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Branch Chair
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Authority: Middlesbrough Council

Type of consultation: Planning Application

Full details of application/consultation: 22/0195/MAJ - Hybrid planning application consisting of: Full planning permission for 432 no. dwellings (Use Class C3), Country Park, and associated landscaping, parking, access and boundary/drainage treatments. Outline planning permission with all matters except access reserved for up to 168 no. dwellings (Use Class C3) and Central Hub including approximately 1000m2 visitor centre (Use Class E and F) and car parking

At land at: Land to the East of the A19

Type of response: Objection

Date of Submission: 25th May 2022

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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Comment

The North and East Yorkshire county branch of CPRE The Countryside Charity ('CPRENEY') welcomes the opportunity to provide Middlesbrough Council ('The Council') with comments in response to the public consultation on a hybrid application for full planning permission for 432 dwellings, Country Park, structural landscaping, SUDs, parking, access including construction of link road within site boundaries and associated infrastructure; and outline planning permission with all matters except for access reserved for up to 168 dwellings and Central Hub including approximately 1000m² visitor centre, transport hub and car parking at land to the East of the A19 on approximately 32.6 Hectares ('Ha') of agricultural land at Stainsby. The application has been submitted by Savills on behalf of both Miller Homes Teesside, Avant Homes Northeast, Weightman Farming Enterprises and PMH Weightman ('the Applicants').

Following a request for an EIA screening under Regulation 6 of the Town and Country Planning (EIA) Regulations 2017, the Council issued their Screening Opinion in December 2021 stating that they considered the proposal to be 'non-EIA development'. However, the applicant has submitted various planning and technical documents in support of the planning application which have been considered when forming this response.

Planning Context

The National Planning Policy Framework ('NPPF') was updated in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is, therefore, a material consideration which should be taken into account when plan-making and determining applications.

The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Succinct and up to date plans should encourage a positive vision for the future of each area including housing and economic needs alongside social and environmental priorities.

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 places a legal requirement on Local Planning Authorities to review Local Plans at least every five years. Paragraph 33 of the NPPF sets out that *'reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy.'*

It is understood that the Council are in the process of preparing a new Local Plan which will replace a number of existing adopted planning policy documents. The Local Plan was due to be submitted to the Secretary of State for examination in the summer of 2019, however, following the decision of the full Council in July 2019, the planning authority were directed to re-start the process of preparing a new Local Plan. The preferred options for which were due to be published for consultation in January 2012, however, there appears to be some slippage. As a result of the fact that the Council are at an early stage in plan preparation, no weight can be attributed to the new Local Plan in the planning process in accordance with guidance set out in the NPPF. Currently, therefore, the relevant Development Plan in force for Middlesbrough Council consists of a number of adopted documents, including:

- Housing Local Plan (adopted 2014);
- Core Strategy Development Plan Document (DPD) (adopted 2008);
- Regeneration DPD (adopted 2009);
- Tees Valley Minerals and Waste Core Strategy DPD (adopted 2011);
- Tees Valley Minerals and Waste Policies and Sites DPD (adopted 2011);

- Middlesbrough Local Plan 1999 (saved policies)
- Proposals Map.

The current application site, totalling 32.6Ha site forms part of a wider 130Ha site at Stainsby Hall Farm and Stainsby Hill Farm which was allocated for a mixed development of 1670 dwellings, employment land, local retail centre and a primary school, within the 2014 Housing Local Plan (Policy H21 - Brookfield) and is shown on the relevant adopted policies map. The adopted policy sets a number of criteria which must be achieved in order for any proposed developments on the site to be considered appropriate including (amongst other matters): the provision of a link road through the development; provision of affordable housing and off-site contributions; a mix of dwelling types and sizes; pedestrian and cycle links through the development linking with existing residential areas adjacent to the site; a country park; landscape screening of the A19; appropriate green corridors adjacent to existing Saffwood Beck and Blue Bell Beck; and, enhancement of the existing Local Wildlife Site to the north of the site.

It is further acknowledged that the site was retained in the publication version of the Local Plan which was due to be submitted to Government in 2019. As such, and given the Council have recently promoted a full site Master Plan through a public consultation (awaiting to be decided upon at the time of writing this response), it is fully expected that the site allocation will be carried forward to a forthcoming version of the preferred option Local Plan due to be published for consultation in the future, especially as this proposal is noted as 'Phase 3' of the development of the wider allocated site by the applicant's agent in their Planning Statement ('PS').

The allocation has so far been developed in a northward direction with the first two phases of development and road connecting to the A1044 via Jack Simon Way to the south having been granted planning permission and implemented via M/RES/0049/13/P (77 dwellings – April 2013) and M/FP/0572/11/P (343 dwellings – October 2013) and 17/0045/FUL (299 dwellings – August 2017).

Considering recent events (the Covid-19 pandemic) and the changing emphasis of national government in respect of Climate Change, CPRENEY fundamentally object to the principle of continuing the allocation of such a large green field location. Further, it is noted that despite it having been allocated in the 2014 Local Plan and latterly the withdrawn Publication Draft Local Plan (October 2018) which was consulted on between 9 November and 21 December 2018 (having already been through the preferred options stage), many members of the public and local community interest groups are voicing their concerns about development at this proposed location, one of the few remaining areas of 'major open space' as shown on the local development framework core strategy key diagram.

CPRENEY acknowledge that the 2014 Housing Local Plan has superseded the key diagram by allocating the site and that the development plan is the starting point for the determination of applications, however, *if* there are other material considerations which can demonstrate otherwise which significantly and demonstrably outweigh the benefits of the proposed development occurring then a departure from the development plan may be justified. CPRENEY believe this to be the case here and having previously objected to the masterplan for this site, subsequently must object to this hybrid application.

The Council are continuing in their work towards a new Local Plan and published in January 2021 their most up to date Local Housing Needs Assessment, prepared on their behalf by Opinion Research Services ('ORS'), stating a 7,200 dwellings (400 per annum) local housing need. However, there is no mention within this document of the impact on housing need resulting from the Covid-19 pandemic or indeed changing live/work lifestyles because of the pandemic, which broadly supports the figure allocated in the Housing Local Plan ('HLP').

Furthermore, the Council's most recent 'five-year housing land supply assessment 2021-2026' published April 2021, highlights that the Council has an 11.40-year housing land supply across the district. The local housing need calculated using the standard national methodology gives a minimum housing requirement for 2021/22 to 2025/26 of 1,285 dwellings (257 dwellings per annum). The Planning Practice Guidance ('PPG') advises that the appropriate buffer is measured against the Housing Delivery Test ('HDT'). A 5% buffer is appropriate where the HDT indicates that delivery was above 85% of the housing requirement. The 2020 HDT for Middlesbrough published by the Government on 19th January 2021 was 230%. The addition of the 5% buffer increases the minimum housing requirement for 2021/22 to 2025/26 from 1,285 dwellings to 1,349 dwellings.

The Housing Land Supply assessment sets out the number of new dwellings likely to be delivered from sites that are allocated in the Local Plan, those that are not (windfall). Given the fact that the Council can demonstrate such an oversupply of housing land, even despite a 'slow-down' in delivery rates during the pandemic, it is considered that the proposed housing subject to this allocation and those of future phases of the wider development are simply not needed despite the allocation. The previous five-year housing land supply assessment – dated April 2021, highlighted that the Council could demonstrate a 9.99-year housing land supply, without the inclusion of the application site within the assessment. The overall total number of dwellings proposed across the Council area still exceeded the minimum housing requirement of 1,344 by 1,342 dwellings at that time. Furthermore, the assessment does not take account of any revisions to projected housing numbers which may occur as a result of the pandemic, which may still be unknown.

Given the likely impact the pandemic has had, CPRENEY are of the opinion that whilst the Council are at such an early stage of plan-making, now is the time to commission an addendum to the ORS report to fully address this matter, to ensure that the correct level of housing is planned for which may prove that not all proposed green-space is required. Simply because an allocation was made in 2014, is not sufficient justification to continue with it, *providing* the evidence suggests otherwise. As set out above, the NPPF expects Local Plans to be reviewed regularly and be updated to reflect up to date evidence and be able to respond to rapid change. It would be perfectly reasonable for the Council to effectively 'de-allocate' the site in the emerging Local Plan should the Council have the appropriate evidence to justify this route.

It is understood that the HLP was assessed via independent examination and the Plan found sound at that time, however, since 2014 the NPPF has been revised, the Government (and MC) have declared a Climate and Environmental Emergency and we are living through a global pandemic which is having a catastrophic impact on lives and livelihoods. As such, CPRENEY would urge the Council to take a more considered approach to developing on such a substantial site and listen to local residents who fervently oppose this allocation as they value the open agricultural views afforded to them from Mandale Meadows and from Bluebell and Saffwood Becks.

The pandemic has enabled residents to enjoy the countryside for its own sake and brought into sharp appreciation how valued and beneficial open views, fresh air and green space is in terms of impacts on both physical and mental health. The entire housing allocation is adjacent to land allocated as 'Green Wedge' under saved policy E2 of the 1999 Middlesbrough Local Plan. Policy E3, was also saved, and deals specifically with development adjoining green wedges. The supporting text to both policies sets out that the Cleveland Structure Plan identified green wedges at the Stainsby Beck Valley including the Bluebell Beck Valley extension and goes on to state that '*development adjoining Green Wedges can have a significant impact upon the perceived character of the Green Wedge.*'

Whilst it is recognised that the proposed development seeks to retain existing green corridors and create an essence of 'country park living,' reflecting the Council's proposed masterplan for the site, CPRENEY believe that the proposed development as set out in the masterplan would totally alter the character of the green

wedges at this location, removing the openness and long-range agricultural views entirely. Furthermore, CPRENEY consider that the proposal is wholly unnecessary given the large supply of deliverable sites elsewhere in the Council's area including existing brownfield sites, which the district has in abundance (according to their Brownfield Register). Favouring a brownfield first approach is entirely in line with national policy and would enable these areas to be redeveloped with a green, low-carbon emphasis – bringing the benefits of biodiversity into the urban environment and appealing aesthetics through careful design. At CPRE, both nationally and locally, we recognise the urgent need for more affordable homes and argue that the way to do this is to make best use of brownfield land before even considering development on the greenfield sites. A CPRE poll of adults across the country shows that two-thirds of adults think that protecting and enhancing our green spaces should be a higher priority after lockdown. This shows just how much communities would suffer if these local patches of green are lost.

The Council declared a climate emergency in 2019 and according to a statement by the Mayor on the MC website, the Council has *'ambitious targets to be carbon neutral by 2029 as an organisation,'* and goes on to state that the *'goal is for the whole town to be carbon neutral ten years later, well ahead of the government's 2050 target.'* The Council is currently preparing a Green Strategy which will set out how they intend to achieve this. CPRENEY would argue that the provision of such a large housing allocation on one of the only remaining large green field sites in the district will not help achieve this due to the sheer scale and landtake involved in the proposals. CPRE believe that we should be encouraging agricultural practises to tackle climate change to enable nature recovery, provide food needed to sustain the country and provide clean air.

The current crisis in the Ukraine has brought into sharp focus the devastating effects of food shortages. The 32Ha site is currently in arable usage and according to the applicant is a mix of grade 3a (good) and 3b (moderate) agricultural land. It is considered that especially at this present time, we should not only be considering food miles in terms of the climate emergency but also food security and not building on all of our BMV land as directed by national policy.

The NPPF at paragraph 174 specifically states that planning decisions should contribute to and enhance the natural and local environment by (inter alia): *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'* The Council's own Core Strategy Policy DC1 seeks to ensure that the effect on *'the best and most versatile agricultural land is limited both during and after completion'* amongst other things. Furthermore, [A Green Future: Our 25 Year Plan to Improve the Environment](#) sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently, including the need to protect the best agricultural land and put a value on soils as part of our natural capital.

The draft masterplan subject prepared by the Council set out that the whole site area was 140Ha, which is an increase of 10Ha over that allocated in the HLP. Further, whilst HLP Policy H21 states that the Council will require that the site *'is accessed from both the B1380 and A1130 creating a link road through the development'* it does not detail the exact route the link road should take. The draft masterplan sets out the preferred positioning of the new primary road through the site connecting new development at the south of the site through to the existing farm area to the north. It goes on to say a further connection will need to be created through an enhanced roundabout entrance at Mandale Road – passing over Blue Bell Beck. CPRENEY has previously contacted the Council regarding its significant concerns regarding the likely detrimental impacts to the existing local wildlife site at this location should this occur. However, that is not part of this planning application.

The applicants have replicated the layout of the masterplan including the positioning of the link road and connecting at the existing point to the southern site boundary at Jack Simon Way even though the masterplan

has not been adopted by the Council to date.

It is understood that the HLP was partly based upon the March 2014 Infrastructure Delivery Plan, which assumed the delivery of housing allocations in Brookfield, Hemlington Grange, Coulby Newham, Stainton, Nunthorpe Grande and Low Gill. The MC five-year housing land supply document sets out that no housing is planned at Coulby Newham with only a slight chance of development at Nunthorpe Grange in the next five years. As such, the new road is not considered essential to deliver this level of development.

The Council should carefully consider how they wish to develop Middlesbrough in line with their climate declaration and ambition to 'protect green spaces'. Up to date evidence including a change in national policy in relation to the legal requirements of the Paris Agreement 2015 and the declaration of the Climate and Environment Emergency by the UK Government in May 2019 which both postdate the HLP allows the Council to deliver new policies and not be bound by those made in the past as set out in Paragraph 33 of the NPPF. Therefore, CPRENEY urge the Council to ensure that evidence in relation to exiting housing land supply, the current static population in Middlesbrough and the fact that the ONS population figures indicate a reduction over the next 10 years of circa 1000 people from the district, alongside the effects of the pandemic, is considered when plan-making and determining major planning applications.

Given the Government's recent commitments to tackling climate change and the Council's own recent commitments to the 'Climate Emergency' and 'One Planet Living' and evidence which has come to light since 2014, the Council has the evidence to justify a change in direction so should not fear legal challenge as a reason to not halt the development in these areas.

Paying specific attention to the design principles set out in the applicants Design and Access Statement 'DAS' and Planning Statement, CPRENEY, welcomes the inclusion of biodiversity and provision of pedestrian and cycle routes across the whole site. However, is somewhat surprised that this phases biodiversity net gain only equates to 20.33% of hedgerow gain and an 8.12% gain in 'habitat'. Whilst this is certainly a 'gain' it was hoped that given the overall intention of creating a 50:50 split between urban and rural on the site to really create a country park living experience, this seems on the low side.

It is also disappointing that no details are provided in either of the documents or on any of the plan drawings regarding the energy efficiency of the proposed dwellings, especially given the climate emergency we are facing. The NPPF requires the '*creation of high quality, beautiful and sustainable buildings and places*'. It goes on to set out at paragraph 152 that the planning system should help to '*shape places in ways that contribute to radical reductions in greenhouses gas emissions...*' CPRENEY consider that should the Council be so minded as to approve this development, this is an opportunity to create a true exemplar of net-zero living of high-quality design and sustainability in the north-east and go a long way towards the Councils own ambitions of hitting net-zero by 2039. There are many opportunities that could be taken up when delivering 600 new dwellings on such a site and CPRENEY are concerned that there appears to be an over-reliance on the country-park aspect of the proposal and habitat gain. Whilst this is beneficial and supported, CPRENEY are disappointed that initiatives such as, for example, green roofs, grey water recycling, district heat generation schemes, small-scale ground mounted PV array to feed the proposed dwellings etc, have not been considered or discussed.

Additionally, and crucially, no information has been presented setting out what sort of heating systems will be installed within the proposed homes for the full part of the application. This is particularly important given that the Government has passed new legislation stating that there will be no gas boilers fitted in new homes after 2025. It is, therefore, thought that consideration of this should be a prerequisite of the design stage. Should an air-source or ground-source heat pump be installed then it is highly likely that a plant room would be required to be shown on the plan drawings (at the very least) which may impact the scale of dwellings or

habitable space provided. Therefore, whilst the fabric first approach promoted in the DAS is supported, it is considered inadequate detail has been provided in these circumstances.

The DAS sets out within section 10 that: *'A key sustainable principle to be adopted by the developer in the delivery of sustainable housing is the usage of a fabric first approach. This approach places the greatest emphasis on the thermal performance of the building envelope and is less reliant upon applied renewable technologies. This ensures that thermal performance and sustainability are embedded within the fabric for the lifetime of performance the building.'*

The DAS goes on in the same section to state under a subheading of Energy Efficiency that *'Design proposals are to address the most cost-effective method of improving energy efficiency, reducing energy demand and reducing long-term carbon emissions of a new development through the optimisation of dwelling orientation, aided by good passive solar and thermal design. These thermal performance considerations will affect the building throughout its entire life and will cost very little to implement in capital cost terms, considerable benefits are gained in terms of a reduced carbon footprint. Additional tree-planting and landscaping will help offset carbon emissions.'*

Whilst passive solar and thermal design can be a benefit to improving energy efficiency as set out above, given that the site is in the north-east of England and is to be set within a large development including a large number of trees which combined will offer some level of shade, it is considered that further detail should be provided by the applicant regarding these proposed methods to adequately assess whether these will be sufficient. [Harrogate District Council](#) now require all proposals for residential development of ten dwellings or more, to be submitted with an energy statement (Policy CC4) setting out how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions in support of the Harrogate Borough Council: Carbon Reduction Strategy (2018) (or any future relevant strategies) and the Climate Change Act (2008) . CPRENEY consider that this would be an entirely appropriate approach for this level of proposed housing.

It is also noted that there is no reference to the provision of electric vehicle charge points in either the PS or the DAS. All new residential homes and buildings will be required to have an electric car charging point, from June 15, 2022, yet this has not been mentioned or shown on any of the plans.

Conclusion

CPRENEY welcomes the opportunity to provide the Council with a written representation on the hybrid application consisting of full planning permission for 432 no. dwellings (Use Class C3), Country Park, and associated landscaping, parking, access and boundary/drainage treatments; and outline planning permission with all matters except access reserved for up to 168 no. dwellings (Use Class C3) and Central Hub including approximately 1000m² visitor centre (Use Class E and F) and car parking. At land to the east of the A19.

CPRENEY are of the opinion that given the Council's 11.4 year supply of available housing land supply alongside specific changes to policies and circumstances at both national and local levels, the allocated site within the HLP at Policy 21, part of which is subject to this application, is fundamentally no longer required. Furthermore, the Council would be justified in de-allocating this site from the emerging Local Plan.

Given the Council are in the process of preparing a new Local Plan and are reviewing the evidence base, CPRENEY urge the Council to take on board the arguments set out above and consider the impacts of the global pandemic and future population forecasts from the ONS on their estimated housing need prior to the publication of their Preferred Options Local Plan. Alongside this, the Councils commitment to the Climate Emergency should be central to any planning decisions. This approach is entirely in conformity with paragraph 33 of the NPPF which instructs Local Plan reviews to *'take into account changing circumstances affecting the*

area, or any relevant changes in national policy'. This should take into account the legally binding Paris Agreement 2015, The Climate and Environment Emergency (declared in 2019) and the Council's own Climate Emergency and emergency evidence base in this regard.

Further, it is considered that these change in circumstances render the proposed link road (the Stainton Way Western Extension) wholly unnecessary.

As discussed above, CPRENEY consider that the applicant has submitted inadequate and insufficient detail regarding the sustainable credentials and design of the proposed dwellings to ensure that they will meet the required homes standards going forward and help combat climate change.

CPRENEY would, however, wish to state that on the whole (sustainable design detail aside), the actual concept of the proposal is supported, it is however, considered to be in entirely the wrong place. The large green field edge of settlement, agricultural site should be retained as exactly that. The country park living, landscape-first approach to design should be required on all brownfield and derelict sites across Middlesbrough ensuring that they become transformed green-regeneration schemes.

CPRENEY, therefore, continue to support the numerous residents who have contacted us expressing concerns about the proposals at this location in terms of imposing a detrimental impact on the character and openness of the agricultural landscape and loss of visual amenity at this location, especially considering the frequency of use of these areas in light of the recent pandemic and endorse their objections.

As such, CPRENEY object to the proposals and respectfully ask that the application be refused. We reserve the right to comment further should additional information be submitted in support of the development in this location.