

AGENDA ITEM

COUNCIL

11th April 2007

**MIDDLESBROUGH LOCAL DEVELOPMENT FRAMEWORK CORE
STRATEGY SUBMISSION DRAFT**

TIM WHITE, DIRECTOR OF REGENERATION

PURPOSE OF THE REPORT

1. Under the provisions of the Planning and Compulsory Purchase Act 2004, local planning authorities are required to produce a Local Development Framework (LDF) for their areas. When adopted the LDF will replace the Middlesbrough Local Plan. The purpose of this report is to seek approval for the publication of the Core Strategy submission draft and for this to be submitted to the Secretary of State for Communities and Local Government for her consideration. This is a statutory stage in the process, and requires the approval of the full Council.

BACKGROUND AND EXTERNAL CONSULTATION

2. In 2004 the Government introduced a new planning system that saw local plans and structure plans replaced by LDFs and Regional Spatial Strategies (RSS). Together, the Middlesbrough LDF and the RSS for the North East will form the statutory development plan for the town. Planning applications, which are in accordance with the development plan, are delegated to the local authority to determine otherwise they may require referral to the Secretary of State. The LDF will comprise of a series of documents called Local Development Documents (LDDs). The first LDD to be produced as part of the Middlesbrough LDF is the Core Strategy.
3. The Core Strategy sets the principles of the strategic planning framework for the town over the next fifteen years. Middlesbrough's Core Strategy will look forward to

2023. All other LDDs will need to be in conformity with the Core Strategy, and as such it is important to ensure that it will deliver and facilitate the Council's priorities and aspirations over that period and aid the bidding process to secure funding.

4. The Core Strategy is subject to a complex process of development and associated consultation. The first stage was to consult on an issues and options report. This was undertaken in early 2005. The second stage was the publication of the Council's preferred options. This was approved by Executive in November 2005 and subject to public consultation in December 2005 to February 2006. The preferred options for the Regeneration DPD, the document within the LDF that identifies site specific development allocations, was approved by Executive in January 2006, and consulted upon between February and March 2006. This document is expected to be submitted to the Secretary of State in January 2007.
5. A range of responses were received as a consequence of these consultations. However, given the significance of some of the proposals to the future of parts of the town and Middlesbrough overall, the number of responses at the preferred options stage was disappointing, particularly in respect of the Regeneration DPD. It is important in building public confidence in the future vision for the town that the community is genuinely engaged. Furthermore, the response from Government Office North East (GONE) to both the Core Strategy and Regeneration DPD raised a series of comments in respect of the format and presentation of the documents, as well as some specific policy issues. As a result it was considered that the most appropriate course of action was to redraft the Core Strategy and Regeneration DPD documents and to re-consult on both at the same time. These were approved by Executive in August 2006 and the consultation took place between September and November 2006.

Public engagement responses

6. In total 41 individuals/organisations made representations to the Preferred Options Report published in November 2005 and 445 to the Preferred Options report published in September 2006. Individuals/organisations can make more than one representation and each comment they make is recorded as a separate response. Table 1 identifies the total number of specific responses received to the preferred options stage of the Core Strategy, and how many of them are in support or objection.

Table 1: LDF Core Strategy Preferred Options consultation responses

	Preferred Options Nov 2005	Preferred Options August 2006	Total
Support	68 (15%)	108 (7%)	176
Objection	285 (85%)	1437 (93%)	1722
Total	453	1545	1898

When considering the level of objections, it has to be borne in mind, that while it appears there are a high number of objections this includes representations which seek some minor but acceptable change. All representations that are not in unconditional support of the Core Strategy have to be considered as objections.

7. In total 1215 of the objections received during the second preferred options consultation were concerning proposals for housing market renewal proposals in Gresham. These representations came from 405 respondents. This accounted for 85% of all objections.

Principal issues

8. The next stage in the preparation of the Core Strategy entails its publication and submission to the Secretary of State for Communities and Local Government. It is important that the Council has considered all representations made at the preferred options stage and where appropriate it can amend the plan to reflect the views of interested parties.
9. The revised Core Strategy is attached in Appendix 1. This has been presented in a manner whereby changes made since the preferred options stage, both deletions and additions are tracked. A document summarising all responses to the preferred options consultation and how these are proposed to be addressed is available in the Members Library.
10. The following paragraphs summarise in sequential order the main comments made and significant changes to the Preferred Options in respect of each chapter. The numbers in brackets refer to the number of representations received in respect of that chapter at first and second preferred options stages respectively.
11. **Background (0/9).** No significant representations were made in respect of this chapter that warrant further changes to this section. The only changes proposed are to update the contents of the chapter to reflect the current stage in the LDF process.
12. **Spatial portrait and issues (7/14).** No significant representations were made in respect of this chapter that warrant further changes to this section. No changes are proposed.
13. **The preferred option (0/11).** The objections submitted in respect of this chapter were principally from landowners/developers wishing to promote their own sites for development. No proposals however, have been presented which are considered to have benefits that outweigh the main proposals set out at the preferred options stage. Indeed some would undermine the preferred spatial planning strategy. No changes are therefore proposed.
14. **Spatial vision and objectives (39/41).** On the whole the representations to this chapter were supportive. Even those that sought changes were supportive of the principles that underlie the vision. The principal changes sought by objectors were the:
 - i. identification and recognition of other strategic housing sites in place of Hemlington Grange; and,

- ii. recognition of the role of Darlington town centre, alongside that of Middlesbrough, as a sub-regional centre and that development in either centre should not be at the expense of the other.

It is not proposed to identify alternative strategic locations as none of the alternatives have benefits that outweigh those associated with the development of Hemlington Grange. It is proposed to amend the vision and appropriate objectives to recognise the role of Darlington town centre as a sub regional centre and the complementary relationship between it and Middlesbrough town centre within the Tees Valley.

15. **Spatial strategy (75/501).** The majority of representations to this chapter at the second preferred options consultation were as a result of objections to housing market renewal proposals in Gresham as being unsustainable. The objectors considered that these proposals were contrary to the provisions of policy CS4 (Sustainable Development). The change being sought is that the Gresham area should not form part of the proposals for housing market renewal within Middlesbrough.
16. Apart from the objections referred to in paragraph 15 there is general support for the spatial strategy of the LDF. Despite this some changes are sought by objectors including:
 - i. the quantum of residential and employment development identified should be updated to reflect the most up to date RSS position;
 - ii. there is an over reliance upon Greater Middlehaven to meet the development needs of Middlesbrough. If development rates at Greater Middlehaven are slower than envisaged it could have a significant impact upon the ability to deliver the spatial strategy and Middlesbrough's overall housing requirement. To ensure that this does not happen there should be a reduction in the amount of development proposed for Greater Middlehaven during the early phases and identify alternative strategic sites to make good the shortfall in housing land supply;
 - iii. Greater Hemlington is not the most appropriate location for a sustainable urban extension. Alternative sites were put forward by landowners/ developers. Development of a sustainable urban extension should not be at the expense of regeneration activities in the urban areas;
 - iv. it is necessary to ensure that policy CS6 on developer contributions is consistent with national guidance. In doing so the Council should identify its priorities for seeking contributions; and,
 - v. additional wording is suggested for policies CS4 and CS5 regarding sustainable development and design.
17. There are no significant changes proposed to this chapter. The strategy identified provides a framework for future development in the town, which is primarily focused on development at Greater Middlehaven. Greater Middlehaven is seen as a priority

by the Council and its partners including One North East, English Partnerships, and the North East Assembly. As such the phasing identified reflects the priority given to regenerating the area and bringing the site forward for development. Identification of other strategic sites, over and above those already identified, could have an unacceptable impact upon the viability of not only bringing Greater Middlehaven forward, but also other regeneration initiatives. House building rates will be monitored continually, and if there is a significant difference between actual and proposed rates this will act as a trigger to re-examine when sites are developed. This will be done through the Annual Monitoring Report (AMR). There is no need to identify other strategic sites at this time.

18. A number of alternative locations for a sustainable urban extension were put forward by landowners/developers. These sites are:
 - i. Grey Towers Farm, Nunthorpe;
 - ii. Grange Farm, Hemlington;
 - iii. Brookfield/ Stainsby Hall Farm; and,
 - iv. Strait Lane, Stainton.

These locations, along with that of Hemlington Grange, were consulted on as options within the Issues and Options report, and assessed against the sustainability criteria contained in the Sustainability Appraisal (SA). The SA is a technical assessment that has been undertaken as part of the preparation of the Core Strategy (see paragraph 32). The Grange Farm site was not considered at Issues and Options stage as at that time it had not been brought to the Council's attention as a potential development location. Through the SA process Hemlington Grange was considered the most sustainable option for an urban extension. Objectors have not provided sufficient information to justify why the Council's approach is unsound or why the alternative site being proposed is sound. It is not proposed to identify an alternative location for an urban extension.

19. Policy CS6 (planning obligations/developer contributions) is consistent with national guidance. It is important to retain flexibility in the policy to ensure that it is capable of implementation, without review, once the Government has introduced its proposals for the Planning Gain Supplement (PGS) later this year. PGS will replace the need to seek developer contributions in certain circumstances. This makes it inappropriate to identify the matters for which developer contributions will be sought within the policy. Instead it is the intention to amend the text to the policy to identify the types of matters which the Council may seek a developer contribution. These cannot be prioritised as the requirements are likely to change from site to site and over time.
19. There are no major changes proposed to the chapter in light of the above representations. Changes largely reflect a need to up date the chapter to reflect current information available and address sustainability concerns (policy CS4).
20. **Competitive business infrastructure (31/14).** The main concerns expressed in relation to this chapter were that the policies needed to be based upon an up to date employment land review. Such a review forms part of the evidence base in support of the policies of the LDF. No major changes are proposed.

21. **Revitalising the housing market (67/853).** A significant proportion of the representations made (812) during the second consultation event were submitted in respect of the housing market renewal proposals in Gresham. Objectors felt that the site should not be cleared and redeveloped and as such should be deleted as a proposal from the Core Strategy. The reasons given are:

- i. housing renewal is not the prime motivation for the proposal;
- ii. unrealistic and unacceptable timescales;
- iii. the Council may never have the necessary funds to finish what they have started; and,
- iv. unaffordable housing and replacement dwellings which will not be affordable on the basis of the financial packages being offered to residents of Gresham.

These issues have been addressed in the work undertaken in developing proposals for the Gresham area, which have themselves been the subject of extensive consultation and scrutiny by the Council. The policies of the Core Strategy provide a broad planning framework for bringing these proposals forward. The Regeneration DPD will provide more details on the specifics of the scheme and its delivery. The Core Strategy, in effect, recognises that there is a scheme, which forms part of the wider approach to housing market renewal in the town. It is not, therefore, proposed to amend the Core Strategy in light of these representations.

22. In terms of the remaining representations the overall housing strategy identified within the chapter is supported, but concerns are expressed over:

- i. the implementation of the housing strategy; and,
- ii. the phrasing of policy CS12 (Gypsy and travelling show people sites).

23. Concerns regarding the implementation of the housing strategy centre principally on delivery of the strategic sites and their ability to meet the aspirations expressed in the Spatial Vision. Landowners/developers seek to promote their sites as alternatives. It is not proposed to identify these, which have been identified in paragraph 18, as strategic housing locations in the Core Strategy. In accordance with Government and regional priorities the regeneration of Middlehaven and the housing market renewal areas are seen as a priority. The identification of additional or alternative strategic sites could hinder the deliverability of these initiatives, and as a consequence could undermine the delivery of the spatial planning strategy.

24. The Government Office has asked that policy CS12 (Gypsy and travelling show people sites) be amended to provide a more strategic context to consider the future provision of such sites. These comments have been accommodated and a revised policy CS12 is proposed.

25. Since publication of the Core Strategy preferred options report in November 2006 the Government has published the finalised version of PPS3 (housing). This has implications for a number of the policies and proposals contained in the Core Strategy. The Core Strategy has therefore been amended, where necessary, to bring it into line with PPS3, this is one of the tests that the Inspector will make at the examination later in the year. These changes include:

- i. incorporation of an overall and previously developed land housing trajectory. This will show predicted development rates against supply; and,
- ii. inclusion of a housing implementation strategy identifying how it is intended to amend housing land supply in response to changing circumstances.

26. **A 21st century retail and leisure centre (48/31).** A number of objections were made to the revised town centre boundary. The Core Strategy sets out the broad framework for the future aspirations of the town centre. The Regeneration DPD defines more precisely how these aspirations will be addressed including the definition of boundaries. Principal strategic concerns expressed in the objections are the:

- i. impact that expansion into Cannon Park will have upon Stockton town centre;
- ii. impact that expansion into Cannon Park will have upon the viability of Middlehaven; and,
- iii. extent to which the town centre boundary is drawn to include Middlehaven.

Changes are proposed to policy CS13 (retail strategy) and supporting text to ensure that a policy framework is in place that is capable of facilitating the Council's aspirations for the town, district, and local centres. There is sufficient capacity and retail need to accommodate developments proposed at both Cannon Park and Middlehaven, without them being in competition with each other or other centres within the Tees Valley. The uses proposed for Cannon Park and Middlehaven will be aimed at different sectors within the retail use class and will be complementary to each other and the role of the town centre as a sub-regional centre.

27. **A regional centre for education, health and culture (10/8).** There were no significant objections raised to the contents of this chapter. In light of the representations received though it is felt that the chapter would benefit from changes that:

- i. reflected the current position regarding Building Schools for the Future;
- ii. clarified the Core Strategy position on policies concerning health; and,
- iii. clarified the Core Strategy position on policies concerning culture.

The chapter has been amended accordingly.

28. **Connecting Middlesbrough (52/24).** The principal objections to this chapter are seeking to ensure that proper regard is given to sustainable forms of transport. This is a principle of the RSS and national policy. To ensure that the Core Strategy is in conformity with them it is necessary to amend the policy to reflect these concerns.

29. **Creating a quality environment (22/19).** The overall strategy and policy approach identified in this chapter was supported. Some amendments have been sought seeking principally to recognise the biodiversity interest of playing fields, other green field sites, and the River Tees. Development should not be at the expense of these biodiversity interests. These comments can be accommodated

30. **Development control policies (69/15).** The number of policies in this chapter has been reduced from 32 in the November 2005 version of the preferred options, to two in the August 2006 version. Whilst the policies have been deleted from this chapter they have either been incorporated into policies elsewhere within the Core Strategy or will form part of Supplementary Planning Documents, or policies in other DPDs at a later date. Safeguards are in place to ensure that there is a policy framework in place to enable development control decisions to be made. There were no significant objections to this chapter that warrant further changes to this section. It is not proposed to make any changes.
31. **Implementation, monitoring, and policy linkages (2/4).** No significant representations were made to the chapters on implementation, and policy linkages that warrant further changes to them. It is proposed, in response to comments from the Government Office to include details of targets and indicators in the monitoring framework (Chapter 14).

Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA)

32. A statutory requirement under the new planning system is that every document produced as part of the LDF undergoes SEA/SA. This involves testing the policies and proposals of each document against a set of sustainability objectives. The purpose is to ensure that sustainability principles are embedded within the LDF. An SEA/SA has already been completed for both preferred options reports. It will be necessary to update this work to reflect the changes made during redrafting. As no significant changes are proposed to the Core Strategy it is not anticipated that this will involve a significant amount of work or change. Copies of the SA documentation are available in the Members library.

Submission timetable

33. It is proposed to submit the Core Strategy to the Secretary of State by 31st May 2007. At the same time the document will be made available for consultation for six weeks. If during that period objectors put forward alternative sites, or amendments to proposed sites then it will be necessary to go out to consultation on these alternatives for a further six week period. This does not involve changes to the Core Strategy, the purpose is to ensure that the community has the opportunity to comment on alternative sites before they are considered by the Inspector at Examination.
34. The Examination is programmed for November 2007. It is anticipated that the Core Strategy will be adopted in September 2008.

Consultation

35. Consultation on the Core Strategy will, in accordance with the Statement of Community Involvement, involve the following:
- i. placing statutory notices in the local press;
 - ii. issuing press releases;

- iii. displaying posters in public places advertising the fact that the documents are available and where;
 - iv. making copies of the documents available in public libraries, and other appropriate local facilities;
 - v. placing the documents on the Council's website;
 - vi. notifying key stakeholders about the availability of the document;
 - vii. sending copies of the documents to statutory consultees, including all community councils and cluster groups;
 - viii. preparation of an information leaflet that will be made available at various locations around town;
 - ix. formally notifying all of those who have submitted representations at previous stages of the process;
 - x. preparation of a static exhibition that can be placed at various points around the town during the consultation exercise;
36. It is not proposed to distribute a leaflet to every household in the town. This was done when consulting on the Core Strategy Preferred Options report (September 2006) and other than responses from residents of the Gresham area did not generate much feedback from local communities. The methods listed above were found to be the most efficient and effective in engaging people in the process.

Future reporting arrangements

37. Leading up to the Examination there will be a significant range of activities that will need to be rapidly progressed to meet with the timetable set out in paragraph 34. These include:
- i. the requirement to consult on alternative sites put forward by objectors (see paragraph 33);
 - ii. the preparation of proofs of evidence/statements for the Examination, setting out in more detail the Council's position on specific policy matters; and,
 - iii. minor amendments to the Core Strategy in the period leading up to the Examination which help ensure that it is considered to be sound.

In order to ensure that the above can be addressed it is proposed that delegated authority is given to the Director of Regeneration following consultation with the Executive Member for Economic Regeneration and Culture to make the necessary decisions. The LDF Member Working Group will be called as required to consider issues arising in respect of each the above stages and will provide guidance to officers on the approach to be taken.

OPTION APPRAISAL/RISK ASSESSMENT

38. The submission stage is a requirement under the Town and Country Planning (Local Development) (England) Regulations 2004. Failure to undertake it may result in the LDF being found unsound by an independent inspector, and consequently delay the adoption. This will have an impact upon achievement of the milestones identified in the Local Development Scheme and consequently any assessment of the Council's performance. If as a consequence of the LDF being

found unsound it is necessary to go out to consultation again there may be financial implications. This is also likely to delay the delivery of some of the Council's main regeneration activities and priorities.

39. Submission stage is a milestone against which the Council's performance will be measured in terms of its Comprehensive Performance Assessment.

FINANCIAL, LEGAL AND WARD IMPLICATIONS

40. **Financial** – There will be costs to the Council in printing the preferred options reports and undertaking consultation. These are likely to be within the region of £10,000. This can be met within the existing resources identified for the financial year 2007/08 when the costs will be incurred.
41. **Ward Implications** – The Core Strategy will have an impact upon all of the wards within the town.
42. The LDF Members Working Group considered the submission Core Strategy on 2nd April 2007.
43. **Legal Implications** – Failure to undertake this stage in the process of preparation of the LDF will result in the Council failing to meet its legal obligations under the provisions of the Planning and Compulsory Purchase Act 2004.

SCRUTINY CONSULTATION

44. Scrutiny has not been consulted.

RECOMMENDATIONS

45. That Council approves:
- i. the LDF Core Strategy for the purposes of submission;
 - ii. the process of consultation as set out in paragraph 35 of the report; and,
 - iii. that future minor changes, regarding preparation of the Core Strategy be delegated to the Director of Regeneration following consultation with the Executive Member for Economic Regeneration and Culture in accordance with the process set out in paragraph 37 of the report.

REASONS

46. The LDF is one of the Council's core policy documents, and is an important tool in the delivery of key initiatives such as Middlehaven and the Stockton-Middlesbrough Initiative. Supporting the above recommendation will enable progress to be made on the preparation and adoption of the LDF in accordance with the timetable agreed in the Local Development Scheme.

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

- The Planning and Compulsory Purchase Act 2004;
- Town and Country Planning (Local Development) (England) Regulations 2004;
- Planning Policy Statement 12: Local Development Frameworks;
- Middlesbrough Local Development Scheme;
- Middlesbrough Council's Local Development Framework Statement of Community Involvement December 2005.
- Middlesbrough Local Development Framework – Issues and Options Paper May 2005.
- Middlesbrough Local Development Framework – Core Strategy Preferred Options Report November 2005.
- Middlesbrough Local Development Framework – Core Strategy Preferred Options Report August 2006.

AUTHOR: Paul Clarke

TEL NO: 728404

Address:

Website: <http://www.middlesbrough.gov.uk>