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Branch Chair  
Mrs Jan Arger

**Authority:** Middlesbrough Council

**Type of consultation:** Planning Application

**Full details of application/consultation:** 24/0371/FUL – Proposed Construction of Access Road with Associated Basins and Swales.

**At land at:** North of the B1365, Land of Newham Hall, County Newham

**Type of response:** Objection

**Date of Submission:** 28<sup>th</sup> November 2024

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 for the proposed constriction of an access road with associated basins and swales at land north of the B1365 at Newham Hall, Coulby Newham. The application has been submitted by Hedley Planning Services on behalf of Middlesbrough Council ('the Applicant').

The proposed 2km spine road will offer access to the residential estates at Coulby Newham, from a new roundabout constructed on the B1365 and linking to Bonnygrove Way via an existing roundabout, also creating a new roundabout link to Ryehill Way. The applicant's Planning Statement sets out that "*the construction of the new road is pivotal in enabling the development of the Newham Hall site, a core element in the long-term vision of the Middlesbrough Housing Strategy and as detailed in the Local Plan.*" A separate planning application will be submitted in relation to residential development.

The site is bound by residential dwellings to the north and northwest. Middlesbrough Golf Club and residential dwellings are located to the west with Newham Hall Farm located to the south of the majority of the site. The site is currently utilised as arable farmland made up of several different fields, with multiple hedgerows. Also containing areas of mixed broadleaved woodland, coppice woodland. The proposed development site extends to 1.68Ha of carriageway and 0.64Ha of SUDS basins. The proposal, therefore, totals approximately 2.32Ha of development. The overall development area extends to 6.092Ha and the applicants propose a delivery of 10% biodiversity net gain.

## **Planning Context**

The National Planning Policy Framework ('NPPF') was updated in December 2023 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 Council published a revised draft Local Plan in January 2024 for public consultation and are currently assessing responses. 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 has been submitted to support the delivery of 93Ha of land at Newham Hall Farm and Lingfield Green which is allocated in the Housing Local Plan ('HLP') at Policy H26 for a mixed residential community of 1000 dwellings, community open space and a new primary school. The Design Brief sets out at point H that *'is accessed from the B1365, Bonnygrove Way and Rye Hill Way and provides any necessary on-site improvements to transport infrastructure to ensure traffic generated by the development does not have a significant detrimental impact upon the highway network.'* Point N also sets out that the development must *'maximise the use of SUDs in the drainage system and retains the ponds south of Newham Hall Farm.'* The draft Local Plan has continued this land allocation and the requirements for a new access road from B1365.

It is evident, therefore, that there is Planning Policy support for the proposed new access road.

However, CPRENEY are also aware that the Council has committed to producing a masterplan for the site. This has not as yet been published in draft form. As such, alongside the fact that any residential development has not yet been submitted in application form, the submission of an application for the access road seems somewhat premature. Whilst the road itself may meet the criteria as set out in the development brief to some extent, it is not yet understood that this will actually be the most suitable location for the road or indeed 'when and if' an application will be forthcoming for new housing.

As the adopted HLP is more than five years old, the housing requirement for the five year supply is calculated using the standard national methodology. This results in a minimum housing requirement for the Council 2023/24 to 2027/28 of 1,265 dwellings (253 dwellings per annum). The NPPF and the PPG collectively require that the supply of specific deliverable sites should include an appropriate buffer, the scale of which is determined by the results of the Housing Delivery Test ('HDT'). The 2021 HDT for Middlesbrough is 257% (published by the Government on 14 January 2022). Where the HDT is above 85%, as is the case in Middlesbrough, the PPG advises that the appropriate buffer is 5%. The addition of the 5% buffer increases the minimum housing requirement for 2023/24 to 2027/28 from 1,265 dwellings to 1,328 dwellings (266 dwellings per annum).

The 1,929 dwellings projected to be delivered between 2023/24 and 2027/28 exceeds the minimum housing requirement of 1,328 dwellings. Middlesbrough therefore has a demonstrable deliverable housing supply of 7.26 years (which does not include this site!).

The allocated site is considered in full within the April 2023 Housing Land Supply Assessment which sets out that The site assessment also states that *'A masterplan, design code, outline planning application and disposal and marketing strategy is to be progressed.'* CPRENEY is not aware that any of this has been undertaken. The assessment goes on to state that *'the proposed route of bringing the site forward needs to be established. Until this is done there is insufficient evidence to demonstrate a realistic prospect of housing completions within 5 years.'*

As such and without such evidence it is clear that the Council should not approve the application for the access road without publishing the masterplan for detailed consultation which may result in a different lay

out.

The applicant's Planning Statement sets out that *'Funding has been provided by the Department for Levelling Up, under round 2 of the Levelling Up Fund monies (LUF2). This money has been given to Middlesbrough Council specifically to build an access road into this site to allow future development. According to the terms, the grant funding must be defrayed no later than 31 March 2026'* - The fact that monies must be spent to accord with grant funding stipulations does not mean that proper planning and analysis should not be undertaken or indeed applied retrospectively. The Road simply should not be approved until such time that a masterplan and consultation of the whole site has been reviewed and adopted by the Council in order to achieve the best possible outcome for the site. Should the Council not be in a position to do this viably – as indicated via the Council's own evidence base, then the monies should be returned unspent or reapplied for at a future time and the proposal be refused as premature.

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 Council's 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 at this stage.

It is also 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 have lived through a global pandemic which had 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.

### **Conclusion**

CPRENEY welcomes the opportunity to provide the Council with a written representation regarding the proposed constriction of an access road with associated basins and swales at land north of the B1365 at Newham Hall, Coulby Newham.

CPRENEY are firmly of the opinion that the proposed application for the new road is completely premature given that the Council has not as yet consulted upon a masterplan for the site or indeed made public any potential plans for the development of the residential element for the proposed development which the proposed road would ultimately serve.

As discussed above, CPRENEY are of the opinion that simply because the Council has a restriction on funding for the road, is not a justification to diverge away from proper planning for the site. The monies should be returned in full or for restrictions to be removed.

The Council is in a strong position in terms of its housing land supply and as such can demonstrate well over a 5-year supply. As such there is no demonstrated need to bring the site forward of the Council's own housing trajectory and detrimentally impact upon its future supply.

CPRENEY consider that the proposal for the road should be either withdrawn until such time as to be resubmitted having considered the development of the whole allocated site and incorporated into the master planning process to achieve the most sustainable development possible for current and future occupants or simply refused as premature.

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