

MIDDLESBROUGH COUNCIL

EXECUTIVE REPORT

Middlesbrough Housing Local Plan – Main Modifications in response to Planning Inspector’s requested changes

Executive Member - The Mayor

Kevin Parkes – Executive Director of Economic Development and Communities

11th July 2014

PURPOSE OF THE REPORT

1. To obtain approval to consult on a number of Main Modifications required to comply with the Planning Inspector’s requested changes to the Middlesbrough Housing Local Plan made during the Public Examination.

SUMMARY OF RECOMMENDATIONS

2. That :
 - i. the Main Modifications attached as Appendix 1 are approved for the purposes of consultation; and;
 - ii. approval for any further modifications required by the Planning Inspector prior to consultation be delegated to the Executive Director of Economic Development and Communities in consultation with the Executive Member for Regeneration.

IF THIS IS A KEY DECISION WHICH KEY DECISION TEST APPLIES?

3. It is over the financial threshold (£150,000)
It has a significant impact on 2 or more wards
Non Key

DECISION IMPLEMENTATION DEADLINE

4. For the purposes of the scrutiny call in procedure this report is

Non-urgent
Urgent report

If urgent please give full reasons

The Main Modifications have been requested by the Planning Inspector into the Middlesbrough Housing Local Plan examination (24th to 26th June 2014). These modifications need to be made if the Council is to be able to progress to adopt the Local Plan. In order to meet the timeframes of the Planning Inspector to assess both the modifications and the preparation of her report they need to be progressed and consulted upon the week commencing 14th July 2014.

BACKGROUND AND EXTERNAL CONSULTATION

5. During the examination into the Middlesbrough Housing Local Plan the Planning Inspector has directed the Council to make a number of amendments to the Plan, known as Main Modifications. They are necessary for the Inspector to be able to find the Local Plan sound and for the Council, subject to the final Inspector's Report, then to be in a position to adopt the Plan later this year. The Inspector has requested that the detailed wording for the modifications is provided by the Council, rather than herself, and that these modifications are then consulted on for a six week period. The Inspector has provided guidance on both the format and wording of the proposed modifications. The modifications requested by the Inspector, and the reasoning for them, are as follows:

Empty properties

6. Modification: Delete reference to empty properties providing part of the housing land supply.

Reason: Empty properties are already part of the housing stock and as such should not be considered as part of the required housing land supply.

Housing numbers

7. Modification: Identify that the overall housing requirements, and the allocations for each site are minimums (except where specified otherwise), and identify that the phasing shown in the plan is indicative only.

Reason: As worded the current suite of policies could seek to act to slow housing delivery down. The proposed amendment would allow housing to come forward at a faster rate if the housing market were to pick up.

Housing definitions

8. Modification: Amend the suggested definitions for different types of housing, deleting all definitions other than executive housing, and replace references in the plan to aspirational/family/executive-style housing to 3 and 4 bed semi and detached properties.

Reason: The Plan and its policies use numerous references and descriptions of different types of housing. As such it is unclear what is required in any one given location. Definitions should be streamlined to help clarity.

Affordable housing

9. Modification: Amend policy H12 to make it explicitly clear that a minimum of 5% of affordable housing must be provided on sites where it is required, and remove reference to HCA standards for all affordable housing.

Reason: As presently worded the policy would allow a developer to provide all affordable housing off site via a financial contribution if they so wished. Such an approach is not acceptable. Requiring HCA standards for all affordable housing is seen as being too restrictive in securing

affordable housing. Where HCA funding is involved then they will require such housing to be built to their standards to secure the funding. As such the policy wording is not needed. Both modifications are required to ensure that the Council can secure a sufficient supply of affordable housing to meet identified objectively assessed needs.

Coulby Newham allocation

10. Modification: In respect of the Coulby Newham housing allocation delete the golf course extension and redraw the allocation boundary, and add reference to tree planting belt to the north of Newham Hall.

Reason: The evidence provided does not support the fact that a golf course extension is either required, deliverable or will not damage the setting of the listed Newham Hall. Given this the proposed golf course should be removed from the allocation, in doing so this does not prevent a golf course coming forward in the future if required and subject to sufficient evidence in support of a scheme being provided, and any necessary mitigation is included in the proposal. The additional wording regarding the provision of a woodland belt to the north of the Hall also provides additional safeguards in protecting its setting.

Infrastructure Delivery Plan

11. Modification: Include reference within the Plan to the Council's Infrastructure Delivery Plan, and cross reference specific allocations to the delivery of the Stainton Way Westward Extension, and East Middlesbrough Link.

Reason: It is not clear or explicit within the policies of the Plan which developments are dependent upon which elements of infrastructure. Given the importance of the two new strategic local roads (East Middlesbrough Link, and Stainton Way Westward Extension) it is important that the developments expected to contribute to the provision of this road be identified.

Land South of Guisborough Road, Nunthorpe

12. Modification: In respect of the housing allocation for land south of Guisborough Road, Nunthorpe make it explicit that the development will not come forward before there is a commitment to provide either the new East Middlesbrough Link, or Park and Ride in place.

Reason: As currently worded the policy is too ambiguous. The proposed modification will make it explicit that the site cannot come forward until agreement has been reached on the delivery and implementation of one or other of the two transport schemes.

Gypsies and Travellers

13. Modification: An early review will be needed for the Gypsy and Travelling Show people allocations. This to be linked to a five year land supply for

pitches, and will involve a review of the study undertaken in 2009, and will require any identified future provision to be for a private site.

Reason: The Tees Valley Gypsy and Traveller Needs Assessment (GTNA) was adopted in 2009, and only projects requirements forward to 2021. As such it is not robust enough to provide evidence to support future need beyond 2021 during the plan period. As the Council has a duty to maintain a five year land supply of deliverable pitches to meet needs it is not possible to do so beyond 2021. It will be necessary as a consequence to monitor the situation and undertake a review of the GTNA either jointly with neighbouring authorities, or individually before the five year land supply runs out. In providing any future pitches identified in the study provision should be on another site, and not an extension of Metz Bridge which is already considered to be larger than the maximum space requirements set out in government policy and good practice guidance. Any provision should also ideally be for a privately run site to provide choice to the travelling community.

The suggested wording for the modifications is attached at Appendix 1.

14. None of the changes required affect either the sites allocated or the number of dwellings that each is likely to deliver. They aid clarity and interpretation and do not introduce new sites or represent material changes to the policies.
15. The Main Modifications will need to be consulted on for a six week period, and all comments received passed directly to the Planning Inspector. After which time the Council should receive the Inspector's Report into the examination. Consultation will need to be undertaken in line with the requirements set out in the Statement of Community Involvement. It is not proposed at this stage to undertake public meetings or exhibitions. The consultation will take the form of:
 - i. letters to all those who submitted representations;
 - ii. press release;
 - iii. statutory notice within the Evening Gazette;
 - iv. Council's web site; and,
 - v. copies of Main Modifications in local libraries.
16. Council members will be consulted as part of this process. The Housing Local Plan will need to go before a meeting of the Full Council for approval before it can be adopted.

IMPACT ASSESSMENT (IA)

17. An initial equality impact assessment (EIA) has been carried out. A copy is attached at Appendix 2. The Main Modifications do not impact negatively on any of the groups listed, will not impact negatively on the Mayor's 2020 Vision or have any implications for the transformation programme. A Level 2 Full Impact Assessment is not required.

OPTION APPRAISAL/RISK ASSESSMENT

18. There are no alternative options. The modifications are required to be made to ensure that the Plan is sound. If the Council do not make the modifications, or the Inspector is not satisfied with the wording then she can either find the Plan unsound, or alternatively propose her own wording.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

19. **Financial** – There will be additional costs associated with the consultation, but provision is made for this within the Local Plan budget. Adoption of the Plan will also allow the Council to realise capital receipt from those sites in its ownership that are allocated for residential development.
20. **Ward Implications** – The Local Plan will have an impact upon all wards/
21. Members will be consulted as part of the six week consultation process.
22. **Legal Implications** – The modifications are required to comply with the legal processes for adoption of the Housing Local Plan.

RECOMMENDATIONS

23. That :
 - i. the Main Modifications attached as Appendix 1 are approved for the purposes of consultation; and;
 - ii. that approval for any further modifications required by the Planning Inspector prior to consultation be delegated to the Executive Director of Economic Development and Communities in consultation with the Executive Member for Regeneration.

REASONS

24. The Main Modifications are in response to the requirements of the Planning Inspector into the Middlesbrough Housing Local Plan examination to ensure that the Plan is found sound.

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

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