



Middleton St George Neighbourhood
Plan: Submission Draft

Story Homes Submission

November 2021

Introduction

The following representations have been made by Story Homes in relation to the Middleton St George Neighbourhood Plan Submission draft ('the Neighbourhood Plan').

These representations are made in the context of Story Homes' land interests in Middleton St George, Land at Station Road, which extends to approximately 13.9 hectares. The Middleton St George Parish Council should be aware of Story Homes interests within the settlement given our involvement with the development at Paddocks View and also the live planning application relating to Land at Station Road (application reference: 21/00529/FUL).

Story Homes have previously been involved in the preparation of the Middleton St George Neighbourhood Plan and have submitted representations to the Pre-Submission Version Neighbourhood Plan consultation held in November 2020. Story Homes are committed to active engagement in the plan making process wherever it is suitable and relevant to do so. It is noted that involvement at this stage is of importance given that the emerging Darlington Local Plan has now been submitted to the Secretary of State, the Examination hearings have now taken place and the Main Modifications consultation is currently underway. As such, this Neighbourhood Plan should be made in accordance with said emerging Local Plan and should not be made prematurely.

Story Homes is generally supportive of the proposals set out in the Submission draft Neighbourhood Plan, we do, however, have some concerns relating to the content of the Neighbourhood Plan and supporting documents. These representations seek to clearly outline said concerns and recommendations to align the Neighbourhood Plan with adopted National policy. Story Homes would also like to ensure that the Neighbourhood Plan is produced in an appropriate manner which aligns with the emerging Darlington Local Plan given the stage the plan preparation is at (Main Modifications).

It should be noted that for a Neighbourhood Plan to be put to a referendum, and subsequently made, it needs to meet all of the basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990, this is then applied to Neighbourhood Plans through section 38(a) of the Planning and Compulsory Purchase Act 2004. These basic conditions are set out below:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
- b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
- d) the making of the order contributes to the achievement of sustainable development,*

- e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and*
- g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

These representations will frame our concerns around the basic conditions set out above, making recommendations for improvements or deletions where deemed necessary.

Story Homes appreciated the opportunity to provide representations to this consultation and reserves the right to comment on any additional versions of the Middleton St George Neighbourhood Plan and evidence base documents.

Draft Policy MSG2: Design

Story Homes have previously made comments on Policy MSG2: Design relating to the potential duplication of guidance between the draft Neighbourhood Plan and the adopted Design of New Development Supplementary Planning Document (July 2011). Whilst Story Homes are pleased to see that some small amendments have been made to this policy to allow for greater flexibility when bringing forward high-quality new development, it is frustrating to see that our comments have not been incorporated.

As a starting point, and as noted in our previous representations, Story Homes aligns with the Neighbourhood Plan in its suggestion that future development should prioritise high-quality design which respects and enhances local character and identity. Story Homes shares these values and seeks to incorporate visual distinctiveness and local character where possible and where appropriate. Which can be seen at our Paddocks View development.

Story Homes reiterates its concerns over the inclusion of a Design Code within the Neighbourhood Plan as an appendix to the document. As noted in our previous representation, Darlington Borough Council currently have an adopted Design SPD; Design of New Development Supplementary Planning Document (adopted July 2011). At the time of submission of these representation, November 2020, it was considered that the Borough Council would be updating this SPD with the view to releasing an updated version Summer 2021. An updated version of this document has not yet been released, due to the impacts of COVID-19 on the SPD's preparation.

Notwithstanding this, Story Homes overarching concerns as to the potential duplication of design-related guidance remains. In the opinion of Story Homes, the adopted Design SPD sufficiently provides guidance as to the design characteristics of Middleton St George and the ways in which it is to be respected and enhanced through future development. Story Homes considers it unnecessary for the two sets of design guidance to exist and notes that it will cause confusion and undue delay within the decision-making process for any future planning applications made in Middleton St George.

Story Homes is of the view that the Neighbourhood Plan should reference the Darlington Council Design of New Development SPD, as opposed to the Design Code attached to the Neighbourhood Plan. However, there remains the issue of timescales even if the Councils SPD is referenced. Given that the Neighbourhood Plan is at an advanced stage and the review of the SPD is yet to take place, there is a risk that the Neighbourhood Plan could be considered out-of-date when this SPD is updated. Story Homes would encourage the Neighbourhood Plan Group to align more closely with the Councils Local Plan and Supplementary Planning Documents preparation in order to avoid this risk.

Basic Conditions Test:

Story Homes considers that the Neighbourhood Plan fails to meet the basic conditions test because:

d) *the making of the order contributes to the achievement of sustainable development:*

The Design Code appended to the Neighbourhood Plan does not provide any substantial additional guidance which is not already included within both the Neighbourhood Plan and the adopted Design of New Development Design SPD (July 2011). The Design Guide, in its current form, does not meet basic conditions test, it will not enable a more sustainable form of development which responds to local character to come forward, than would have been brought forward under adopted policy.

Recommendation:

It is considered preferable for the Design Code to be omitted from the Neighbourhood Plan, however, if the Parish Council think it necessary to retain there should be a deletion of repetitive policies across both the Neighbourhood Plan and the Design Code. There should also be more detailed consideration given to the matters dealt with in the already adopted Design SPD to ensure repetition is avoided. Any detailed design policies included within the Neighbourhood Plan Design Code should be suitable evidenced so as to not compromise the effectiveness of the Neighbourhood Plan.

Draft Policy MSG3: Embedding Energy Efficiency and Renewable Energy

As noted within the previous representations, Story Homes supports the Parish Council in their focus upon sustainable development and renewable technologies. The importance of sustainability was a key theme at the Darlington Local Plan Examination, and it is clear that this should be threaded into Neighbourhood Plans where possible.

Story Homes welcomes the amendments made by the Neighbourhood Plan Group in amending the wording in subsection d:

*“Aims to meet the ~~Building Research Establishment BREEAM building standard ‘excellent’ or equivalent standard, where the proposal is for non-residential development~~ **appropriate technical standards;**”*

The amendments to Policy MSG3 reflect the concerns raised in our previous representations regarding the potential duplication and misalignment between the requirements of Building regulations and that contained within the Neighbourhood Plan.

Story Homes ensure that all development is not only compliant with Building Regulation standards on energy efficiency but seeks to exceed this where possible. We seek to enhance and protect the environment through the efficient use of materials, energy and water. In addition, we also ensure a reduction in waste and can demonstrate high percentages of construction material being diverted from landfill.

Recommendation:

Story Homes supports the amendment to Policy MSG3.

Draft Policy MSG4: General Location of New Development

Story Homes have previously raised concern with Policy MSG4 and the fact that the Neighbourhood Plan does not align or accord with the proposed allocations and disaggregation of growth made in the emerging Darlington Local Plan.

At the time of submitting our previous representations to the pre-Submission Draft Neighbourhood Plan, the Darlington Local Plan was due to be submitted for independent examination to the Secretary of State. The Local Plan has now been submitted and the Examination Hearings have been held. The Local Plan is currently out for Main Modifications consultation until the end of November 2021. Story Homes considers that the weight to be afforded the emerging Local Plan is arguably more significant from when the pre-Submission draft Neighbourhood Plan was released 12 months ago. As such, the proposed allocations for Middleton St George should be reflected within the Neighbourhood Plan.

It is concerning that the Neighbourhood Plan, nor the associated Policies Map, depicts the draft allocations which have been suggested through the emerging Local Plan. Given the Darlington Local Plan is currently at Main Modifications stage and participants have had the benefit of an Interim Position letter from the Inspector (made publicly available), Story Homes considers it appropriate for these sites to be included within the Neighbourhood Plan in order to align with the wider Development Plan. As seen within the Local Plan Inspectors Interim Note, there are no proposed modifications to the draft allocations in Middleton St George, nor the settlement boundary itself. As such Story Homes encourages the Neighbourhood Plan Group to align as close as possible to the emerging Darlington Local Plan.

As noted within our previous submissions and remains true in the Submission Version of the Neighbourhood Plan, the Development Limits shown on both the Neighbourhood Plan Policy Map and the emerging Local Plan Policy map do not align. It is concerning that within the Neighbourhood Plan the Development Limit follows the pattern of built development around the settlement, with an inclusion of permitted development. Whereas the emerging Local Plan includes the emerging allocations within the Development Limit. Story Homes considers that the two documents should align, with the Neighbourhood Plan taking lead from the emerging Local Plan.

It should also be noted that through the Middleton St George Neighbourhood Plan Settlement Boundary Background Paper (January 2021) the site within Story Homes control, Land at Station Road (ref: site 99) is still stated as being constrained by flood risk, access, infrastructure and heritage (paragraph 4.10).

Story Homes have previously disagreed with this assessment and continue to reiterate this point. The assumptions made within the Settlement Boundary Background Paper does not reflect the technical work undertaken by Story Homes nor does it reflect the conclusions reached by Darlington Borough Council in assessing the site for residential development. Land at Station Road is being brought forward as a draft allocation through the emerging Darlington Local Plan and is considered to be suitable, sustainable and deliverable for residential development. The Settlement Boundary

Background Paper is clearly incorrect in its conclusions and as such cannot be relied upon as part of the evidence base documents for the Submission Version Neighbourhood Plan. Once again, Story Homes considers that the evidence base presented by the Neighbourhood Plan Group is flawed and inconsistent with that produced by Darlington Borough Council. Story Homes encourages the Neighbourhood Plan to align with the emerging Local Plan on its assessment of spatial disaggregation and suitability of allocated sites.

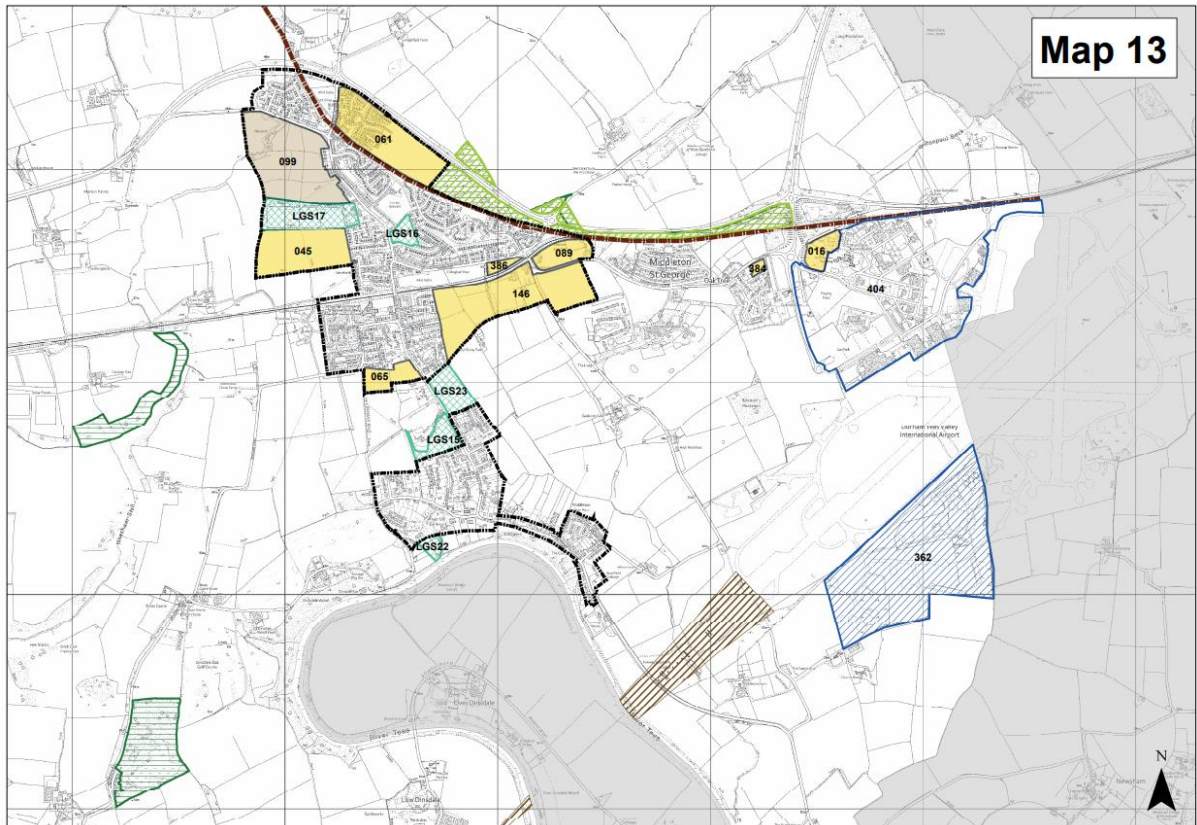


Figure 1.1 Darlington Local Plan Submission Draft Policies Map p.14

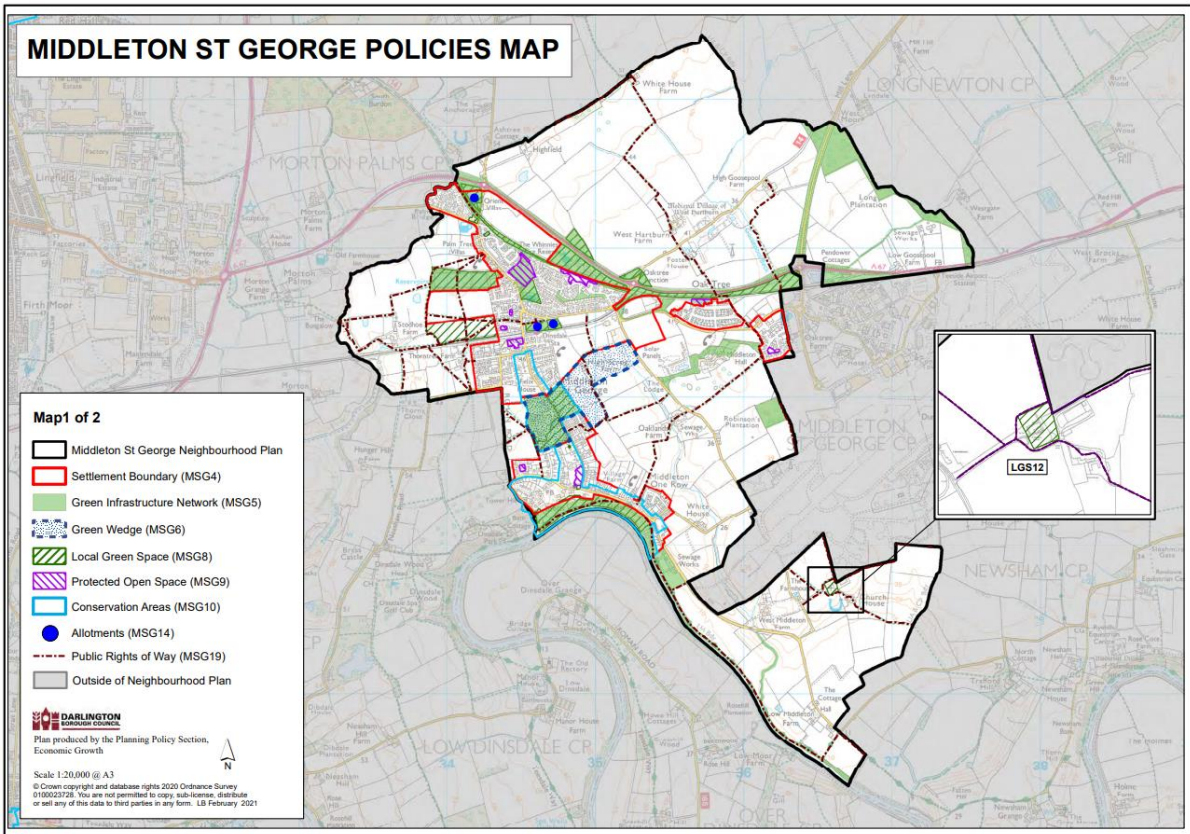


Figure 1.2 Middleton St George Neighbourhood Plan Pre-Submission Draft Policy Map 2

There remains a clear discord between the Submission Version Neighbourhood Plan and the emerging Darlington Local Plan. Either the Neighbourhood Plan is based upon a previous version of the emerging Local Plan, or the Neighbourhood Plan do not wish to acknowledge the emerging allocations made within the settlement. Both of these indicate that the Neighbourhood Plan fails to meet basic condition (e) and guidance contained within the Planning Practice guidance (PPG) at paragraph 74 (Reference ID: 41-074-20140306). This is set out clearly below.

There is a clear risk to the Neighbourhood plan that in refusing to align with the emerging Darlington Local Plan that the Neighbourhood Plan will be rendered obsolete at the time of adoption of the Darlington Local Plan. This will significantly limit the weight which can be attributed to the Neighborhood Plan in decision making. In order to avoid this, Story Homes encourages the Neighborhood Plan Group to align with the emerging Darlington Local Plan both in content and production timescales.

Basic Conditions Test:

Story Homes considers that the Neighbourhood Plan fails to meet the basic conditions test because:

- e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area):***

The Policies map could undermine the effectiveness of housing allocations as made in the emerging Darlington Local Plan, this may then have a negative effect on housing delivery within the settlement and Borough.

Recommendation:

In order to ensure that the Neighbourhood Plan can continue to referendum, and aligns with the basic conditions, it should be updated to reflect the policies made in the Submission draft Darlington Local Plan. This includes the methodology and analysis of allocations made in the settlement. Land at Station Road is considered suitable, sustainable and deliverable as proven through its draft allocation within the emerging Darlington Local Plan.

In addition to this, Story Homes also implore the Neighbourhood Plan Group to ensure that guidance and evidence base documents reference the most up-to-date version of the emerging Darlington Local Plan. It is critical that the Neighbourhood Plan aligns with the most up-to-date version of the emerging Local Plan in order to be considered robust and effective. This includes making amendments to the Policies Map in order to show the Development Limits in the correct location which considers the emerging housing allocations and committed development parcels.

Draft Policy MSG8: Local Green Space

Story Homes continue to provide support to Policy MSG8 and recognize that land under our control at Station Road, subject to a detailed application (reference: 21/00529/FUL), bounds Local Green Space 01 Water Park, Station Road. It should be noted that through our layout and technical arrangements as presented in our detailed application, this Local Green Space is respected.

Our proposed layout for the site at Station Road seeks to enhance accessibility to Local Green Spaces within the settlement, as recognised within the policy, by providing and enhancing pedestrian links from the scheme through to the Water Park. In addition, our boundary treatments will respect the interface between the activities undertaken at the waterpark and the neighbouring residential use. The orientation of plots along this boundary will seek to face the water park in order to create a green corridor and a degree of natural surveillance but also ensure that the amenities of prospective residents is respected.

Recommendation:

Story Homes supports the amendment to Policy MSG3.

Draft Policy MSG11: Housing Mix

Story Homes supports the Neighbourhood Plan Groups amendments to policy MSG11 and the inclusion of text which clearly aligns the Neighbourhood Plan policy with the emerging Darlington Local Plan. Specifically, the updated reference to the Darlington Strategic Housing Market Assessment (2020) which has been updated from the 2017 version.

Story Homes would like to encourage the Neighbourhood Plan Group to align more closely with the emerging Darlington Local Plan as it has done so here so as to avoid issues surrounding the basic conditions test. However, Policy H4 within the emerging Local Plan will frame the basis for development coming forward in Middleton St George, with regard being had to the Neighbourhood Plan given that the emerging Local Plan sets a defined mix and expectations.

It is considered that Policy H4 in the emerging Darlington Local Plan provides a sufficient framework with which the type and amount of residential development should be brought forward against. It is unclear if policy MSG11 in the Neighbourhood Plan adds a sufficient amount of detail to be considered effective and non-repetitive.

Basic Conditions Test:

Story Homes considers that the Neighbourhood Plan fails to meet the basic conditions test because:

- e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area):***

Policy MSG11 does not provide any substantial additional guidance which is not already dealt with through Policy H4 in the emerging Local Plan. The emerging policy suggests an indicative housing mix, which the Neighbourhood Plan does not have regard to.

Recommendation:

It is suggested that the Policy MSG11 refer to emerging Policy H4 within the policy wording so as to align with the emerging Local Plan specifically. Regard can still be made to the Middleton St George Housing Needs Assessment (2020) and the Neighbourhood Plan should be updated to reflect any changes or reviews of the Darlington Borough Council SHMA (2020). In order to be considered effective and robust, MSG11 should provide clear and evidenced policy as opposed to the vague and nondescript guidance currently put forward. Story Homes suggests that the Neighbourhood Plan Group evidence this policy with a viability assessment in order to fully assess any implications for deliverability.

Draft Policy MSG12: Affordable Housing

Story Homes wishes to reiterate the concerns raised regarding Policy MSG12 within the Submission version Neighbourhood Plan. This policy does not provide additional guidance or detail which is not sufficiently covered by the emerging Darlington Local Plan. Whilst Story Homes supports the Neighbourhood Plan Groups commitment to ensuring affordable housing is delivered within the settlement, this policy should be supported by clear evidence.

Once again, Story Homes supports the ambitions of this policy however would encourage that specific reference is made to emerging Policy H5 – Affordable Housing in the emerging Local Plan. For Middleton St George, the emerging policy requirement is set at 20%, which has been carried forward into the Main Modifications consultation and is likely to be adopted as such.

It is considered that Policy H5 in the emerging Darlington Local Plan provides a sufficient framework with which the type and amount of affordable housing should be brought forward against. It is unclear if policy MSG12 in the Neighbourhood Plan adds a sufficient amount of detail to be considered effective and non-repetitive.

Basic Conditions Test:

Story Homes considers that the Neighbourhood Plan fails to meet the basic conditions test because:

- e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area):***

Policy MSG12 does not provide any substantial additional guidance which is not already dealt with through Policy H5 in the emerging Local Plan. The emerging Local Plan policy suggests an affordable housing requirement, which the Neighbourhood Plan does not have regard to.

Recommendation:

It is suggested that the Policy MSG12 refer to emerging Local Plan Policy H5 within the policy wording so as to align with the emerging Local Plan. In order to be considered effective and robust, MSG12 should provide clear and evidenced policy as opposed to the vague and nondescript guidance currently put forward. Story Homes welcomes the reference to a viability assessment but suggests that this be investigated further by the Neighbourhood Plan Group in order to fully test the deliverability of said policy.

Conclusion

Story Homes appreciates the opportunity to provide further representations to the Submission draft Middleton St George Neighbourhood Plan. Our representations note that whilst Story Homes are generally supportive of the principles set out in the Neighbourhood Plan and are welcoming of the amendments made to the Neighbourhood Plan, there remain some concerns over the content of said Plan.

Above all else, Story Homes considers that the Neighbourhood Plan, in its current form, does not align with the emerging Darlington Local Plan and as such cannot be considered in accordance. As a result, the Neighbourhood Plan fails to meet the basic conditions set out paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990, this is then applied to Neighbourhood Plans through section 38(a) of the Planning and Compulsory Purchase Act 2004.

Throughout our representations, recommendations have been made which, if implemented, should align the Neighbourhood Plan more closely with these basic conditions. In addition, Story Homes seeks removal of the Middleton St George Neighbourhood Plan Settlement Background Paper from the evidence base given its flawed nature. Land at Station Road is not constrained by flood risk, infrastructure, accessibility or heritage as proven in our submission documents to the Darlington Local Plan and also our Detailed Application (reference: 21/00529/FUL).

Story Homes welcomes any future opportunities to make comments on the Middleton St George Neighbourhood Plan and looks forward to engaging further with the Parish Council.