assume responsibility for any related landscaping or wildlife schemes, rather than the Council assuming ownership through title transfer, these areas should be maintained by a specialist management company, or where appropriate be incorporated into the gardens or curtilage of adjacent properties. All site management plans must be agreed by the council prior to any work commencing on site.
- 4.8 Where landscaping or wildlife schemes are to be transferred to the Council, the Council will need accurate and specific details to base commuted sums upon.

5.0 Tees Forest

- 5.1 Policy EN11 of the adopted local plan is concerned with the Tees Forest, formerly known as the Cleveland Community Forest. This states:

“The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals as community forest. In considering applications for planning permission in the community forest area, the LPA will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the LPA will require a landscaping scheme to be agreed which makes a contribution to the community forest”.

- 5.2 Within the adopted Tees Forest Plan other facets indicated for the successful creation of a ‘community forest’ include:

- Trees & Woodland;
- Green Infrastructure;
- Green Exercise;
- Community participation; and
- Education

Thresholds

- 5.3 There are no minimum thresholds below which planning obligations may not be sought in connection with the Tees Forest for proposals within the designated area; therefore proposals are assessed on a case-by-case basis. However, there may be instances where through a landscape, wildlife or open space obligation, any Tees Forest requirement has been satisfied.

Delivery

- 5.4 Any obligation secured in connection with the Tees Forest must be related to schemes directly relating to the development site, and not be used as a commuted sum to be spent on another area.

5.5 Development is not permitted to commence until the developer has submitted and received written approval of a landscaping scheme contributing to the Tees Forest from the Council.

6.0 Highways and Transport

Policy Background

- 6.1 Circular 05/2005, (Para. B10 and B15) provides justification for seeking planning obligations related to highways and transport matters, for example improving or providing new access roads, or improving public transport links.
- 6.2 Planning Policy Guidance 13: Transport' (PPG 13) promotes accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel, especially by car. New development should be located so as to help achieve this objective.
- 6.3 PPG 13 states that obligations "may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either on their own or as part of a package of measures", and that they should be "based around securing improved accessibility to sites by all modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling". The guidance also states "the Government considers that travel plans should be submitted alongside planning applications which are likely to have significant transport implications".
- 6.4 Policy GP1 of the Stockton-on-Tees Local Plan (1997) states that all proposals for development will be assessed *'in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:*
- (iii) *The provision of satisfactory access and parking arrangements'*
- 6.5 The Council recently published 'Supplementary Planning Document 3: Parking Provision for New Developments'. This document offers guidance on appropriate levels of parking provision for different types of land use.
- 6.6 The Second Stockton-on-Tees Local Transport Plan is based around the five themes of the Central / Local Government 'Shared Priority' for transport. These are:
- Accessibility;
 - Congestion;
 - Road Safety;

- Air Quality; and
- Quality of Life.

Highways Agency

- 6.7 Developers must consider the global impact of development on the entire highway network, of which a scope should be agreed. This may include the trunk road network, which is operated by the Highways Agency. Developments that are not directly adjacent to trunk roads may still have an impact on the trunk roads. As such, development proposals should be communicated to the Highways Agency as well as the Local Highway Authority at the earliest opportunity, so that the impact on the trunk and local roads can be assessed and any mitigation identified. The trunk road network and local highway network are often inextricably linked, and where Transport Assessments are prepared, impact and mitigation on both networks should be considered coherently.

Highway Infrastructure Works

Thresholds

- 6.8 There are no minimum thresholds concerning planning obligations and highways infrastructure, therefore no types of development are exempt. Every application will be judged on a case-by-case basis. Where there is likely to be a development that has significant transport implications, a Transport Assessment (TA) should be submitted along with the planning application.
- 6.9 As a guide, the Council requires a TA to be completed and submitted with applications for developments that are:
- More than 50 residential properties;
 - Non-residential development of more than 2500m²;
 - Retail development of more than 1000m²;
 - If there is an increase in densities above that previously stated, including outline approval;
 - If, in the opinion of the Council there are special circumstances that require an assessment. Guidance should be sought at the pre-application stage by developer.

Delivery

- 6.10 Where there is a requirement to improve or construct new highway infrastructure in order to access the development in a safe and appropriate manner, then the Council as the Local Highways Authority will secure financial contributions from the developer towards the costs incurred, including environmental improvements that enhances the quality of the highway. The Council will seek, where appropriate, contributions towards environmental improvements such as enhanced pavement materials, street furniture, trees and landscaped areas, lighting and signs (including tourist information signs). The Council will also seek contributions for the provision or enhancement of public squares and spaces. Further details on environmental enhancements in the various areas of the Borough and the types of improvements are set out in the Public Realm section of this document.
- 6.11 Where Section 38 and Section 278 (S38 & S278, see box below) Agreements are entered into, the Council will require the developer to complete the highway infrastructure and environmental works as agreed, before the Council assumes ownership.
- Section 38 Agreements are applicable to new highway infrastructure works;
 - Section 278 Agreements are applicable to off site highway infrastructure works.
- 6.12 For S38 agreements, development will only be permitted to commence when the following steps have been taken:
- The developer enters into a bond with an approved surety, based on the estimated cost of the agreed works. This ensures the Council is protected should the developer default in any way with regard to the works;
 - The developer has submitted and received written approval of detailed engineering drawings by the Council;
 - The developer has paid fees covering the costs incurred by the Council in approving the engineering drawings, inspection of the works, and administration of the agreement.
- 6.13 For S38 agreements the development is not to be occupied until an engineer has issued a S.38 Part 2 'Certificate of Substantial Completion'. If the development is to be phased, certain phases of the development may be

occupied in accordance with the phasing agreement, providing the relevant highway works for that particular phase are completed.

- 6.14 Upon the issue of a Part 3 Certificate, the developer maintains responsibility for the infrastructure works for a minimum period of 12 months, after which an engineer will issue a S38 Final Certificate, providing the developer has remedied any defects identified. Following the issue of these Certificates, the Council takes over responsibility for the maintenance of the highway infrastructure and the bond is released.
- 6.15 S278 agreements differ from S38 agreements insofar as the Council design and procure the works in accordance with the terms set out in the agreement. The works are off-site, and the developer does not have any maintenance responsibilities. Any fees incurred by the Council are covered by the terms of the S278 agreement and the developer must expedite completion of remedials to satisfy adoption requirements.
- 6.16 Therefore, for S278 agreements, development will only be permitted to commence when the following steps have been taken:
- The developer enters into a bond with an approved surety, based on the estimated cost of the agreed works. This ensures the Council is protected should the developer default in any way with regard to the works;
 - The S278 agreement has been signed.
- 6.17 For S278 agreements, the relevant development will not be occupied until:
- The off -site S278 works are substantially completed.
- 6.18 In instances where a section 278 agreement is sought via a Section 106 Agreement, the Heads of terms of the relevant section 106 agreement will identify the triggers and thresholds when the works are to be undertaken and completed by, the level of contribution required and how the works will be phased. Generally the required works will need to be completed before the development is brought into use unless circumstances indicate otherwise.
- 6.19 In circumstances where a TA identifies that cumulative development in an area would require improvements to the local highway infrastructure and environmental works, the Council may consider pooling developer

contributions. Pooling contributions will avoid early developments taking all the capacity in the infrastructure, and allow the costs of providing such infrastructure to be shared proportionally between all related developments.

- 6.20 Where the highway infrastructure works include the associated provision of new trees or soft landscaping, the Council will seek a commuted maintenance payment. Such a payment will be required following the adoption of the trees, although this may not be issued at the same time as the certificate of adoption for the highway infrastructure works. The actual sum required for the maintenance will be through negotiation with the Council.

Sustainable Transport Improvements

- 6.21 The draft Planning Obligations SPD contained guidance related to seeking contributions towards sustainable transport improvements through a 'two strand' approach. This requirement has been removed from the final SPD however, the Council will explore developing policies aimed at securing contributions towards the enhancement of sustainable transport improvements within the borough.

Commuted Lump Sums

- 6.22 Section 106 of the Town and Country Planning Act 1990 allows the Council to secure funds (known as commuted lump sums) through the planning process to provide measures that assist with parking, road safety and congestion management.
- 6.23 Where provision in line with the parking standards cannot be made on or near a particular development site, the Engineer will consider if such funding could be used to introduce initiatives designed to encourage the use of other, more sustainable forms of transport. Such initiatives could typically take the form of new bus services or infrastructure, new cycle facilities or measures designed to enhance pedestrian safety.
- 6.24 The appropriateness and relevance of commuted lump sum payments will be considered in the context of the circumstances specific to each development and as local policies and strategies evolve.

Travel Plans

6.25 A travel plan is a package of site-specific initiatives aimed at improving the availability and choice of travel modes to and from a development. It may also promote practices or policies that reduce the need for travel. Travel Plans are becoming an increasingly important tool in the delivery of sustainable outcomes. They provide, together with transport assessments, the mechanism for assessing and managing access to sites. In addition, they can help improve accessibility, both to and from the site, and to local amenities and services. PPG13 states the Government considers that a travel plan should be submitted alongside planning applications

Thresholds

- 6.26 All applications for new developments that meet the criteria for a TA are expected to include a Travel Plan Framework. Such plans should be developed in line with the format set out in the Council's 'Travel Plan Framework: Guidance for Developers'.
- 6.27 If a development is to be occupied by a number of different organisations, support shall be given to an overall Travel Plan Framework for the site in question. For speculative developments, a preliminary Travel Plan Framework shall be agreed, followed by a more detailed plan (or plans, if the development is occupied by a variety of different end users) within 6 months occupation of the site using the Tees Valley Travel Plan Builder at <<<http://www.teesvalleytravelplans.co.uk>>> In all cases, a named Travel Plan Co-ordinator should be clearly identified within the Plan.
- 6.28 Where a Travel Plan is secured as a condition of planning approval, the Council will seek a financial contribution towards the cost of introducing any measures identified within the Plan, together with the cost of ongoing monitoring, through a conventional s106 agreement.

Monitoring and Maintenance

- 6.29 All submitted Travel Plans must have quantified outputs in order that their impact can be monitored effectively. These may, for example, include a reduction in single occupancy vehicle trips, or an increase in numbers of employees using public transport to travel to and from work. Dates by which

these outputs are to be met must be clearly set out within the Plan, and the Plan must be reviewed on a regular basis to ensure that its effectiveness is maximised.

6.30 The implementation and maintenance of the Travel Plan is the responsibility of the occupier.

6.31 In line with Government guidance (DfT, 2002) the council will require applicants or developers to provide funding for a term of 5 years to enable either the Council or an independent third party to monitor the travel plan, or for the developer or applicant to provide funding for an independent validation of the data using an agreed third party.

6.32 Government guidance (DfT, 2002) suggests that agreement should be made for the applicant or developer to provide funding for a term of 5 years to enable either the Council or an independent third party to monitor the travel plan, or for the developer or applicant to provide funding for an independent validation of the data using an agreed third party.

Traffic Signal Obligations

6.33 With respect to obligations concerning new traffic signal controlled junctions and / or pedestrian crossings, the developer is expected to fund all costs associated with the installation of the scheme including detailed design and site supervision.

Traffic Regulation Orders Fee

6.34 Traffic Regulation Orders (TRO) permit the Highways Authority to regulate the speed, movement, and parking of vehicles, alongside regulating pedestrian movement that is enforceable by law.

6.35 Should the highway infrastructure works result in the need for either a new or amended TRO, a fee will be required to cover the costs incurred by the Council in introducing or amending the TRO. Currently, this is £1500, although this amount is subject to inflation to account for increased costs over time; therefore developers are requested to

contact the Council's Traffic Management Department to establish the exact amount required by the Council.

7.0 Affordable Housing

Policy Background

- 7.1 Circular 05/2005 (Para. B12) states that “planning obligations can be used to secure the inclusion of an element of affordable housing in a residential or mixed –use development where there is a residential component”.
- 7.2 Planning Policy Statement 3: Housing requires that Local Development Documents “set out the expected developer contributions to facilitate the provision of affordable housing”, with the presumption that the housing will be delivered on site, facilitating the governments objectives of creating sustainable, mixed communities. The guidance also requires that policy sets out justification for off-site provision, or an equivalent financial contribution in-lieu of on site provision, providing these continue to make a contribution to the delivery of mixed communities.

Definition of Affordable Housing

- 7.3 ‘Affordable Housing’ as defined in PPS 3: *‘Housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. According to the guidance, affordable housing should:*

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices;*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision’.*

- 7.4 There are different forms of affordable housing, which are defined in the Government’s paper entitled ‘Delivering Affordable Housing’ (DCLG, 2006) which are as follows (A detailed explanation is given in Appendix B):

- Affordable Rented Homes;
- Intermediate Rented;
- Discounted Sale;

- Shared Equity; and
- Shared Ownership

Local Housing Needs Assessment

7.5 The Local Housing Needs Assessment (LHNA) recommended that 9% of all new housing development over the next five years be classed as affordable, which equates to 200 actual dwellings over the same period. However, since some smaller sites may be unable to deliver any affordable dwellings, it is recommended that overall, 15% of all new residential development is affordable. This figure is solely concerned with newly arising need, and will be updated annually.

7.6 The LHNA also includes a section on the distribution of affordable housing across seven sub-areas of Stockton-on-Tees. Figure 1 summarises the recommendations of the LHNA as to the differing needs of each sub area. For example, 21.6% of all households that are unable to afford general market housing live in Billingham, which translates to a need of 43 affordable dwellings out of the total five-year requirement of 200. Therefore, sub-areas with the highest need for affordable dwellings are Stockton, Billingham and Thornaby.

Figure 1: Suggested affordable housing distribution

Sub-area	Affordability (%)	Number
Billingham	21.6	43
Ingleby Barwick	5.0	10
Other	0.1	0
Rural Villages	1.6	3
Stockton	46.9	94
Thornaby	15.9	32
Yarm/Preston/Eaglescliffe	8.9	18
Stockton-on-Tees	100	200

Source: Local Housing Needs Assessment, Outside 2006.

7.7 The above table is included to give developers an indication as to the areas where the need for affordable dwellings is at its greatest. However, delivery of affordable schemes depends on the suitability and viability of sites that come forward, therefore the Council may pursue an affordable requirement on sites in those sub-areas where the affordability requirement is lower, to take into account the affordable housing need across the Borough as a whole.

Thresholds

- 7.8 The policy contained within the adopted Local Plan (Policy HO4) is not to be 'saved' under regulations concerning the transfer from the previous planning system to that which came into force following the 2004 Planning and Compulsory Purchase Act. National Policy contained in PPS 3:Housing states that the minimum site size threshold for seeking affordable housing is 15 dwellings, although this may be lower in some areas, where this is viable and practicable.
- 7.9 Given the advice in recent national policy, and the LHNA, the Council will actively pursue a target of 15% affordable housing on sites with 15 or more dwellings proposed.

Type and Tenure

- 7.10 In terms of tenure, the LHNA recommended that a range of accommodation should be offered, specifically Shared Equity, Shared Ownership, together with high quality Social Housing (provided through the Local Authority or Registered Social Landlords).
- 7.11 The LHNA also researched the Borough's resident's preferences concerning the type and size of affordable units. The response showed a clear preference for two and three-bedroom semi-detached dwellings, and that presently there is a significant oversupply of one bedroom properties. Developers are encouraged to enter into pre-application negotiations with the Council, concerning the quantity and tenure mix of the affordable dwellings.

Exceptions

- 7.12 The following types of residential development will not be subject to affordable housing obligations: sheltered housing, nursing homes, or student accommodation.

Delivery

- 7.13 The Council will expect the developer to provide the affordable dwellings on-site in most circumstances. This can be achieved through:
- The transfer of land from developers to a Registered Social Landlord (RSL) or similar organisation;

- The developer may sell the completed dwellings to a RSL or similar organisation; or
- The sale of units at a discount below market value.

7.14 However, there may be exceptional circumstances where the developer can demonstrate that off-site provision is more suitable. In such circumstances, the developer is encouraged to enter into early discussions with the Council to identify a suitable site.

7.15 Where the Council and developer have agreed affordable housing provision, no more than 50% of the open market housing shall be developed prior to the handover of 50% of the affordable dwellings to an RSL. The remaining 50% of the affordable housing shall be phased in a scheme agreed with the Council.

7.16 In exceptional circumstances, an agreement may be reached whereby the developer provides a commuted sum, or cash in-lieu payment as opposed to actually building out the affordable dwellings. The Council will require the developer to demonstrate why this approach should be followed. Since this would only be applicable in exceptional circumstances, the exact level of payments will be established on a site-by-site basis.

7.17 The sum for each unit will be based on the difference between the RSL purchase price and the open market value of an equivalent dwelling in the locality, and be payable before 50% of the open market dwellings have been completed on the original site. The total calculation will be based on the equivalent number of affordable dwellings that would have been required on the original development site.

7.18 Any cash in lieu payments received by the Council relating to the provision of affordable housing shall be used to deliver the Council's affordable housing requirements across the Borough, where the need and deliverability exists. Agreement will be reached between the Council and developer over the period of time within which the funds must be spent, before the payee becomes eligible for their return, with interest.

7.19 The Council actively encourages that on-site affordable dwellings shall be mixed into the open market dwellings to generate a mixed community. This

'pepper potting' should also ensure the affordable dwellings are integrated with the overall design of the development. There may be exceptions to the rule however, for instance where 'pepper potting' would cause management difficulties.

- 7.20 Where the developer has agreed to transfer part of a site to an RSL or to the Council to hold for an RSL, services shall be built out to the edge of the affordable site by the developer. In these circumstances, the developer shall not complete in excess of 25% of the open market dwellings prior to the land transfer.
- 7.21 Planning obligations shall also ensure that the conditions over the future occupancy of the affordable dwellings are retained, preferably through a handover to a RSL.

8.0 Employment and Training

Policy Background

- 8.1 Circular 05/2005 supports local planning authorities seeking planning obligations that contribute towards employment and training, arising from a proposed development.
- 8.2 In all cases, any planning obligations related to employment and training must not contravene other legislation, for instance equal opportunities legislation. Developers are therefore advised to refer to the Local Government Best Value Order 2001, which is concerned with the recruitment of a local workforce.
- 8.3 Stockton Borough Council's Community Strategy lists as one of its five key improvement priorities Economic Regeneration and Transport, which seeks to bring more people in to employment. This will be achieved by improving the employment and skills opportunities for local people. The strategy aims to "maximise local employment and training through regeneration and public procurement".
- 8.4 Promoting local employment and training opportunities in construction to the long term unemployed and young people of the Borough of Stockton on Tees have important benefits. This offers the chance for individuals to develop new and existing skills, thereby enhancing the skill base and economic benefits of the area especially in sectors that are experiencing a shortage of skilled and qualified labour. This will help to achieve long-term sustainable benefits for local communities that will help address social exclusion. Such an approach also contributes to sustainable development and environmental considerations, in reducing transport and the resulting pollution impacts of long distance commuter travel.

Thresholds

- 8.5 The Council expects that a minimum of 10% of the total labour supply for the construction of commercial developments in excess of 1000 sq metres, or residential developments of 10 dwellings or more, will be met by new entrant

trainees as agreed with the Council's Labour Market Co-ordinator, or another agency named by him / her.

- 8.6 The Council expects that the developer will use all reasonable endeavours to maximise job and training opportunities for residents of Stockton-on-Tees especially those that are not currently in work, in both the construction and the end use of the development. However, the Council expects a minimum of 10% of the workforce required to complete all of the works is to be delivered by new entrant trainees.

Delivery

- 8.7 Should a developer already provide an accredited training scheme, then it may be appropriate to reduce or waive the requirements outlined above. In these circumstances, it is the developers/applicants responsibility to provide documentary evidence that this is the case.
- 8.8 The Council will also seek to secure employment and training schemes other than within the construction sector. For example, there may be circumstances when opportunities exist to provide training for the end user of the proposed development.
- 8.9 In all circumstances, the contributions from the developer will be related to the scale and size to the proposed development. The requirement for end user training will not apply to residential development.
- 8.10 In return for the services provided by the Labour Market Co-ordinator, developers would be expected to make a contribution of between **0.5% and up to 1%** of the capital costs. Where development schemes have been subject to a planning obligation concerning employment and training, developers should contact the Council's Labour Market Co-ordinator on 01642 526184 for further details.

9.0 Education

Policy Background

- 9.1 Circular 05/2005 (paragraph B15) provides justification for seeking contributions concerning education facilities.
- 9.2 The Council has a statutory duty to ensure that sufficient school places are available to meet the needs of pupils resident in the Borough. This requires capital investment that is not fully supported by government allocations. In these circumstances it is reasonable to expect a developer to contribute to meeting those costs.
- 9.3 Planning obligations relating to education will be applied solely to residential development, and only be applied if as a result of a residential development, the number of extra pupil places generated is in excess of the existing school capacity. The pupil capacity of each school is assessed in accordance with the DfES net capacity measure introduced in 2002.

Delivery

- 9.4 The number of pupils on roll at each school is recorded annually at a census taken in January. This information is used by the Tees Valley Joint Strategy Unit (JSU) to prepare projections of future pupil numbers for each school. The projections and capacity data are published annually on the Council website in the School Organisation Plan. The Plan also indicates in general terms whether the Council intends to increase or reduce the supply of school places in response to demographic trends in particular areas of the Borough.
- 9.5 Information within the School Organisation Plan provides background information that may be used by developers to gain an early indication of the likely education contribution. However, the information must be taken with caution, since individual school populations vary from year to year, and cannot be predicted with certainty. As such, it is possible that vacant school places predicted at an earlier stage may no longer exist by the commencement of any given development.

- 9.6 The following types of residential development will be exempt from education obligations: sheltered housing, student accommodation, care homes, one-bedroom dwellings, two bedroom apartments, studio flats, and residential homes for the elderly.
- 9.7 Education obligations will usually consist of a financial contribution for the provision of off-site facilities. However, there may be exceptional instances where major residential development results in the need for new on-site educational facilities.
- 9.8 If the available data indicates a likely shortfall in school places around a proposed housing development, the Council would seek to agree the terms of a planning obligation with the developers at the point when an application for outline planning permission is made.
- 9.9 At that stage the exact timescale for development and the final number of homes of each type may not be known. This makes it impossible for the Council to estimate with any accuracy at that stage whether (or how many) additional school places may be required in relation to any planned development. For this reason, the agreement would not specify an exact sum to be paid by a developer. Instead it would stipulate:
- The formula to be used for calculating contributions;
 - The scheduling of payment in relation to the development (to ensure that new facilities will be provided in advance of need);
 - The apportionment of other costs. (e.g. legal costs for drawing up the agreement).
- 9.10 Appendix C provides an example of the formulae to be used by the Council for calculating education contributions.

Pooling Contributions

- 9.11 In areas where there may be more than one potential development site, the extra school places created by the initial development may be served by existing spare capacity in the school(s). This may place a greater burden on subsequent development within the same area. Therefore, when considering developer contributions, the Council may look at sites over a certain timescale

to ensure the costs of education contributions are shared proportionally between all related developments.

10.0 Community Facilities

Policy Background

10.1 Circular 05/2005 provides the justification for seeking planning obligations in respect of community facilities.

Delivery

10.2 New residential development can often place a demand on the existing community facilities within the locality. Whereas some facilities are able to adequately cater for any increased need resulting from a development, others may be unable to do so. In these circumstances, a developer should remedy the situation by either providing services “in kind” or through a commuted sum.

10.3 The focus for contributions secured through obligations will be to improve the existing facilities, rather than providing on site provision, unless the scale of the development warrants otherwise. The term community facilities covers a range of facilities, some examples of which are listed below:

- Libraries;
- Day Care Facilities;
- Adult Education /Lifelong Learning;
- Crèche Facilities;
- Young People Centres;
- Community meeting halls / rooms;
- Museums and Archives;
- Crematorium / Burial Grounds;
- Waste Management.
- Leisure, Arts and Cultural Facilities

Thresholds

10.4 Each development will be assessed on a case-by-case basis, with the following principles applied when determining whether development proposals shall be subject to planning obligations:

- Development that generates a new or significantly larger population may require the provision of new facilities;
- Where the development does not require the provision of new facilities, existing facilities may require improvement or extending; and
- Development in an area where existing facilities are at/ near capacity may require such facilities to be improved and / or extended.

Library Facilities

- 10.5 The Council is required to meet the Department for Culture, Media and Sports (DCMS) Public Library Standards. Currently, Stockton Borough Council meets nine out of the ten standards although the development of new housing within the Borough increases the strain on resources of the Council's Library Services. Appendix D provides details on the calculation that will be used when dealing with contributions to Library facilities in respect of planning obligations.
- 10.6 Contributions secured through planning obligations in respect of Library facilities will be spent either on the provision of new library books or other information materials, or improving facilities at the nearest public library to the development.

Waste Management and Recycling

- 10.7 The Council has drawn up guidance for developers concerning the provision of on site waste and recycling facilities for residential development. Appendix E provides details of the requirements of different housing types, together with the requirements of different site sizes. Agreement will also need to be reached between the developer and the Council on a management plan for any waste management scheme secured through a planning obligation.
- 10.8 Where such waste management and recycling requirements are unable to be provided on site, the developer will be required to make a contribution to enable such facilities to be provided off site.

11.0 Community Safety

Policy Background

- 11.1 Planning Policy Statement 1: Delivering Sustainable Development states that “Planning should facilitate and promote sustainable and inclusive patterns of development by ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community”.
- 11.2 The Crime and Disorder Act 1998 section 17 imposes a statutory obligation on Local Authorities to “exercise its functions with due regard to...the need to do all it reasonably can to prevent crime and disorder in its area”.
- 11.3 The Adopted Local Plan (1997) contains two policies which refer to community safety. Policy GP 1 states:
- “Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:
- (vi) The desire to reduce opportunities for crime”
- 11.4 Policy HO 11 of the Local Plan states:
- “New residential development should be designed and laid out to:
- i. provide a high quality of built environment which is in keeping with its surroundings;
 - ii. Incorporate open space for both formal and informal use;
 - iii. Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
 - iv. Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
 - v. Pay due regard to existing features and ground levels on the site;
 - vi. Provide adequate access, parking and servicing;
 - vii. Subject to the above factors, to incorporate features to assist in crime prevention.”

Thresholds

11.5 In the context of the above policies, there are no minimum thresholds below which community safety obligations will not be required, although where obligations are sought the Council is required to demonstrate the proposed development would generate the requirement for essential infrastructure of this nature.

Delivery

11.6 The design and layout of a development may not always be sufficient to achieve satisfactory safety and crime prevention measures, for either community safety purposes or for the security of the site itself.

11.7 Therefore, contributions may be sought from developers to fund the provision of additional crime prevention infrastructure. An example of this may include the installation and networking of CCTV. The levels of provision and or contributions sought will be dependent on the size and type of proposed development. Negotiations will be based on the information provided within this document, advice given by the Police Architectural Liaison Officer, and Secured By Design principles.

11.8 Examples of the types of community safety infrastructure that developers may be expected to contribute to include:

- CCTV;
- Secured By Design measures;
- Lighting;
- Local Police Base.

Maintenance

11.9 Where community safety infrastructure is provided, the Council will seek to secure the relevant maintenance costs, to cover an agreed period. This may be applicable to instances where CCTV is required, and the developer is requested to contact the Councils Neighbourhood Safety Officer at the earliest opportunity for further guidance on associated costs.

12.0 Public Art

Policy Background

- 12.1 'Planning Policy Statement 1: Delivering Sustainable Development' identifies the need for Local Planning Authorities to "plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes".
- 12.2 Other background information on the importance of the public realm and design is provided in the Urban Design Compendium (English Partnerships and Housing Corporation, 2000) and By Design (CABE, 2000).
- 12.3 Public art, integrated with buildings and landscape, is an important cultural asset that can enhance and enliven the local environment. In more historic settings public art can also be used to enhance the appearance of conservation areas and listed buildings and also to celebrate the history of that area. Public art should be commissioned and designed by artists for particular buildings or sites, which are accessible to the public. It can take a wide variety of forms in public locations, such as paintings, sculpture, murals, memorials, street furniture, lighting and facilities for performance arts or cultural events.

Threshold

- 12.4 There are no minimum thresholds for public art, therefore where Developers submit applications for major developments, they will be encouraged to provide a contribution towards the provision of public art related to the development.

Delivery

- 12.5 The Council uses a principle called 'Percent for Art'. 'Percent for Art' is an internationally used funding mechanism for the commissioning of public art. The Arts Council of England endorsed 'Percent for Art' in 1988 as an important means to integrate the work of artists into planned development of public space. The Council is interpreting this principle as 1% as a fixed figure from the average building cost per residential dwelling (ie basic building plus

fixtures). For non-residential development, the % will be applied to the average construction costs of a basic building.

- 12.6 Public art can be permanent or temporary work, inside or outside a building, as an integral part of a building, or freestanding in an open space. It must be either incorporated within the development site or placed near to the development.
- 12.7 Where public art is required, it should be considered as part of the design process and incorporated into the submitted planning application. The public art would then be secured by condition and a commuted sum agreed for future maintenance.

APPENDICES

Appendix A

Definitions of Affordable Housing

Taken from 'Delivering Affordable Housing', Communities and Local Government, 2006.

Social Rented Housing

Normally, only households on local authority and RSL registers are eligible for social rented housing. Rents are set by a national rent regime; are well below market levels; and are normally based on relative property values, local earning levels and property size.

When a household ceases to occupy a social rented home, it is normally made available to other households eligible for social rented housing. Social rented homes are normally owned and / or managed by a RSL (or other body agreed by Housing Corporation), and will be required by regulation or contract to meet the criteria.

Some tenants have the legal right to purchase at a discount the social rented home in which they live, e.g. RSL tenants with a Right to Acquire (RSL tenants) or Local Authority tenants with Right to Buy. Where these rights are exercised the home itself ceases to be affordable, though procedures are in place to reuse receipts. Receipts from Right to Acquire sales are recycled to provide more social rented housing to help other eligible households. Receipts from Right to Buy are partly (25%) retained by the local authority for use however the authority chooses; the remainder (75%) is kept by the Government to be reinvested in new supply.

Local authority homes which are let in connection with the tenant's employment, or are particularly suitable for occupation by disabled or elderly persons are exempt from Right to Buy. Publicly funded housing in small rural settlements is exempt from Right to Acquire, as replacing them with other affordable homes would be extremely difficult. (It is not exempt from Right to Buy, but the landlord may require that properties sold under that scheme can only be resold to people who live or work locally.) Landlords will also usually have a right of first refusal to buy back any homes sold under the Right to Acquire and Right to Buy, if they are resold within 10 years.

Intermediate Affordable Housing.

These are types of housing between market and social rented housing. They include the following:

Intermediate Rented Homes - Provided at rent levels above those of social rented but below private rented. The Government offers these to some key workers who do not wish to buy.

Discounted Sale Homes– These homes have a simple discount for the purchaser on its market price, so the purchaser buys the whole home at a reduced rate.

Shared equity – Where more than one party has an interest in the value of the home e.g. an equity loan arrangement or a shared ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.

Shared ownership – Form of shared equity under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder and may charge a rent. The purchaser may buy additional shares (staircasing) and this payment should be recycled for more affordable housing. In most cases, a purchaser may buy the final share (staircase out) and own the whole home, though this may be restricted in some rural areas.

Appendix B

Example Formula for calculating developer contributions - Education.

Stockton-on-Tees Borough Council uses the DfES guidance on space requirements and local building costs.

Primary school place = 5sq metres.

Local building costs (2006) = £1600 per sq metre.

Cost per Primary School place = $1600 \times 5 = £8000$

Secondary School place = 8.1 sq metres

Local building costs = £1600 per sq metre.

Cost per Secondary School place = $1600 \times 8.1 = £12960$

(Any agreement would be subject to index linking in accordance with the Tender Index published by the Building Cost Information Service)

Historical child yield factor (supplied by the JSU).

Average child yield per family home (2 or more bedrooms):

Primary = 0.26

Secondary = 0.20

Cost per place

Current values:

Primary = $0.26 \times £8000 = £2080$

Secondary = $0.20 \times £12960 = £2592$

Maximum total per dwelling if no vacant places existed in schools within the area (index linked) = £4672

Final stage

Agreed Contribution – discount for every vacant place in neighbouring schools

- Subtract from the agreed contribution a discount for every vacant place in neighbouring schools at the time of the last annual school census before the commencement of the development.
- Must specify the particular schools, and discount would be at the full cost per place rate

Appendix C

Example Formula for calculating developer contributions - Libraries

Basis of Calculation

The calculation will be based on the following information:

- Average number of persons per dwelling on a ward basis. This information is taken from the Joint Strategy Unit Ward Data.
- The Stockton requirement for net library floor-space per 1000 population
- The provision cost per m² of library floor-space.

The average number of persons per dwelling in Stockton is 2.35 on a ward basis is set out below (Figures from the Joint Strategy Unit):

Ward	Avg. number of people per household	Ward	Avg. number of people per household
Billingham Central	2.17	Mandale and Victoria	2.22
Billingham East	2.27	Newtown	2.23
Billingham North	2.52	Northern Parishes	2.44
Billingham South	2.36	Norton North	2.13
Billingham West	2.35	Norton South	2.44
Bishopsgarth and Elm Tree	2.36	Norton West	2.30
Eaglescliffe	2.43	Parkfield and Oxbridge	2.11
Fairfield	2.41	Roseworth	2.45
Grangefield	2.57	Stainsby Hill	2.39
Hardwick	2.14	Stockton Town Centre	1.83
Hartburn	2.44	Village	2.22
Ingleby Barwick East	2.72	Western Parishes	2.47
Ingleby Barwick West	3.01	Yarm	2.37
Stockton			2.35

The International Federation of Library Associations recommends a standard of 42m² of library accommodation per 1000 population, Stockton uses this figure.

The cost of provision per m² for library floor-space within Stockton is £2700.

In all cases the calculation is to be based upon the net increase in population.

The following is an example:

Proposal for 40 dwellings in Billingham North

Number of persons generated	40×2.52	= 100.8
Requirement per 1000 population		= 42 m ²
Cost of provision per 1000 population		= £2700
Cost of provision per 1000 population		= £113,400
Therefore cost of provision per person		= £113.40
Contribution for 100.8 persons		
	$(£113.40 \times 100.8)$	= £11430.72

The contribution would be subject to index linking as set out elsewhere in the document.

Contributions secured through Planning Agreements will be spent on one or both of the following:

- The provision of new library books
- Improvement works to the nearest public library to the development

Appendix D – Waste Management & Recycling

The following schedule is intended to act as a general guide only. There will be circumstances where these guidelines do not apply and where a local solution will need to be agreed upon with the developer. Advice should be sought from the Waste Management Section in these instances.

Housing Types

Housing Type	Requirement
Detached house/bungalow Semi-detached house/bungalow Terraced property (with garden) Flats with ground floor access	240 litre wheeled bin 55 litre recycling box 45 litre reusable recycling bag Storage unit for the above 3 items and space for garden waste container equivalent to 240 litre wheeled bin 330 litre composter (made from recycled plastic) Access large enough between garden and collection point to allow the movement/wheeling of container(s)
As above but without garden(s)	240 litre wheeled bin 55 litre recycling box 45 litre reusable recycling bag Storage unit for the above 3 items Access per above
Terraced property	240 litre wheeled bin 55 litre recycling box 45 litre reusable recycling bag Storage unit for the above 3 items and space for garden waste container equivalent to 240 litre wheeled bin Access large enough between garden and collection point to allow the movement/wheeling of container(s)
Terraced property in Alleygate scheme	3 x 1100 litre wheeled recycling containers (glass/cans/paper) secured to secure lockable frame within alley area. (This assumes houses will already have refuse containers and recycling boxes)
Low-Rise Flats (with communal bin area)	3 x 1100 litre wheeled recycling containers (glass/cans/paper) secured to secure lockable frame in a secure area OR, 55 litre boxes and 45 litre reusable recycling bags

	for paper issued to each property if acceptable to residents.
Medium-Rise Flats (with communal bin area)	3 x 1100 litre wheeled recycling containers (glass/cans/paper) secured to secure lockable frame in a secure area or adj. to bin room. 45 litre reusable recycling bags for paper issued to each property.
High-Rise Flats (with refuse chutes)	Eco 6 Eco-Island Underground Recycling Unit or equivalent sited at convenient location, which could include containers for waste as well as recyclables OR 3* x 1100 litre wheeled recycling containers (glass/cans/paper) secured to secure lockable frame either within bin room or in secure external area. *more containers could be provided depending on demand 45 litre reusable recycling bags for paper issued to each property
New Development as a whole (more than 50 properties)	Eco 6 Eco-Island Underground Recycling Unit or equivalent sited at convenient location to accept domestic waste as well as recyclables
Sheltered Housing/Care Homes	3 x 1100 litre wheeled recycling containers (glass/cans/paper) secured to secure lockable frame in a secure area or adj. to bin room. 45 litre reusable recycling bags for paper issued to each property.

NB. It is likely that the standard issue 240 litre wheeled bin will be replaced by a smaller 140 litre wheeled bin as and when Cabinet approve a range of waste management policy amendments.

Size of Development

At the planning application stage, developments will be set out via drawings, Planning and Design Statements. These will advise the total number of residential properties and the types of each as well as a range of other issues e.g. street furniture, road/path layouts etc.

It would be helpful therefore, to indicate the type of recycling facilities required in relation to the size of development. The table above relates to housing types rather than volumes of properties.

Development Type	Requirement
Semi-detached housing – up to 50 properties	Individual recycling and waste containers as above
Detached housing – up to 50 properties	Individual recycling and waste containers as above
Terraced housing – up to 50 properties	Individual recycling and waste containers as above
Semi-detached housing – more than 50 properties	Communal recycling & waste facility - Eco Island 6 Unit or equivalent
Detached housing – more than 50 properties	Communal recycling & waste facility - Eco Island 6 Unit or equivalent
Terraced housing – more than 50 properties	Communal recycling & waste facility - Eco Island 6 Unit or equivalent
Flats	Per above recommendations

Appendix E – Open Space.

COMMUTED LUMP SUM SAMPLE

Site Name / Developer

(Calculated : day/month/year)

Item	Operation	Area	Occ.	Rate	Total per annum £	Total (x25yrs)
1.1	Hedge maintenance (top & 2 sides)	lin.m ¹	2	£0.99		
1.2	Clear hedge base	lin.m	6	£0.024		
1.3	Herbicide shrub beds	sq.m	6	£0.042		
1.4	Prune shrub beds	sq.m	2	£0.81		
1.5	Spray immature Tree blocks	sq.m	3	£0.042		
1.6	Litter Pick (all tree blocks)	sq.m	12	£0.10 (per 100sq.m)		
1.7	Cut Grass gang units (incl. Sports pitches).	sq.m	16	£0.42 (per 100sq.m)		
	Cut Grass 213 triple.		16	£0.48 (per 100sq.m)		
	Grass Mow boxed off 18 – 24 inch rotary		16	£4.50 (per 100sq.m)		
1.8	MRS & Mark soccer pitch	No.	1	£72.21		
1.9	Overmark soccer pitch	No.	24	£8.56		
1.10	Grass spike	sq.m	2	£0.18 (per 100sq.m)		
1.11	Grass spike goal mouths	sq.m	5	£3.26 (per 100sq.m)		
1.12	Grass reinstatement	sq.m	1	£47.07 (per 100sq.m)		
1.13	Sweep non adopted paths & tarmac (not incl. Play areas)	sq.m	12	£0.01296		

¹ Linear metre.

Item	Operation	Area	Occ.	Rate	Total per annum £	Total (x25yrs)
1.14	Kerb edging	lin.m	1	£0.10		
1.15	weed fenceline (incl. Play area)	lin.m	6	£0.03		
1.16	Remove litter from fence line	lin.m	12	£0.04		
1.17	Litter Pick (grass)	sq.m	36	£0.10 (per 100sq.m)		
1.18	Thin immature tree blocks	sq.m	5 yr. cycle	£500.00 (per 1000 sq.m)		
1.19	Flail cut	sq.m	1	£1.92 (per 100sq.m)		
	Flail cut & bale	sq.m	1	£ 9.55 (per 100sq.m)		
		sq.m		£1000.00 per day below 1Ha.		
1.20	Strim & remove arisings (embankments not including by streams – for stream embankments rate on request)	sq.m	2	£0.95		
1.21	Inspection of trees	No.		£5.00 per tree per annum		
1.22	Works to mature trees	No.		£45.00 per tree per annum		
1.23	Remove stake / tree tie	No.	1off	£2.50		
1.24	Remove temporary fencing	Lin.m	1off	£143.22 per 100lin.m		
1.25	Collection from rubbish bins	No.	52 (once per week)	£2.00 per bin		
1.26	Collection from dog bins	No.	52 (once per week)	£3.00 per bin		
1.27	Play area visual inspections	48no.	1 hr	£25.00 per hour		

Item	Operation	Area	Occ.	Rate	Total per annum £	Total (x25yrs)
1.28	Play area detailed inspections	4no.	Quarterly inspections 2hrs	£50.00 per hour		
1.29	Insurance Inspections	Annual	Insurance Inspections	£65.00 per occasion		
	ROSPA Inspection	Annual		£54.00		
1.30	Play area sweeping	5 visits per week	1hr per visit	£25.00 per hour		
1.31	Play area maintenance	Item		10% of capital installation cost		
1.32	CCTV monitoring costs	No.	(See note 2 below)		£12647.25	
1.33	CCTV maintenance costs			10% of capital costs		
1.34	Artwork features			10% of capital cost		
1.35	Clearance of fly tipping / vandalism / replanting	Item		10 – 20% of the annual cost dependant on area & materials design.		
Commuted Lump Sum Total						

Items 1.20 – 1.21 & 1.27, 1.31 – 1.35 incl. - nominal figure/ provisional sums

Notes –

- 1) The figures given above are subject to inflation, therefore annually the figure shall increase by RPI inflation and every year thereafter until conveyancing completion
- 2) CCTV calculated on an average of 3hrs. 20mins monitoring @ £10.50 per hour for 365 days per year.
- 3) The developer shall be responsible for all maintenance of the site until title transfer completion.
- 4) Transfer subject to the agreement of the Corporate Director of Development & Neighbourhood Services.
- 5) The Council does not agree to accept maintenance responsibility for any boundary fences, or any structures unless by prior agreement, nor any maintenance responsibility for any underground or overground services that traverse the site.
- 6) Inspections and maintenance rates for Informal sports facilities shall be the same as per play areas.
- 7) The above calculation is for illustration purposes only. If no rate is provided for a required site operation please contact Stockton Borough Council and a rate shall be provided on request.

Appendix F - Street Trees: Formula For Contributions.

The highway layout embraces design principles which follow the recently released Manual for Streets (MfS). SBC are currently assessing the impact the manual has on its current Highway Guidance (Design Guide and Specification for Residential Industrial Estate Development Current Edition) with the aim of revising our current guidance to take account of current best practice design.

Until our guidance has been revised all current applications that follow MfS principles have to be assessed on a case by case basis.

Trees and Soft Landscaping in Adopted Highway

All highway infrastructure including roads, footways, drainage and verges will generally be adopted on satisfactory completion of the maintenance period without charge. In the case of trees and soft landscaping in excess of the areas of highway grass verge a commuted sum covering maintenance costs over and above those which may normally be encountered will be required.

Activities and costs are based on likely date adoption of Highways which could be within 12 months of completion of development therefore all figures quoted assume that highway planting has received 1 full year's maintenance prior to adoption. Figures to be increased or decreased pro-rata based on date of adoption.

Tree Establishment Maintenance

Costs are based on trees being planted at a stock size of 20 - 25cm girth, Rootballed stock type, triple staked with wire tree guard

Watering of individual trees at 15 occasions per season (approx weekly May to August) for the second and third season at £5 per tree per occasion

Mulching of individual trees on 2 occasions per season for 3 seasons at £10 per tree per occasion.

Maintenance and removal of stakes and temporary tree guards to trees in grass in year 3 at £15 per tree.

Long Term management

Following establishment, maintenance inspections of trees on the development site will be necessary at 3 yearly intervals for a 25 year period. Inspections rate for this would be £100 per visit. (Maximum 8 No Visits)

Management including crown lifting and possible 'feathering' of any basal growth, 5 occasions per tree over the 25 year period at a rate of £30 per tree.

Surfaced Tree Pits

Where trees are to be planted in adopted hard surfacing the tree shall be placed in an appropriate tree grill / porous resin surrounds and protected by metal tree guards Detail to be agreed with SBC. These features shall have a minimum design life of 25 years. Should the items have a shorter life expectancy the Council will require commuted lump sums to cover replacement of these features for a 25 year period to ensure that failure of the street furniture does not compromise road safety. This clause shall apply equally to any street furniture which is to be placed in the highway.

Shrub Planting

It is assumed for the purposes of this application that no shrubs are to be planted on highway land as any shrub planting on Highway land will be subject to maintenance by the Council and therefore payment for maintenance will be by agreement of commuted lump sums in accordance with Parks and Green Spaces Sample commuted Lump Sum calculation.

Any planting on Highway Verges shall not exceed 60cm in height on maturity and shall be planted in accordance with standard SBC specification (to be provided by SBC as part of the Detailed Planning application consultation process or Reserved Matters Application).