

DELEGATED

AGENDA NO
PLANNING COMMITTEE

10 JULY 2013

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

13/0883/FUL

Recreation Ground, Durham Road, Stockton-on-Tees

Change of use of land from open space to cemetery for extension to existing cemetery with the creation of new vehicular access.

Expiry Date: 23 July 2013

SUMMARY

Planning permission is sought for the change of use of an area of open space to provide an extension to the existing Durham Road cemetery and a new "one way" vehicular entrance will be provided.

Twenty letters of objection have been received from neighbouring properties, with the main concerns relating to the loss of open space, impact on the school and nursery and the highway safety

The proposed scheme accords with National Policy, however it is contrary to the Adopted Core Strategy policy CS6 (community facilities) and saved local plan policy REC1 which seek to retain and enhance open space, recreation and sports facilities unless an alternative provision of equivalent community benefit is made available, or the land is not required to satisfy known local needs.

The Council have undertaken an assessment of the remaining life expectancy of the cemeteries in the Borough and have identified that the Durham Road cemetery has less than two years left before the cemetery is full. The proposed extension to the cemetery would provide approximately 27 years of burial space for Stockton.

It is considered that the significant need for this site as a cemetery and the availability of significant alternative open space areas nearby as a material planning consideration outweighs local planning policy and indicates the application should not be determined in accordance with the Development Plan in this instance.

RECOMMENDATION

That planning application 13/0883/FUL be approved subject to the following conditions and informatives;

01. Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>UDN1121-001</i>	<i>12 April 2013</i>
<i>UDN2073-002</i>	<i>12 April 2013</i>

UDN1121_003
UDN1121-004

12 April 2013
12 April 2013

Reason: To define the consent.

02 Controlled Waters

All burials in the cemetery shall be:

- *a minimum of 50m from potable groundwater supply source;*
- *a minimum of 30m from a water course or spring;*
- *a minimum of 10m distance from field drains;*
- *a minimum of 1m of clay (or other subsoil) cover should be located below the base of the burial;*
- *no burial into standing water; and*
- *no land drainage in the areas used for burials including surface water drains.*

Reason: To protect the quality of controlled waters in the local area.

03 Means of Enclosure

A screen wall/fence shall be provided to the north and western boundaries of the Children's Day Nursery, in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is operational.

Reason: In the interests of the protecting the amenity of the nursery.

04 Landscaping

No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following commencement of the development and the land shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity and to provide adequate screening to neighbouring properties.

05 Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a scheme for the protection of trees BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.5 and NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007 has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

INFORMATIVES

The Local Planning Authority have implemented the requirements of the National Planning Policy Framework

Informative from the Environment Agency

Groundwater - Advice to applicant

We would like to refer the applicant/enquirer to our groundwater policies in Groundwater Protection: Principles and Practice (consultation draft 2011 - final version due July 2012), available from our website. This sets out our position for a wide range of activities and developments including Cemetery developments and Drainage

Informative from Natural England

The application may provide opportunities to incorporate features into the design, which are beneficial to wildlife, and the applicant should consider the incorporation of roosting opportunities for bats or the installation of bird nest boxes to enhance the biodiversity of the site.

Informative from Cleveland Police

Any shrubbery/hedges that are to be planted should be of a species that will not readily grow above 1metre in height. Any newly planted trees or existing trees should not have a tree canopy that is less than 2metres from the ground and should be maintained in the future to this level. Ensure footpaths have a minimum of 1 m clearance either side on the verges from shrubbery and trees. An open and bright place not only reduces the number of potential hiding places of potential offenders, but also reduces the fear of crime.

SITE AND SURROUNDINGS

1. The application site is an area of open space located south of the existing Durham Road cemetery.
2. To the west of the site is Oaktree Primary School separated by a public footpath and to the south is Studley Road. To the east of the site is Cheeky Monkees Day nursery and beyond that the main Durham Road.
3. Pedestrian access is provided through the southern end of the site linking Durham Road with Greens Lane.

PROPOSAL

4. Planning permission is sought for the change of use of open space to provide an extension to the existing Durham Road cemetery.
5. The Council have undertaken an assessment of the remaining life expectancy of the Cemeteries in the Borough and have identified that the Durham Road Cemetery has less than 2 years left before the cemetery is full. This extension would provide approximately 27 years of additional burial space for Stockton.
6. The proposed extended area will be divided into four burial areas separated by access roads/paths.

7. Access (entrance only) will be taken from Durham Road to the north of the existing children's day nursery and 10 car parking spaces will be provided adjacent to this entrance. A gated pedestrian access will also be provided. The existing vehicular access into the main cemetery area will remain a two-way access.
8. The internal roads will allow vehicular circulation around the extended site with narrower access roads provided between the four burial areas. Two points of entry will be created into the original cemetery area.
9. The pedestrian access will be retained to the south of the site and separated from the new cemetery by 1.2 metre high loop top railings.
10. Additional landscaping and planting will be provided to the southern, eastern and western boundaries.

CONSULTATIONS

11. The following Consultees were notified and comments received are set out below:-

12. Spatial Plans Manager

The adopted Development Plan: On 22 March 2013 the Secretary of State laid in Parliament a statutory instrument to revoke the Regional Strategy for the North East, this came into force on 15 April 2013. The Regional Strategy no longer forms part of the Development Plan for the Borough. The Development Plan currently comprises Stockton-on-Tees Local Plan 1997 (Saved Policies); - Stockton-on-Tees Local Plan Alteration Number One 2006 (Saved Policies); - Stockton-on-Tees Core Strategy DPD 2010 and Tees Valley Joint Minerals and Waste LDD (September 2011)

The following Local Plan (saved) and Core Strategy policies will be material in the determination of the application:

Local Plan Policy REC1- Outdoor Playing Space

Core Strategy: • CS3- Sustainable Living & Climate Change; • CS6- Provision of Facilities and CS10- Environmental Protection and Enhancement

The following section elaborates upon the main policy considerations.

Provision of Facilities: The National Planning Policy Framework (paragraph 74) states 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

In Stockton's case, the assessment referred to in the NPPF is the PPG17 Assessment, which forms Appendix 6 of the Open Space, Recreation and Landscaping SPD. This is enshrined in point 3 of adopted Core Strategy policy CS6 'Community Facilities' which states at point 3 that 'The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.' The SPD does not identify any land that is surplus to requirements and sets out that where provision is well above the minimum standard for a particular type of space, land should be considered for providing a different type of open space where the standard is not yet met rather than being developed for alternative uses. The proposal does not seek to reduce the level of open space within the Borough; it seeks to convert an area of land identified within the open space audit as amenity open space to another typology of open space. Therefore, the proposal is not contrary to paragraph 74 of the NPPF.

The Council identified the site as an extension to the Durham Road Cemetery within Policy PF2 of the Regeneration and Environment LDD preferred options which were consulted upon in summer 2012. The reasoned justification for this policy states 'The Cemeteries 5

Year Improvement Plan 2005 identifies that there is significant need for the provision of new burial space in some areas of the Borough. This problem is very significant in Stockton where the supply of burial space is to become problematic in the next few years. Since the Issues and Options Stage, the PPG17 assessment has been undertaken. The Assessment identifies the potential cemetery expansion site as an amenity greenspace, a type of space for which the standard is not yet met in the area concerned. However, due to the level of need for cemetery space in Stockton it is felt to be appropriate to use this site for cemetery space.' The Council undertook an update to the PPG17 assessment in 2012 which identified that West Stockton now meets the quantity standard for amenity open space. However, loss of the space as amenity open space may impact on the number of households within the proximity standard for amenity open space which is a consideration under Core Strategy policy CS6(3). The site is also identified as Outdoor Playing Space within the Local Plan. Therefore, policy REC 1 is also material in considering the application.

Summary: The proposal is not contrary to paragraph 74 of the NPPF as it does not constitute the loss of open space. Whilst converting the open space may impact upon the ability of residents to access amenity open space it is considered that due to the level of need for cemetery space in Stockton it is appropriate to use this site for cemetery space.

13. Head of Technical Services

Highways Comments: The proposed development would retain the current vehicle access from Durham Road and introduce an additional 'in only' access. An additional vehicle access is required to serve the cemetery to improve the existing circulation and provide access to the extended area. The vehicle access is designated as 'in only' so the development would not create another location where vehicles exit onto Durham Road. Given the landscaping that borders the site an additional exit onto Durham Road would require the removal of landscaping to provide sufficient visibility. Permitting traffic to enter only via this new access should limit the impact of providing an additional access road. All cemetery traffic would continue to exit the site using the established vehicle access and this is considered to be acceptable.

A separate, gated pedestrian access has been provided at the new access road.

The provision of improved routes within the site and the creation of additional car parking spaces should improve the management of traffic within the cemetery.

In summary, there are no highway objections to this development.

Flood Risk Management Comments: The proposed development will not significantly increase the run off from the site and would not increase the risk of flooding to neighbouring sites.

Landscape & Visual Comments: There are no landscape and visual objections to this development which is seen as a logical extension to the existing cemetery. Condition wording relating to the landscape details and protection of the existing trees is recommended.

14. Environmental Health Unit

I have no objection in principle to the development, and would not recommend that conditions are imposed on the development should it be approved.

15. Countryside and Green Space

The application is supported by C&GS. The site is currently used for informal recreation but is prone to flooding. The Council will seek other opportunities to improve the quality and connectivity of open spaces within proximity and possibly re-designate land to open space to compensate for the loss of this space. This would be subject to further feasibility work, local consultations, availability of funding and any necessary planning consents.

16. Northumbrian Water Limited
 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comment to make.
17. Northern Gas Networks
 No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains record of the area covered by your proposals together with a comprehensive list of precautions for your guidance
18. Sport England
 No Comment. Sport England does not wish to comment on this particular application.
19. Stockton Police Station – Crime Prevention Design Advisor
 The proposed 1.2 m hoop top railing fence is in keeping with the present surroundings and is the height and style I would generally recommend to define the boundary in an environment such as this. A wide open space offers good natural surveillance and reduces the fear of crime, the height and style of this fence enhances surveillance which in turn should create a sense of safety for its users.
 Any shrubbery/hedges that are to be planted should be of a species that will not readily grow above 1metre in height. Any newly planted trees or existing trees should not have a tree canopy that is less than 2metres from the ground and should be maintained in the future to this level.
 Ensure footpaths have a minimum of 1 m clearance either side on the verges from shrubbery and trees. An open and bright place not only reduces the number of potential hiding places of potential offenders, but also reduces the fear of crime.
20. The Environment Agency
 We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following condition is imposed on any grant of planning permission:
 All burials in the cemetery shall be:
- a minimum of 50m from potable groundwater supply source;
 - a minimum of 30m from a water course or spring;
 - a minimum of 10m distance from field drains;
 - a minimum of 1m of clay (or other subsoil) cover should be located below the base of the burial;
 - no burial into standing water; and
 - no land drainage in the areas used for burials including surface water drains.
- Reason: To protect the quality of controlled waters in the local area. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
 Separate to the above issue, we have the following advice to offer:
 Groundwater - Advice to applicant
 We would like to refer the applicant/enquirer to our groundwater policies in Groundwater Protection: Principles and Practice (consultation draft 2011 - final version due July 2012),

available from our website. This sets out our position for a wide range of activities and developments including Cemetery developments and Drainage

21. Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

Green Infrastructure : The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Protected species: If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice¹ on BAP and protected species and their consideration in the planning system. Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites: If the proposal site could result in an impact on a Local Site², Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework. For further information on Local Sites, your authority should seek views from your ecologist, or the Local Sites designation body in your area.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Local Landscape: This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement

and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

22. Northern Powergrid
No comments received
23. Councillor P Baker
No comments received
24. Councillor B Gibson
No comments received

PUBLICITY

25. Neighbours were notified and comments received are set out below:-
26. Miss Julie Chapman, 3 Craigweil Crescent Stockton-on-Tees
I played on this field as a child now my children do. Where do you expect them to play? I also use the field to walk my dog as many others do. I strongly object to this.
27. Mrs Susan Ellis, 159 Durham Road Stockton-on-Tees
I am against this as the cemetery is already a playground for children and they have damaged many headstones and if passed would be outside my back garden and again free to let kids roam plan and damage. I have already had various damage occur and is this goes ahead I fear more damage from children playing in this extended cemetery plot for I cannot see how it could be protected unless there is 6 foot bars and locked, This big green is a way for kids to go to school to which would mean crossing this new plot everyday giving rise to mischief through the weekends and the holidays.
28. Gary and Nina Westoby , 155 Durham Road Stockton-on-Tees
I've lived here for 15 years, I've walked my dogs over there and two boys played there when they were growing up. I still go over with my dogs. If this was to go future families will not be so keen to live around here. It was one of the reasons we moved to this area.
29. Mrs Doreen Gardener, 144 Durham Road Stockton-on-Tees
You have put no thought into this the green area should be kept for recreation we live in a busy area children have to have a play area near home also you are being unfair to dog owners we have to have areas to walk you will encourage dog walkers to use the cemetery as i live opposite the proposed access we have the parking issues you made Durham road a traffic calming area then opened an industrial estate so we were back to square one with this proposal you are adding to our traffic problems you have not gave a thought to the nursery children don't want to see funerals i am sure you have made your mind up and will not listen to the people this will effect
30. Mr Ian Partridge, 134 Durham Road Stockton-on-Tees
I object to this proposal for many reasons: the recreational ground is used by many residents for example: dog walking, children playing football and just generally having somewhere to go and be with their friends, where are the children expected to play? This is the only green area left in this built up area. After the children's day nursery had been closed down for a considerable length of time we were fortunate enough for a local business to take a chance and re-open. How inappropriate for funerals to be carried out

adjacent to the children's playground, would you really want your child to observe such a sad occasion as a funeral? It would also impede on the privacy and dignity of grieving relatives. There is lots of unused land within the existing cemetery that should be used first or alternatively land elsewhere in Stockton should be explored before this terrible idea of extending the cemetery is pursued further.

31. Mrs Julie Partridge 134 Durham Road Stockton-on-Tees
Surely the clue is in the address of the location concerned i.e. Recreation Ground Durham Road. This is what it is and needs to remain as. We constantly hear in the press and on T.V that we all need to do more exercise, children need to be more active and not just sit and play video games yet here is Stockton Borough Council considering replacing this open space with an extension of the cemetery. The children need somewhere to go to kick a ball around and just be outside without hanging around the street getting into grief with residents because a ball hits their car or window ! Many residents walk their dog there daily and gives them the opportunity to actually talk to one another which helps the community spirit within the area. I feel this extension would be far too near to the day nursery, have the council considered how this will affect this business? I would not be happy with my child attending a nursery so close to where funerals are taking place. The council should look at the space left within the existing cemetery or look elsewhere in the borough.
32. Mr John Oxtoby, 128 Durham Road Stockton-on-Tees
The existing playing field on Durham Road are a valuable resource to the residents of the area, children playing, dog walkers. It is also used by parents and children going to and from school. To end the recreational use of this land in favour of a cemetery is not in the best short or long term interest of the town.
33. Mr Andrew Williamson, 24 Studley Road Stockton-on-Tees
This is a well-used recreation area which is safe and well used. I think development will have an overall negative effect on the surrounding area and properties.
34. Mr and Mrs Hancock, 9 Green Lane Stockton-on-Tees
Object due to means of access, scale and size – where will boundary be, Devaluation, no open space for children who live mainly in street houses with no gardens, traffic. We need to know more so until we are told I will object.
35. Amjad Hussain, 10 Studley Road Stockton-on-Tees
The proposed extension of the cemetery is something my family oppose, My family and I feel that this expansion plan will primarily affect us as our home is directly opposite the proposed plans, We purchased this property in 2010 due to the large garden and open fields/recreation ground and the scenic views on offer. This would be wrecked by your plans and devalue our property significantly. I feel strongly about the scenery that my family and I will we subjected to on a daily basis, which we will be forced to deal with and this will affect our emotional wellbeing. We realise there is a need for expansion however the extent of the expansion is too vast. The proposal will affect children's recreational facilities, the field is well used by the community as a whole and the loss of this free recreational facility would be detrimental to the community as a whole. My other concerns are the congestion that this will cause to the already congested Durham Road, This development would adversely affect road users as well as pedestrians.
36. Mrs M Oliver 147 Durham Road Stockton-on-Tees
The recreation ground was planned for the use of families and children and people of various ages as it is the only grassed area where children can play – it is for the use of the living. The recreation ground is not an open space for anyone to use to their advantage, if it was an old building it would be protected. A cemetery would divide the nursery and scheme and is not a good view for children growing up instead of a place they can play

with family and friends. The area would not benefit the use of a cemetery as it would soon be used up and no used for the future. The people who would gain would be those making money from it. It would cause a lot of problems to parents who used this access to the take the children to school if this area was blocked off. Creating a vehicular access road would cause a dangerous environment for people and children using that area to gain access to the nursery and school which they used on the path dividing the two halves of the recreation ground. Also the problems of vehicles entering and leaving the area which is already a busy road and pedestrians using the footpath that crosses the area stated may also be at risk. There is not enough room for vehicles to park and may result in the main road being used for parking which is not suitable as well as cars, buses and large lorries that use this road. Driving round obstructions may cause accidents.

37. Mrs Lesley Skipper 145 Durham Road Stockton-on-Tees

The recreation ground is one of the few local areas where children can play safely. It is also a popular place for people to walk their dogs. As such it provides a valuable amenity for the area. In addition, it provides a pleasant open green space in a heavily built up area. If this ill-conceived plan goes ahead, children who at present use the recreation ground will be forced to play in the streets, at considerable danger to themselves and to local traffic. The loss of this recreation ground would be a great detriment to the area. Also, I do not think it appropriate for burials to take place within such close proximity to a children's nursery. I strongly oppose this plan.

38. Mr Brian Skipper, 145 Durham Road Stockton-on-Tees

The recreation ground is one of the few open spaces where people can walk their dogs and children can play in safety. It is a scarce local amenity and its loss would be a great detriment to the area. I strongly oppose this application. There is a huge amount of unused space in the cemetery. Why not make use of that rather than go to the expense and inconvenience of taking up a much-needed green space?

39. Mr Colin Symmonds, 137 Durham Road Stockton-on-Tees

I object to the removal of a recreational area used by local children, This development would bring the cemetery to the boundary of the nearby nursery, This loss of open greenspace would be to the detriment of the local area.

40. Ms Penny Wright, 4 Stavordale Road Stockton-on-Tees

A horrendous idea, this would be awful there's little green space and peacefulness in Stockton as it is, also a danger to children who play and dogs too .I totally object. Terrible idea, there are a lot of old graves that should be reused.

41. Mr J Ward, 32 Studley Road Stockton-on-Tees

I think is it outrageous to remove to only play area for the people and children of Newtown.

42. Mrs J Waite, 106 Durham Road Stockton-on-Tees

The recreation ground is the last open space in the Newtown area where the children can play cricket or football. Will the Council find them somewhere else to play? There is a children's day nursery at one end and a primary school at the other. The ground floods in places in the winter and forms ponds. Also there is a row of horse chestnuts along the edge of the cemetery where the children knock them off causing damage.

43. Mr Robert Anthony Brown 114B Durham Road Stockton-on-Tees

Yet another master plan depriving the local community of a well-used facility used by young and old! For an area surrounded by housing estates the rec is an ideal place away from traffic for children to play ball games etc. I personally use the site to exercise my dog as I live in a first floor flat and do not have a garden. I would rather a part of mile house part be used to sell some more burial plots.

44. Wrightson 3 Stavordale Road Stockton-on-Tees
The recreation ground is one of the few local areas where children can play safely. It is also a popular place for people to walk their dogs, as such it provides a valuable amenity for the area. In addition it provides a pleasant open green space in a heavily built up area. If this ill-conceived plan goes ahead, children will be forced to play in the streets at considerable danger to themselves and local traffic. The loss of this recreation ground would be a great detriment to the area. I also do not think it is appropriate for burials to take place within such close proximity to a children's nursery. I strongly oppose this plan.
45. Mrs Carol Waugh 28 Craiqweil Crescent Stockton-on-Tees
It has taken approx. 120 years to fill the existing cemetery so why do the council need such a large area to extend. Surely a small proportion of the recreation ground would suffice. I also object to the fact that it seems only a limited amount of households have received the letter about the application. I have emailed the council to ask why. Surely everyone in the area are entitled to know what the council are planning and given the chance to object.

PLANNING POLICY

46. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.
47. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
48. National Planning Policy Framework
Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means; approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
- Local Planning Policy**
49. The following planning policies are considered to be relevant to the consideration of this application
50. Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel
1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular

02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

i) The Tees Valley Metro;

ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;

iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and

iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;

ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;

iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and

iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

51. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non-domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

52. Core Strategy Policy 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

4. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.

5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

53. Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

- _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
- _ Leven Valley between Yarm and Ingleby Barwick;
- _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- _ Stainsby Beck Valley, Thornaby;
- _ Billingham Beck Valley;
- _ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;

Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

54. Saved Policy REC1 of the adopted Stockton on Tees Local Plan

Development which would result in the permanent loss of playing space will not be permitted unless:

- i) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- ii) Alternative provision of equivalent community benefit is made available, or
- iii) The land is not required to satisfy known local needs.

MATERIAL PLANNING CONSIDERATIONS

55. The main material considerations with regards to this application would be the principle of development, impact on neighbours, impact on pedestrian/highway safety, landscaping, drainage and any other residual matters.

Principle of development

56. The application site is an area of open space identified in the adopted Stockton on Tees Local Plan (saved policy REC1) as outdoor playing space. In the more recent open space audit, the land was identified as amenity green space.
57. The National Planning Policy Framework (paragraph 74) states 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'
58. In Stockton's case, the assessment referred to in the NPPF is the PPG17 Assessment, which forms appendix 6 of the Open Space, Recreation and Landscaping SPD. This is enshrined in point 3 of adopted Core Strategy policy CS6 'Community Facilities' which states at point 3 'The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.' The SPD does not identify any land that is surplus to requirements and sets out that where provision is well above the minimum standard for a particular type of space, land should be considered for providing a different type of open space where the standard is not yet met rather than being developed for alternative uses.
59. The Council identified the site as an extension to the Durham Road Cemetery within Policy PF2 of the Regeneration and Environment LDD preferred options, which were consulted upon in summer 2012. The reasoned justification for this policy states 'The Cemeteries 5 Year Improvement Plan 2005 identifies that there is significant need for the provision of new burial space in some areas of the Borough. This problem is very significant in Stockton where the supply of burial space is to become problematic in the next few years. Since the Issues and Options Stage, the PPG17 assessment has been undertaken. The Assessment identifies the potential cemetery expansion site as an amenity greenspace, a type of space for which the standard is not yet met in the area concerned. However, due to the level of need for cemetery space in Stockton it is felt to be appropriate to use this site for cemetery space.' Whilst this is not adopted policy in accordance with paragraph 216 of the National Planning Policy Framework it can be given weight. However, given the stage of plan preparation, currently at the preferred options stage, the weight attributed should be limited.
60. The view of the Spatial Planning Manager is that in principle, the proposal does not seek to reduce the level of open space within the Borough; it seeks to convert an area of land identified within the open space audit as amenity open space to another typology of open space. Therefore, the proposal is not contrary to paragraph 74 of the NPPF.
61. The Council undertook an update to the PPG17 assessment in 2012 which identified that West Stockton now meets the quantity standard for amenity open space. However, loss of the space as amenity open space may impact on the number of households within the proximity standard for amenity open space which is a consideration under Core Strategy policy CS6(3). The site is also identified as outdoor playing space within the Local Plan and therefore policy REC1 is also material in considering the application.
62. The Core Strategy states that the quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced and REC1 states that development which would result in the permanent loss of playing space will not be permitted unless sports and recreation facilities can best be retained and enhanced through

the redevelopment of a small part of the site, or alternative provision of equivalent community benefit is made available, or the land is not required to satisfy known local needs.

63. Neighbours have objected to the loss of this open space and have stated that the area is a valuable resource for the local community which would be lost if this scheme were to be approved.
64. It is considered that whilst the loss of this area will impact upon the ability of residents to access amenity open space it is considered that there are significant alternative amenity spaces within close proximity of local residents to provide open space and/or play facilities for use (See Appendix 5).
65. Whilst this proposal would undoubtedly lead to the loss of space to be used for recreation and open play space it is considered that this must be weighed against the significant need for more burial space in the Stockton area in the near future as currently there are no viable alternatives.
66. There is an initial proposal to have a crematorium on an alternative site in Stockton as well as some land which will be used as a cemetery. However, this is likely to be a longer term project which will provide a longer term solution to what is an immediate problem. The plans are at very early stages and it may well be that this site won't be delivered for the next few years, which would be far too late to remedy what is an existing problem.
67. It is therefore considered that the significant need for this site as a cemetery and the availability of significant areas of open space nearby as a material planning consideration outweighs local planning policy and indicates the application should not be determined in accordance with the Development Plan in this instance.

Impact on neighbours

68. The main neighbours that would look directly onto this site would be Oaktree Primary School, Cheeky Monkees Day Nursery and the residents of Studley Road.
69. As well as the loss of open space objectors have raised concerns regarding the children witnessing funerals and potential damage/anti-social behaviour from the use of the land.
70. Cheeky Monkees nursery has open palisade fencing around the playground area and the submitted plans show planting to the west and northern boundaries. This planting is intended to provide screening, however as it may take up to 5 years for the whip planting to be established and provide adequate screening, the applicant has agreed to provide a screen fence to the Nursery, details of which have been conditioned to ensure this is sufficient to prevent any overlooking from both the cemetery and the Nursery. With the provision of this screening it is considered that there should be no adverse impact from the development on this business.
71. Oak Tree Primary School has an open fence; however there is substantial planting along Green Lane footpath to screen this proposal. Additional planting will be provided along the edge of the proposed new cemetery which will, when established, screen the cemetery further. It is therefore considered that this extension will not have a detrimental impact on the School as the site is well screened.
72. Studley Road and 159 Durham Road run alongside the southern boundary of the site and are slightly elevated from this area of open space. Most neighbours have fences and planting which, with the provision of additional screen planting will be sufficient to protect

the privacy and outlook from the ground floor areas of these dwellings. It is accepted that the proposal will bring the cemetery closer to these neighbours and will be visible; however whip planting and standard tree planting will be provided along a large part of the boundary and also on the opposite side of the footpath which when established, will obscure the direct views that could be obtained from these properties.

73. The applicant has confirmed that if approved, the burials will commence in the area marked Plot 1 which is furthest away from the nursery and residential dwellings, which should allow time for the landscaping to be established before bringing the activity closer to these boundaries.
74. Neighbours have raised concerns regarding anti-social behaviour and possible damage to the cemetery. It is considered that the proposed scheme will not exacerbate the problem of anti-social behaviour and with the additional planting along the boundaries should actual deter any anti-social behaviour from taking place in this area especially if the nature of the low planting (e.g. thorny bushes) makes the area hard to access. The landscaping scheme is to be agreed and the applicant has agreed to listen to residents' wishes before submitting the final landscaping scheme.
75. Overall it is considered that the proposed change of use will not have an adverse impact on neighbouring properties sufficient enough to warrant refusal of the application and it is considered that with the use of conditions to provide screening the impacts on Studley Road will be reduced to an acceptable level.

Impact on pedestrian/highway safety

76. The existing access from Durham Road will be retained and a new one way entrance will be provided to the north of the existing Children's Day nursery as well as a pedestrian access and 10 car parking spaces.
77. The Head of Technical Services has been consulted on the proposed scheme and raise no objections as it is considered that the provision of improved routes within the site and the creation of additional car parking spaces should improve the management of traffic within the cemetery.
78. Concerns have been raised regarding traffic on Durham Road, however it is considered that the scale of additional traffic that would be produced by visitors to the cemetery would not be sufficient enough to warrant refusal of the application. Funeral corteges already use the existing cemetery and this additional burial space would not result in increased burials per day but would more likely operate on the same scale as the existing site.
79. Neighbours have suggested that people will park on Durham Road causing obstruction, however whilst the visitors to the site will be encouraged to use the car parking spaces that are to be provided, the roads will be wide enough to allow visitors to park near to graves which should not thereby result in on street parking out with the site.
80. Overall it is considered that the proposed scheme would not have an adverse impact on pedestrian or highway safety over and above what already exists from the operation of the existing cemetery.

Landscaping

81. The proposed scheme will result in the loss of one lime tree to allow the provision of a new entrance; and crown lifting works to various trees to allow the safe passage of tall vehicles.

- 82. The proposed plans do include the provision of 200-300 whips and 19 standard trees to the perimeter of the proposed cemetery. The existing hedge to Durham Road will be retained and managed.
- 83. The Head of Technical Services has commented on the scheme from a landscape point of view and raise no objections subject to the submission of a detailed landscape scheme and a method of tree protection. These conditions have been recommended.
- 84. Various recommendations regarding the use and position of landscaping to alleviate anti-social behaviour and crime have been received from the Crime Prevention Design Advisor of Cleveland Police. These comments have been noted and added as an informative.

Drainage

- 85. The application site is within flood zone 1 where there is least potential for flooding, however as the size is over one hectare a flood risk assessment has been submitted which concludes that there are no constraints to the development other than to ensure the development does not exacerbate any flood problems on or off the site.
- 86. The Environment Agency and the Councils own flood risk management team have assessed the application and raise no objections subject to a condition to protect the quality of controlled waters in the local area. The applicant has confirmed that requirements of this recommended condition can be complied with.

Other matters

- 87. Natural England have suggested that the application may provide opportunities to incorporate features into the design, which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes and the authority should consider securing measures to enhance the biodiversity of the site from the applicant. These comments have been noted and an informative has been recommended, however this is not considered to be imperative to the approval of the application.

CONCLUSION

- 88. It is recommended that the application be Approved with Conditions for the reasons set out above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

WARD AND WARD COUNCILLORS

**Ward Newtown
Ward Councillor Councillor P.W.Baker**

**Ward Newtown
Ward Councillor Councillor R Gibson**

IMPLICATIONS

Financial Implications: *There are no known financial implications.*

Legal Implications: *There are no known legal implications.*

Environmental Implications: *This report considers the impacts of the development and there are no known environmental implications which would suggest the application should be refused.*

Human Rights Implications: *The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on amenity and surrounding uses. There are no known impacts to Human Rights as a result of this proposal.*

Community Safety Implications: *The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.*

Background Papers: *National Planning Policy Framework; Core Strategy; Local Plan and application 13/0883/FUL*