


OFFICER DELEGATED DECISIONS FORM

<p>State the Delegated Authority that you are relying on in order to make this decision: e.g. specific (identified in constitution) or general</p>
<p>Officers have the power to undertake matters of day to day management and associated activities (para 22)</p>
<p>Subject of decision: e.g. freehold disposal of land (16K-149K), contract extension, new policy</p>
<p>Council statement letter in response to the submitted Stainton & Thornton Draft Neighbourhood Plan.</p>
<p>Text of decision: e.g. can include monies received by the Council, list any terms agreed, brief summary of the policy – Do not include any confidential information.</p>
<p>The Director for Regeneration and Cultural Services to approve the Council's statement letter in response (see attached) to the submitted Stainton & Thornton Draft Neighbourhood Plan.</p>
<p>Reason for decision: e.g. benefits, new legislation requires a policy, review of opening hours, non- key decision, outside of agreed budget framework</p>
<p>1) The submitted Stainton & Thornton Draft Neighbourhood Plan has been prepared by Stainton & Thornton Parish Council. The Council under the Neighbourhood Planning Regulations 2012 (as amended) is required to undertake a six-week public consultation process into the submitted Plan. The six-week public consultation period was undertaken between 5th July – 16th August 2021. As soon as practicable, following the close of the public consultation the Council is required to forward all submitted documentation and representations received during the consultation period, to the relevant appointed independent examiner. It is considered appropriate for the Council to submit a response in respect of the submitted Neighbourhood Plan.</p>
<p>Other options considered (if any)</p>
<p>1) Not to respond to the consultation – this is not considered appropriate as it would not assist in the preparation of a sound Neighbourhood Plan.</p>
<p>Has an Impact Assessment been completed Yes/No – if yes please attach to the decision.</p>
<p>No</p>
<p>Declarations of Interest by any member or relevant local government body</p>
<p>N/A</p>
<p>Who have you consulted as part of the decision making process e.g. Head of</p>

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Service, Executive Member, Community Association, Surveyor?
Executive Member for Regeneration – Eric Polano Head of Planning Services – Paul Clarke
Date of decision
September 2021
Service area
Planning Services
Name of Delegated Officer making decision - i.e. Officer who is designated the power in the Constitution
Director for Regeneration and Cultural Services - Richard Horniman
Name of the Officer making the decision – if power has been sub-delegated to another Officer.
List of background papers (do not list if contain exempt/confidential information)
Statement Letter to the submitted Stainton and Thornton Draft Neighbourhood Plan (see attached).
Signed:  Dated: 08/09/2021

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Planning Services

Tel: (01642) 729 377

1st September 2021

Mr A Liddle,
Stainton and Thornton Parish Council
14 Church Close
Stainton
Middlesbrough
TS8 9AF

Direct Line: (01642) 729065

Our Ref: Local Plan/S&TNP/

Your Ref:

When telephoning please ask for :

Charlton Gibben

Dear Mr Liddle,

Council Statement in respect of the submitted Stainton and Thornton Neighbourhood Plan and accompanying supporting documentation

In accordance with the Neighbourhood Planning Regulations, the Council provided a number of comments and suggestions in relation to the Stainton and Thornton Parish Council's pre-submission draft Stainton and Thornton Neighbourhood Plan consultation event.

The Council welcomes that the Parish Council has considered and taken on-board a number of these comments and suggestions, and has accordingly made the relevant amendments to the submitted draft Neighbourhood Plan. We are generally supportive of the submitted draft Neighbourhood Plan, and the approach set out within it. We do, however, have the following comments to make and are mindful that some policies appear to crossover into strategic issues, and as such fall outside the scope of a Neighbourhood Plan.

Plan Reference:	Our Comments:
Policy ST2 Local Green Space 1)	The proposed policy text does not appear to read properly. We would suggest the following (changes highlighted) Provision of appropriate facilities, including new buildings, associated with outdoor sport or outdoor recreation, providing it they preserves and improves the function and value of the Local Green Space. n New buildings would only be supported if they are of an appropriate design and scale with the specific site.
Final para	Refers to 'volume' of Local Green Space. Consider replacing 'volume' with 'area'.
General point	As raised in our pre-submission response letter dated 30.11.20 in respect of the proposed Local Green Space (LGS) designations, and land already designated as open space, Local Wildlife Site or Local Nature Reserve, that care should be taken to ensure that additional green space designations are not misused, to prevent development, rather than to ensure proper green space provision. Furthermore, that all proposed LGS designations need to fully accord with the criteria as set out in the NPPF (para 100).
Policy ST3 Natural	First sentence, removal of the word 'only' would make it more positive.

Growth and Place: Economic Development and Infrastructure

Middlesbrough Council, PO Box 504, Civic Centre, Middlesbrough, TS1 9FY

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Environment criterion 5) criterion 7)	<p>This criterion does not appear to have been finalised, given the reference to <i>'net gain sites?'</i></p> <p>Needs to start with 'They'</p> <p>In reference to Green Buffer Zones – These do not appear to be defined anywhere, this is needed if policy is going to work.</p>
Policy ST4 criterion 4	<p>Policy states <i>'low density of the built environment should be reflected in any development within the conservation area and its setting'</i></p> <p>Not all of the Conservation Area is characterised by low density development. As such, there may be some areas where medium or higher density are appropriate e.g. if an infill plot were to arise, in some parts of the Conservation Area a row of medium/higher density cottage or mews style development may be more appropriate than a lower density development of larger dwellings.</p>
Policy ST5	<p>It would be helpful if the last set of bullet points in this policy were numbered so that they can be more readily referred to in the decision making process e.g. development accords with policy ST5 (1), or in conflict with ST5 (4) etc.</p>
Policy ST6 criterion 4	<p>This criterion should be reworded as not all highway works are funded through s106 agreements.</p>
Policy ST6 last paragraph	<p>Policy states <i>'All new residential and commercial development should be served by sustainable transport links, this should include bus routes, cycle routes, footpaths and transport provision subsidies'</i></p> <p>As currently worded the requirement will apply to minor development, such as individual dwellings. Given the rural nature of part of the Neighbourhood Plan area these could include agricultural workers dwellings on farmsteads. Such development is unlikely to be served by sustainable transport links. As such, the Policy is considered to be too inflexible and should be amended to make reference to <i>'where appropriate and viable'</i>.</p>
Policy ST7	<p>Policy states <i>'Future developments must incorporate better infrastructure before building starts'</i></p> <p>This requirement for the infrastructure to be provided up front in advance of housing development could make development unviable for a number of housebuilders/developers, particularly on larger sites. Many developers will need to sell a certain proportion of dwellings on site to pay for the infrastructure. As such, the policy as worded could act as a barrier to development. It would be more appropriate to require a phased approach to infrastructure provision that reflects the phasing of the housing.</p>
Policy ST7	<p>Policy states <i>Necessary road infrastructure must be put in place as part of any future strategic development to prevent further congestion at the A19/A174 junction, which is already at full capacity'</i></p> <p>Is this statement on the capacity of the A19/A174 junction backed up by technical evidence (e.g. Council and/or Highways Agency traffic modelling) or is it a subjective community point of view?</p> <p>Furthermore, the Neighbourhood Plan should not be looking at strategic development as this is the role of the Local Plan, and therefore impact of strategic development on infrastructure and roads will be a matter for the Local Plan.</p>

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Policy ST7	<p>Policy states <i>'Any new housing development should incorporate safe pedestrian and cycle routes to facilities and services including schools'</i>.</p> <p>As per the above comments on Policy ST6 as currently worded the requirement will apply to minor development, such as individual dwellings. Given the rural nature of part of the Neighbourhood Plan area these could include agricultural workers dwellings on farmsteads. Such development is unlikely to be served by pedestrian and cycle routes. As such, the Policy is considered to be too inflexible and should be amended to make reference to <i>'where appropriate and viable'</i>. Or refer to major development of a certain threshold.</p> <p>In addition as there are no schools within the Parish, it would in itself be unrealistic for the Neighbourhood Plan to provide for infrastructure improvements which would need to be made outside of the Plan boundary. We suggest the criterion is reworded to remove reference to schools.</p>
ST8	<p>The policy requires residential development to address the lack of facilities such as doctors, pharmacies, schools etc. This should be qualified that they should be required to help address the lack of deficiencies where it can be demonstrated that there is a clear deficiency and need for a given facility. Some of the facilities specified are market decisions and beyond the ability to secure through the planning system via S106 etc.</p>
Policy ST9 criterion 5	<p>Policy states new development should <i>'Be a maximum two-storey, unless there is a clear design justification reflective of the surrounding vernacular'</i></p> <p>We consider it appropriate for this criterion to exclude the phrase <i>'reflective of the surrounding vernacular'</i>. As development higher than two storeys may be acceptable at on some sites and this can be justified on design grounds – but there may be no surrounding vernacular against which a higher development could be assessed.</p>
Criterion 6	<p>The significant views/vistas as specified in criterion 6 should be identified, are they those views/vistas as identified on page 22?</p>
Policy ST10 criterion 2	<p>The wording of criterion 2 lacks clarity in terms of what housing mix the Policy is seeking to achieve e.g. the Policy refers to <i>'30% of build to be smaller homes or the housing requirement (size) as identified by the local housing needs assessment'</i>. Given that the local housing assessment identifies a need for 1, 2, 3 and 4+ beds in Middlesbrough any housing development would achieve 100% (rather than 30%) of homes that meet the sizes identified in the local housing assessment, which would appear to satisfy the above section of the Policy requirement shown in italics. It is assumed that was not what the Neighbourhood Plan was trying to achieve through the Policy.</p> <p>The Plan does not appear to define what is meant by <i>'smaller homes'</i>. A definition should be provided e.g. one and two bedroom.</p> <p>The Plan lacks flexibility in respect of need vs demand. Need is measured as having sufficient bedrooms for household size, but most people demand and require flexibility for changing life-style circumstances, especially in relation to catering for increased levels for home working etc. that may require larger house sizes.</p>
Policy ST10 criteria 2 and 4	<p>Criteria 2 and 4 appear contradictory in that criterion 2 seeks 30% of the housing on any site to be small homes, yet criterion 4 seeks the development of low density housing. The requirement for a significant proportion of small homes on site will push up the overall density on the site.</p>
ST10	<p>Has the requirement for low density housing been informed by an</p>

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critterion 4	assessment of existing character areas within Stainton and Thornton that are highly valued? If not, can this requirement be justified, as it appears contrary to NPPF requirement to make effective use of land.
ST10 Criterion 7	We considered it to be unrealistic for the neighbourhood plan to provide for infrastructure improvements which would need to be made outside of the plan boundary. We suggest that this criterion needs to be reworded.
ST10 Criterion 8	Policy states ' <i>Retain existing farmsteads, trees, hedgerows, ditches, watercourses, and heritage assets within the development</i> ' We consider this criterion should be reworded to only require retention of those farmsteads that have architectural, historic or design interest. There are not many farmsteads/buildings that are necessarily worthy of retention.
ST10 Criterion 10	We do not consider it appropriate for the Neighbourhood Plan to say what should or should not be a condition placed on any planning permission. We feel this criterion should end after the first sentence.
ST11	We do not consider it appropriate for the Neighbourhood Plan to guarantee that any mitigation is provided in the Neighbourhood Plan area, it may be more appropriate for this to be provided elsewhere in the Borough, or even outside of the Borough depending on what is required. We consider an approach which prioritises an order of sites e.g. more appropriate: 1. on site 2. within the immediate vicinity, 3. within the neighbourhood plan areas, 4. within the Borough However, each application/mitigation will need to be assessed on its own merits and the mitigation/infrastructure provided accordingly.
ST12	Large scale energy development e.g. windfarms and solar energy developments is a strategic issue that is likely to fall outside the scope of a Neighbourhood Plan. As such, this should be removed from the policy. However, should this element of the policy be retained, it needs to be in accordance with both the NPPF (para 150-154) and the Local Plan. A definition of 'meaningful' consultation should also be provided.
Appendix 8	Footpaths and proposed enhancements – this section would benefit from a plan showing the existing routes/and indicative additional routes to improve the network.

The above comments are subject to political endorsement and ratification. If you require any further information regarding the above, please do not hesitate to contact my colleague Charlton Gibben on 01642 729065.

Yours sincerely,



Head of Planning,
Middlesbrough Council.