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32357/A5/MC

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Dear Planning,

## **CONSULTATION ON THE STAINTON AND THORNTON DRAFT NEIGHBOURHOOD PLAN**

Barton Willmore have been instructed by the Bellway Homes Ltd (the 'Client') to submit representations to the Stainton and Thornton Neighbourhood Plan Group (the 'Group') regarding the consultation on the Submission Draft Stainton and Thornton Neighbourhood Plan (STNP), which is currently out for public consultation until 16 August 2021. The STNP is being consulted upon through Regulation 15 of The Neighbourhood Planning (General) Regulations 2012.

Our Client has significant land holdings with the STNP plan area and has been actively engaging with the Council over a number of years. They are a key stakeholder in the area and is committed to ensuring that the STNP is deliverable, flexible and sound in accordance with national planning policy and that meets the basic conditions.

We have made comments on behalf of Bellway Homes on a range of proposed policies contained with the STNP and also provide site-specific information on our Client's land interests in the neighbourhood plan area.

### **1. Planning Policy Context**

#### ***The National Planning Policy Framework***

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these should be applied. Paragraph 11 of the Framework states that plans should apply a presumption in favour of sustainable development and for plan making this means that:

- a) *"all plans should promote a sustainable pattern of development that seeks to meet the development needs of the area."*

Paragraph 16 of the NPPF states that plans should be prepared with the objective of contributing to the achievement of sustainable development and in a way which is aspirational but deliverable. This should be done through the implementation of strategic and non-strategic policies, with non- strategic polices, like neighbourhood plans, setting out housing allocations, design principles and other development management

policies (paragraph 28).

An important thread running through the NPPF is that the Government has a key objective of “*significantly boosting the supply of homes*”, as set out in paragraph 60. Crucially it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

### ***Neighbourhood Plans***

Paragraph 29 of the NPPF states that “*Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies*”.

Paragraph 30 states that “*Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.*”

Paragraph 37 of the NPPF states that “*neighbourhood plans must meet certain ‘basic conditions’ ...before they can come into force*”. These conditions are:

- b) Have regard to national policy;
- c) Contribute to the achievement of sustainable development;
- d) General conformity with the strategic policies in the development plan for the local area; and
- e) Compatible with EU obligations.

Paragraph 66 states that within the overall local authority housing requirement, strategic policies should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.

### ***Planning Practice Guidance (PPG)***

The PPG also states that, should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan, that conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan (paragraph 44 Reference ID: 41-044-20190509).

## **2. Stainton Vale Farm**

Our Client’s land holdings are located at north west of Low lane (B1380) whilst the A174 and the A19 from the north and west boundary of the site respectively (see attached vision document). The site measures approximately 64 hectares and comprises several large agricultural fields

Stainton Vale Farm is located in the centre of the Site in a compound of buildings. An existing farm track crosses the Site from south east and north west and cross the A174 with a bridge towards Stainsby Hall Farm. The Sporting Lodge Inn is located in the eastern corner of the Site.

To the centre of the Site, around Stainton Vale Farm, lies a group of trees and some mature hedgerows. The land in the north east corner of the Site (including Sporting Lodge Inn) is controlled by a third party. There are two Public Rights of Way (PRoW) crossing the Site from south east and north west and crossing the A174 with a bridge towards Stainsby Hall Farm. The on site PRoW provide access to the countryside and link with other surrounding PRoW and the wide public footpath network along Low Lane and Strait Lane.

The site is in a sustainable location and in close proximity to a number of local facilities including Hemlington Primary School as well as services in the centre of Stainton. In recent years, Stainton has extended to the west and includes the housing allocation site located along Low Lane, Rose Cottage, which is opposite our Client’s site.

The site is currently designated as a ‘Green Wedge’ in the Middlesbrough Core Strategy but has the capacity to deliver 850 homes and make a significant contribution to the borough’s housing need.

### 3. Our Comments

The consultation format of the STNP invites comments on the contents of each policy, and, as such we have provided comments on sections and policies of the plan where we consider it appropriate to do so and this is made clear throughout the representations.

#### *Proposals Map (Figure 3 and 4)*

In terms of the proposals map included within the STNP, our Client **objects** to it in its current form. The proposals map is not clear and is ambiguous and conflates the STNP and the Middlesbrough Local Plan. The plan sets out the 'Existing Green Wedge Allocation' which is taken from the Local Plan and subsequently reiterated in the Housing Local Plan.

Both Figure 3 and 4 of the STNP are entitled 'Proposed Local Green Spaces' but the key labels the wedge as 'existing', which could lead to confusion and is not clear. In light of this, the wedge should be removed from the plan and, if the Group think it necessary, can outline in the supporting text that the site is a green wedge in the Housing Local Plan. Furthermore, our Client objects to the wording- the wedge is not an 'allocation' but rather a 'designation'. Only sites where actual development is proposed are labelled allocation whereas areas of open space are designations.

Our Client also objects to the 'Limit to Development Boundary'. In the south eastern corner the development limit boundary goes beyond the STNP boundary and should be amended to ensure it stays within the neighbourhood plan boundary. In relation to the development boundary in the east, this should also follow the STNP/ A19 Boundary to the A174/ Stainton roundabout and along Stainton Way.

#### *Policy ST2- Local Green Spaces*

Stainton Low Wood lies adjacent to our Client's land holdings and they support the designation of the woods as Local Green Space. However, they **object** to the policy in particular the requirement that and children's play facilities on developments of over 25 dwellings should be in accordance with the Fields in Trust 'Guidance for Outdoor Sport and Play Beyond the Six Acre Standard' (2015). Not only is the guidance six years old, and which is considered to be out of date, but Middlesbrough Council have their own, locally specific and evidenced open space standards for new developments. This is based on the evidence and is locally specific to Middlesbrough and its different areas, and is not a standard, blanket approach as required by the Fields in Trust Guidance.

By not taking into account the local evidence base, the Policy ST2 does not meet the first basic condition which seeks to ensure that all neighbourhood plans have regard to national policy. Paragraph 35 of the NPPF sets out that plans should be "*based on proportionate evidence*".

#### *Policy ST3- Natural Environment*

The Group should re-examine criteria 5 of the policy as we believe the wording of the policy remains in draft and is ambiguous in its current format. Similarly, the last paragraph of the policy (first sentence) should also be re-worded as it is currently not clear what is being sought ("*Biodiversity net gain is should be supported on all developments*").

Although our Client would aim to deliver biodiversity net gains on site, they would like to be re-consulted on any changes to the policy to understand any potential impact on their land holdings.

In its current format, policy ST3 does not meet the first basic condition which seeks to ensure that all neighbourhood plans have regard to national policy. Paragraph 16 of the NPPF sets out that plans should "*contain policies that are clearly written and unambiguous*".

#### *Policy ST5: Community Assets*

The Sporting Lodge Hotel is identified as a Community Asset under Policy ST5. Our Client **objects** to the whole of the hotel being designated as a community asset but welcomes the designation of the gym as a community facility. It is clear that Sporting Lodge is not important to individual households (only 28% of the

community feel it is important to their household) but a perception that it is of importance to others in the community.

The policy uses the term 'asset' and 'facility' interchangeably. Only one phrase should be used to ensure the policy is unambiguous (therefore complying with basic condition 1). Furthermore, although the policy and text preceding it set out local examples of what the Group consider to be community facilities, no specific definition is provided as to what constitutes a community facility. A definition should be provided which gives general examples. This should include open space and play areas as currently highlighted in the examples.

In terms of the bullet points, our Client **objects** to the last two. The penultimate bullet sets out when a community facility is proposed to be lost, it should be demonstrated that it is "*no longer of value to the community*". This policy is undeliverable. It is not in accordance with paragraph 16 of the NPPF which sets out that plans should be prepared "*in a way that is aspirational but deliverable*" and therefore does not meet basic condition 1. The STNP does not include a definition of value, how this can be measured or how this can be demonstrated by a developer. This criterion is qualitative and subjective and should be deleted.

In terms of the last bullet point, our Client is supportive of the principal but considers that the policy should be amended so that facilities should be marketed for a period of six months rather than a year, which is the standard across the industry for small buildings and facilities.

Finally, as with other policies, the bullet points should be numbered for ease of reference.

### ***Policy ST7- Infrastructure and Rights of Way***

Although our Client is supportive of the principal of the policy, they **object** to the wording of the policy. Currently, the policy states that developments must incorporate better infrastructure "*before building starts*". To request that infrastructure is incorporated before building starts is not viable or deliverable and therefore not in compliance with basic condition 1. Furthermore, the delivery of infrastructure, for large developments in particular, is normally conditioned as part of the planning consent to ensure that vital services (for example roads and footpaths) are developed at the appropriate time.

The policy should also be revised to become more clear and succinct. It should read "*Routes for pedestrians, riders and cyclists, should have regard to the Tees Valley Design Guide*". The vast majority of these items are already included in the Design Guide or within the local plan (point 6) or national guidance (in terms of point 10 all development will have to deliver a net gain in biodiversity).

The Design Guide also allows for flexibility and recognises that there might be instances where for example shared surfaces are needed which would conflict with point 1, as well as guidance on easy access for users with a wide range of mobility levels, street furniture and crossings.

### ***Policy ST9- Design Principles***

The vast majority of the criteria highlighted are recognised as good planning and design principles, however, there are several which our Client **objects** to.

In relation to point 2, PPG (Reference ID: 56-007-20150327) states that any requirement to deliver M4(2) must be evidenced including demonstrating need as well as a number of other factors. Our Client contends that the Group has not provided any evidence to justify the requirements for M4(2) and therefore the policy is not justified.

Once the evidence has been produced, and if this shows that there is a need for M4(2) housing, the policy should be revised to include an updated percentage of new homes which should meet M4(2) standards rather than just bungalows as there are a range of other house types which can deliver suitable homes and this is not limited to bungalows. Also, the terms flexible lifetime homes have been superseded and is now a part of the M4(2) standards therefore this reference should be deleted.

### ***Policy ST10- New Developments on Green Field Sites***

Our Client disagrees with the conclusion reached in relation to the text preceding the policy on parcel 21 Stainton Vale (green box) which states that the housing on this site has the potential for the identity of

Stainton to be further eroded if developed. Any housing development here has the potential to create a distinct community, which can reflect the form and character of the Stainton and its semi-rural setting whilst safeguarding the listed farm buildings and ensure continued accessibility through the site via the existing public rights of way.

In terms of the policy, the opening line should be amended to read, "*where appropriate and viable*" as the policy includes a number of items which could impact upon the deliverability of a new housing site.

In terms of the criteria:

1. Our Client **objects** to this point. Although we note the inclusion of the word "*appropriate*" in the opening sentence, our Client contends that this point should be deleted. A new school or other services are not always required and developers can make a Section 106 contribution towards existing facilities which can be the most effective and efficient way to deliver these services.
2. Again, our Client **objects** to this policy. Please refer to our comment above under Policy ST9 regarding M4(2) and lifetime homes and bungalows. This policy should be amended to read "*Incorporate a diverse housing mix with a variety of house types and sizes as identified by the local housing needs assessment*".
- 4 Our Client **objects** to the inclusion of the phrase "*low density*". This conflict with criterion 1 and 2, which seeks to create a distinct new community and deliver a range of house types and sizes. There is also no definition of what low density means. Furthermore, to ensure development is viable and to ensure that communities are created a range of density is required. This will attract families and professionals into the area as well as those looking to downsize. This criterion should either be deleted or amended to read "*provide an open and attractively landscaped development*".
- 10 Our Client **objects** to this point particularly the point which states that any highways improvements should not be "*delegated to a condition*". PPG states that "*conditions can enhance the quality of development...by mitigating the adverse effects*". Our Client always aims to ensure that any issues arising from a proposed development are discussed, and if possible addressed, during the planning application determination period however the use of conditions are still regularly required. The last sentence of point 10 should be deleted.

## Appendix 9

Our Client **objects** to the community improvement priorities for developer contributions set out in Appendix 9. PPG sets out that planning obligations can only be sought where they meet three conditions including being "*directly related to the development*" and are paid to the local planning authority. Appendix 9 opens by saying that contributions should be directed to privately managed organisations. Developer contributions can not be used to fund private companies. This should therefore be deleted. The appendix should go on to reiterate that conditions should be necessary, directly related to the development and reasonable in scale (PPG ID: 23b-002-20190901) the make clear that the identified priorities will only be sought where they are directly related to the development.

## 4. Conclusion

Barton Willmore have been instructed by the Bellway Homes Ltd to submit representations to the STNP Regulation 15 Consultation, which is currently subject to public consultation. Our Client's land interest in the plan area comprises the land at Stainton Vale Farm which measures approximately 64 hectares. The site is currently designated as a 'Green Wedge' in the Middlesbrough Core Strategy but has the capacity to deliver 850 homes and make a significant contribution to the borough's housing need.

For a neighbourhood plan to be proceed to a referendum, it must meet all basic conditions which include having regards to national policies and contributing to the achievement of sustainable development. We have set out our Client's objections and comments on the STNP and highlight several issues in relation to the plan that our Client believes should be addressed as in its current format the plan does not meet the basic conditions.

However, we believe that subject to the amendments to key polices highlighted above, our Client considers that the STNP can meet all of the basic conditions and will be recommended by the independent examiner to move to the referendum stage.

We reserve the right to comment further on the next iteration of the plan and to undertake further studies on our Client's land. We trust these representations will be afforded full consideration by the Group and look forward to further engagement in the consultation process as the plan progresses.

Please do not hesitate to contact me with any queries.

Yours sincerely



**MUSA CHOUDHARY**  
Senior Planner

Enc: Vision Document