

DELEGATED

**AGENDA NO. 5
PLANNING COMMITTEE**

22nd APRIL 2015

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

14/2024/OUT

Stillington Social Club, Stillington, Stockton-on-Tees
Outline application for the erection of 20 no dwellings with associated access road
(demolition of the existing club)

UPDATE REPORT

Summary

Additional comments and points not covered within the main report are detailed below along with comments from the Highways Transport and Environment Manager confirming their stance that matters of shading from trees and flooding are adequately dealt with in view of the details submitted and this being an outline application. Further justification is also provided in respect to the requirement of education and open space contributions which the applicant has agreed to. Although some changes are suggested to the recommendation within the main report, these are in no way fundamental to the considerations or recommendation of the main report.

Recommendation

That the application be approved in accordance with the recommendation in the main report subject to the following changes;

Removal of condition 9 in respect to Code level Construction

Inclusion of the following conditions:

Access – Approved

The access shall be implemented on site as detailed on Plan 01 Rev A received on the 2nd January 2015.

Reason: To define the consent

Retention of Landscaping

There shall be no removal of existing landscaping on the site until formal approval of the Local Planning Authority has been given in respect to the reserved matters. Thereafter, any removal of landscaping shall only be carried out in September and October.

Reason: In order to allow retention of existing landscaping on the site which is on the edge of the village adjacent to the open countryside in accordance with the requirements of Core Strategy Development Plan CS3(8) whilst prevent undue impacts on nesting birds and hedgehogs.

No burning of waste

During the construction phase of the development there shall be no open burning of waste on the site.

Reason: To protect the amenity of the occupants of nearby properties in accordance with the requirements of the National Planning Policy Framework.

Amendment of the following condition:

Foul and Surface Water Discharge

No development hereby approved shall be commenced on site until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water flow paths entering the site along with mitigation measures to ensure the proposed surface water drainage is not compromised by off-site flows.

The surface water discharge rates from the site will be restricted to the existing greenfield runoff rates (Qbar value) with sufficient storage within the site system to accommodate a 1 in 30 year storm. The design shall also ensure that all subsequent storm water events up to and including the 1 in 100 year event surcharging the system can be stored on site without risk to people or property and without flowing into drains or a watercourse. The flow of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should be provided.

The development shall be undertaken in accordance with the approved schemes.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area and to achieve an adequate scheme of foul drainage having regard to the need for the finished site levels to facilitate gravitational flow.

Inclusion of the following informative;

Working practice

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application, in particular in respect to matters associated with Flood Risk and the indicative site layout, through gaining additional information in respect to these matters and by the identification and imposition of appropriate planning conditions.

Removal of Condition 9 as detailed in the main report in respect to code level construction.

Additional Comments received

Highways Transport and Environment Manager

The Highways Transport and Environment Manager has sought to clarify points in their initial comments, specifically in respect to the following;

On page 36 of 98 within the main report it was stated that '*there will be an issue with shading caused by the existing trees*' and that additional information is required in order to fully assess the impact on the site layout. As the application being considered is outline with all matters reserved except for means of access the impact of shading on the site layout cannot be assessed at this stage. It is therefore only possible at this stage to state that there *may* be an issue with shading caused by the existing trees. Should the current outline application be approved, this would be considered as part of any subsequent reserved matters application.

On page 37 of 98 in the main report, in respect to Flood Risk Management, the original memo stated that '*the revised flood risk assessment, issued 24/12/14, does not provide sufficient information to enable approval of this application*'. A list of information was then set out in order to approve the surface water drainage solution.

The Highways Transport and Environment Manager has indicated that the initial comments could be mis-interpreted and has sought to confirm that, as the application being considered is outline with all matters reserved except for means of access, the information required on these points can be dealt with at reserved matters stage and that the condition as included in the main report is sufficient to enable approval of the final drainage solution prior to the development commencing on site and the details requested should be set out in any approval notice issued as an Informative.

Resident's

Objection as the road is already like a race track, the ground is low and near to the beck, the land floods, the amenities of the village are inadequate, the sewerage is inadequate and the club is at the height it is because it was not allowed to be built any higher.

Objections in respect to the capacity of Stillington to take more traffic, in respect to existing problems relating to traffic speed and in relation to the steep access required to access this site.

Residents have raised concerns about wildlife on the site and the loss of usable space for the wildlife have highlighted the strain on existing village services such as doctors and school and on there being no safe cycling routes from Stillington.

Material Planning Considerations

1. The majority of the matters detailed formed part of other objections and these have been considered in the main report. With respect to the building height of the existing social club being 'limited', the scale of the proposed development is not detailed for consideration as part of this proposal, instead being a reserved matter. As such, were outline permission to be granted, a further Reserved Matters Application would need to be submitted to agree the layout and scale of the development. Notwithstanding this, houses in the immediate vicinity of the site are two storey and these are located on higher ground than the social club and in general terms the two and three storey properties indicatively shown are considered to be suitable on this site.
2. With regards to traffic and access, the Highways Transport and Environment Manager has accepted the traffic levels taking into account the site already having an established use which would generate traffic in its own right. With regards to traffic speeds, the main report details a S106 Agreement which requires provision towards traffic calming works on the road into Stillington (near to the access) which will serve to reduce traffic speeds in the immediate vicinity of the access, thereby adequately providing for this revised access onto the highway. The access into the site has a gradient of 1 in 20 which is considered to be acceptable in highway design terms. To prevent ambiguity, an additional condition is recommended to clarify approval of the access as detailed on the plan showing the indicative layout.
3. In respect to resident's concerns over wildlife using the site and in the wider area, the site is adjacent to the open countryside and would in part allow retention and inclusion of hedgerows and other landscaping, thereby mitigating its loss in part and as the site is currently occupied by a building and car park its existing contribution to wildlife habitat would be relatively limited. An additional condition is recommended to prevent the removal of existing landscaping prior to the approval of an approved layout and landscaping scheme in order to protect natural features which are beneficial to the character of the site on the edge of the settlement adjacent to the open countryside.
4. With regards to lack of cycle links to the wider area, although there are no formal cycling lanes which connect the village to larger urban areas, the village remains to be considered a sustainable location for residential development in view of other services and provisions as detailed within the main report and there is insufficient demand from this scheme to justify cycle links to other urban areas.
5. With regards to resident's concerns over additional pressures on services such as doctors, planning does not have a direct control on such provisions, however, it is expected that such facilities would generally flex to meet the needs of the population. With regards to schools, it is noted that the proposal will result in the increase in population in Stillington,

being one of 3 recent applications which would increase housing by over 100 properties when combined. Core Strategy Development Plan Policy CS11(1) requires all new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. The Councils Supplementary Planning Guidance Note 6 highlights a need for housing developments to contribute towards the provision of school places in circumstances where there is insufficient capacity with existing schools at the time the development commences. The SPD provides a standard formula for the financial contribution required at the appropriate time relevant to the number of children likely to be living within the development and available school places. In view of three housing schemes in the village, the cumulative demand for school places is appreciated although the timing of commencement is unknown on sites and the timing of associated demand on school places is also unknown at this stage. As such, a precautionary contribution is being sought to provide school places in the catchment of the site. This would be subject to a discount relative to available school places at the time meaning that the developer would not need to make payment in the event that places are not available. This contribution is highlighted within the Heads of Terms in the main report.

6. Governments requirement for residential developments to be built to meet Level 4 of the Code for Sustainable Homes has recently been removed and as such, although Core Strategy Development Plan Policy requires properties to be built to code 4 level, in view of the recent change in guidance, it is now recommended that such a condition is not imposed on this scheme.
7. The Parish Council have indicated that bonfires have been taking place on site and have requested that a condition is placed on any approval preventing open burning during the construction phase of development. In view the matter pointed out by the Parish Council and the sites proximity to other residential properties, a condition is recommended to prevent open burning during the construction phase of the development.
8. Legislation has recently changed which requires Local Planning Authorities to indicate by way of an informative the working progress the Authority has had with the applicant in considering the application. A new informative is therefore recommended to address this.
9. It had been intended to include an appendix statement to the main report in respect to the open space and recreation contributions that are being requested as part of this development. This appendix has been appended to this update report which highlights the need for a contribution of £34,860 towards local provision with a MUGA and works in the Forest Park being highlighted as currently unfunded suitable schemes.
10. It is recommended the condition within the main report relating to foul and surface water be amended to take account of the need to factor in overland flows of surface water entering the site as detailed in the comments from the Highways Transport and Environment Manager.

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IMPLICATIONS

No additional implications to those detailed within the main report are raised by the content of this update report.

14/2024/OUT – UPDATE REPORT APPENDICES
Appendix. 1 – Contributions – detailed summary

Adopted Core Strategy Policy CS11 'Planning Obligations' requires all new development to provide contributions towards the cost of providing additional infrastructure and meeting social environmental requirements, highlighting priorities for Highways and transport, Affordable Housing and Open space, recreation and landscaping, with particular emphasis on the needs of young people.

The Councils adopted Open Space, Recreation and Landscaping Supplementary Planning Document (Dec 2009) advises that some sites may not be large enough to make reasonable on-site provision and off site provision can be made in lieu for both open space, recreation and landscaping and built facilities.

Policy CS11 advises of the need to have regard to the provisions of;

- Circular 05/2005 'Planning Obligations', (Superseded)
- SPD 2 'Open Space, Recreation and Landscaping' and
- SPD 6 'Planning Obligations'.

It is also necessary to have regard to the tests laid down in the CIL Regulations, these being that any obligation must be;

a) necessary to make the development acceptable in planning terms

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development

Contributions relating to Open Space, Recreation and Landscaping

The standards contained in Stockton Borough Councils Supplementary Planning Guidance no. 2 'Open Space, Recreation and Landscaping' were locally derived using the PPG 17 companion guide assessment and contain standards for the quantity, quality and proximity of open space and built sports and recreation provision for residents of the Borough and which allows for an assessment of such being provided from new residential development within the Borough.

Guidance within SPD 2 is aimed at achieving;

- improvement in the quality and quantity of the open space provided within or associated with new developments,
- improve the quality of existing spaces and built sports facilities to better cope with the demand caused by new developments and existing users;
- to ensure that new open space and facilities are located within sensible distances of the population they serve; and
- to enable developers to present high quality landscape schemes, which enhance the local environment and landscape and help to make sure that all matters relating to landscaping are included within the planning and design process.

Para. 6.2 of SPD 2 advises that contributions should only be used for a type of space that is likely to be used by the resident / person to whom it relates. Contribution charges are based on the additional number of residents as a result of the scheme and can be calculated using the ratios detailed in para. 2.2 of the SPD.

Although the Open Space, Recreation and Landscaping SPD (para. 4.10) advises that development of any scale (a plus one approach) needs to contribute to provision, taking into account recent appeal decisions, it has been accepted that the requirement for contributions shall only be applied to major schemes which relates to 10 or more houses. It has also been accepted that contributions should not be used to contribute to;

- privately operated provisions where public access would not be easily or readily available;
- open space within an area where there is either an existing adequacy or no viable unfunded scheme which can be provided,
- where an identified scheme does not meet the appropriate proximity standard and which is not reasonably related. (para. 4.5 and 5.4 of the SPD advise of the proximity standards)

The SPD advises that where the quantity standard is not met and cannot be improved by the contribution then it should be used to improve the quality of existing provision. Residential development can require the full charge of both the open space and built facilities costs being applied as detailed within the SPD.

This proposal relates to residential development which is detailed within SPD2 as being a form of development which requires a contribution to be made towards open space, recreation and landscaping.

For open space, the following is relevant;

The site is located within Stillington (Stockton West) and the table in para. 6.4 of the SPD advises that the following areas of provision do not meet the quantity standard within this area.

- Natural Green Space,
- Outdoor Sports Facilities
- Amenity Green Space
- People / Young people's play,
- Allotments

SPD 2 recognises that built facilities are a more strategic provision with fewer instances. This means that single developments are unlikely to be able to wholly provide such facilities and off site contributions are necessary for provision of new or enhancement of existing facilities elsewhere.

In view of the nature of the proposed development being the provision of 20 family homes, it is considered that this will place some demand on the local area in relation to sports provisions for both children and adults. This application is one of three recent proposals within Stillington, two of which have been recently approved. Combined, they equate to the provision of over 100 houses within a village. In view of these matters it is considered that some provision needs to be made where opportunity exists within reasonable proximity and that this can meet the requirements of Core Strategy Policy CS11 and SPD 2 whilst meet the CIL tests.

The Councils Countryside and Green space Team have been consulted on the application and have responded to advise of appropriate schemes within the local area where there is a defined shortfall in provision and for which no funding has been made available to provide them. A contribution of £34,860 (for improvements to Stillington Forest Park, A Multi Use Games Area in the village or other such open space, recreation or landscaping scheme as deemed appropriate.

The contribution as highlighted are considered to accord with policy and pass relevant CIL tests for such and it has been confirmed that no other funding currently exists for the highlighted schemes. These have therefore been detailed within the Heads of Terms.

References:

Core Strategy Development Plan Policy CS6 – Community Facilities (criteria 3). Adopted March 2010.

Core Strategy Development Plan Policy CS11 – Planning Obligations. Adopted March 2010.

CS6 requires the quantity and quality of open space, sport and recreation facilities throughout the Borough to be protected and enhanced indicating guidance standards being set out in the Open Space, Recreation and Landscaping SPD.

CS11 requires all new development to provide contributions towards the cost of providing additional infrastructure and meeting social environmental requirements, highlighting priorities for Highways and transport, Affordable Housing and Open space, recreation and landscaping, with particular emphasis on the needs of young people.

Stockton on Tees LDF Supplementary Planning Document 2 – Open Space, Recreation and Landscaping.

Stockton on Tees LDF Supplementary Planning Document 6 – Planning Obligations. Adopted May 2008.