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**APPLICATION DETAILS**

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<b>Application No:</b>	24/0371/FUL
<b>Location:</b>	North of the B1365, Land at Newham Hall, Coulby Newham
<b>Proposal:</b>	Proposed construction of Access Road with associated SUDS Basins and Swales
<b>Applicant: Company Name:</b>	Middlesbrough Council
<b>Agent: Company Name:</b>	Joe Ridgeon, Hedley Planning Services
<b>Ward:</b>	Coulby Newham
<b>Recommendation:</b>	Approve with conditions

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**SUMMARY**

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Permission is sought for the construction of an access road with associated Sustainable Urban Drainage Systems (SUDs) including basins and swales. The development also includes landscaping which includes works to achieve the required 10% biodiversity net gain. The site is located to the north and west of Newham Hall Farm and Newham Hall with access from the B1365 and Bonnygrove Way.

The wider site is allocated for housing in the Local Plan. Whilst it may have been preferable for an application to be submitted for the road and outline housing development, together with a masterplan for the wider site. The application that has come forward is for the road only. The LPA cannot refuse to consider the application, it must be assessed on a standalone basis.

A masterplan for the wider site is currently being drafted and the LPA understand that it will be published for public consultation in the coming months. The application that has been submitted for the road has taken into consideration the draft masterplan and the masterplan has been drafted on the basis of the road as proposed to ensure there is no conflict between the road and the housing development.

Following a consultation exercise objections were received from 16 properties and a statement neither in objection or support was received from one property. An objection was also received from CPRE North and East Yorkshire and the Conservation Officer. No objections have been received from technical consultees including the Highway Authority and Local Flood Authority.

For the reasons set out in this report the proposed development is considered to be acceptable. It is the planning view that the development meets the requirements of relevant national planning policies detailed within the NPPF and Local Plan Policies DC1, CS4, CS5, CS17, CS18 and H26. The recommendation is for approval with conditions

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is an area of primarily open space located to the north of the B1365 and south of Bonnygrove Way/Dewberry. To the north and west of the wider site are areas of housing which are part of the existing Coulby Newham estate. To the east and south of the site is Newham Hall and Newham Hall Farm.

Permission is sought for the erection of an access road and associated SUDs including basins and swales. The development includes cut and fill of land around the route of the road to enable the construction of the road and a landscaping scheme.

The proposed road includes the construction of a roundabout on the B1365. The road snakes its way through the site connecting the B1365 and Bonnygrove Way. The road heads north from the B1365, to the west of Newham Hall and its associated open space. It then turns east and runs along the northern boundary with Newham Hall before it turns north again. When it is level with Ryehill Way it turns east and runs along the north side of Newham Hall Farm where it then loops round a woodland belt before running west and joining up with the existing roundabout on Bonnygrove Way.

Three SUDs basins are proposed, located to the south of Ryehill Way and Bonnygrove Way and to the east of Dewberry.

The application has been supported by the following documents:

- Planning Statement;
- Design and Access Statement;
- Flood Risk Assessment and Drainage Strategy;
- Road Safety Audit;
- Preliminary Ecological Appraisal;
- Biodiversity Net Gain Metric and Assessment;
- Arboricultural Impact Assessment and Method Statement;
- Phase 1 Desk Study;
- Historic Environment Desk Based Assessment and a Written Statement of Investigation; and,
- Statement of Community Involvement.

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## **PLANNING HISTORY**

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No relevant planning history

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## **PLANNING POLICY**

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with

the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

#### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

#### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and

- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development, CS5 - Design, CS4 - Sustainable Development, CS17 - Transport Strategy, UDSPD - Urban Design SPD, H1 - Spatial Strategy, H11 - Housing Strategy, H31 - Housing Allocations, CS18 - Demand Management, CS19 - Road Safety, MWC4 - Safeguarding Minerals, MWP1 - Waste Audits, H8 Coulby Newham, H26 Coulby Newham

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.  
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

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## CONSULTATION AND PUBLICITY RESPONSES

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Following a public consultation exercise including a press notice, site notices and neighbour consultation letters, 17 comments were received in response. One of the comments was neither in objection nor support of the application. The remaining 16 comments are objections to the development. The comments received from residents and consultees are summarised below.

### Summary of objections

- a) Increase in traffic/congestion
- b) Impact on Road Safety
- c) Lack of infrastructure
- d) Increase in pollution
- e) SUDs should be a pond like Nunthorpe Developments not a swamp like fairy dell
- f) No provision of lighting
- g) No provision for sustainable transport i.e. walking, cycling and bus travel
- h) Lack of a masterplan including pattern or residential development, densities, tenures and landscaping
- i) Premature application – should come forward with housing
- j) Housing Strategy and Infrastructure Delivery/Current local plan and policies are out of date – failed to comply with statutory requirement
- k) Council has a good 5 year supply/reduction in the need for housing
- l) Impact on Agricultural Land
- m) Impact on ecology
- n) Impact on the Teesmouth and Cleveland Coastal SPA
- o) Consideration should be given at this stage to how Newham Hall Farm and Newham Hall will be accessed – we consider it should be via the proposed road.
- p) An access road to Newham Hall and Newham Hall Farm would carry a number of benefits relating to the use of Newham Hall, the existing access road no longer being required and the removal of a junction from the B1365
- q) Lack of public consultation

### Received from:

1. 26 Ash Green
2. 48 Ash Green

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3. 5 Blackthorn
4. 7 De Brus Park
5. 18 Dewberry
6. 163 Eagle Park
7. 217 Eagle Park
8. 25 Fernwood
9. 48 Fearnhead
10. 98 Gunnergate Lane
11. 107 Lingfield Ash
12. 4 The Pastures
13. Middlesbrough Alternative Planning Partnership, Woodland, West Moor, Dixons Bank
14. 3 Neasham Avenue
15. Newham Hall Holdings
16. 58 Woodvale

Middlesbrough Golf Club responded to the consultation stating that they request that any development of the land does not result in a loss of privacy to the golf club by opening the boundary with the golf course to public access.

#### Planning Policy – MBC

The principle of the development is acceptable given the site is allocated in the Development Plan for residential uses and the road and SUDS are to support that residential use.

#### Highways – MBC

The development proposals are consistent with the existing Local Plan policy for the site and the draft Local Plan policy for the site.

The proposed access points from Bonnycroft Way and the B1365 are considered to be acceptable in terms of their design. They incorporate necessary lighting and a reduced speed limit will also be implemented along a stretch of the B1365.

Vehicular access from Rye Hill Way is not considered to be necessary from a highways perspective in terms of capacity. Rye Hill Way may provide future options in terms of bus only access link or active travel connections.

The road itself will not generate traffic in its own right. A transport assessment with highway modelling which will assess and demonstrate any impact the future housing on the wider site may or may not have on the adjacent highway network together with any mitigation as may be required, will be considered as part of future applications on the wider site.

The Road Safety Audit has not identified any significant matters in relation to the proposed road. Any minor matters will be dealt with through the detailed design process for construction should the proposals be approved.

Concerns have been raised as a result of the road being considered in isolation, set aside from future masterplanning for the wider site. The concerns relate to elements being fixed prematurely in advance of knowing whether such elements are optimally designed and located, the provision of active travel, public transport, traffic calming and lighting, and limitations being placed on the wider allocated site as a result of the proposed road and SUDs. However, it is acknowledged that these matters would not prevent the successful development of a Masterplan for the allocated site, although it will place constraints upon it.

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Highway design matters, as a result of the road coming forward before the housing, result in highway concerns in relation to controlling speed along the excessively straight sections of the road, the need for suitable high quality traffic calming, public transport provision, active travel and lighting. If approved these will need to be controlled by suitably worded conditions.

#### Local Flood Authority – MBC

The site is an area of low risk of flooding from surface water. The proposed development includes a Sustainable Urban Drainage System(SUDs) consisting of swales and detention basins which will control manage the discharge of surface water into the watercourses at an agreed green field run off rate. No objections are raised subject to relevant conditions relating to the SUDs.

#### Rights of Way – MBC

The proposed road and SUDs will have an impact on the existing right of way which crosses the site. An alternative route has been identified and is considered to be acceptable. No objections are raised subject to relevant conditions relating to public rights of way.

#### Waste Policy – MBC

No comments

#### Conservation – MBC

The impact of a new road will erode some existing greenspace and fail to sustain or enhance the settings of Newham Hall and Newham Hall Farm, replacing some of the former parkland and farmland with hardstanding. Development causing less than substantial harm requires public benefit that outweighs it to comply with planning policy, which housing development could be argued to result in, but an access road in isolation struggles to. However the northern (rear) element of Newham Hall's setting has been identified to contribute less to the building's significance than the land to the south, which does not form part of the application site.

There will also be harm to the former farmland settings of Newham Hall Farm, out of use, in disrepair and At Risk, exacerbated by the proximity of the road (less than 100 metres) from the buildings. However, non-designated heritage asset carry less weight (a balanced judgement) in the planning balance than designated heritage assets.

It is the view of the Conservation officer that this application does not comply with policies CS4 and CS5 of Middlesbrough's Core Strategy or with paragraphs 210, 212, 213, 215, and 216 of the 2024 National Planning Policy Framework. This assessment would be different if housing development requiring the road, which will likely bring public benefits, formed part of this application. As proposed the harm to heritage assets, non-renewable resources, impedes this application's ability to comply with planning policy and legislation.

However, the site is allocated in the Local Plan and is therefore highly likely to come forward for housing development, which will of course form part of the planning balance and decision-making.

#### Archaeology

##### Below ground heritage

The DBA applies a search parameter of 100m from the centre line of the road (described as the centre of the development). This produces a small overall area of search, but one which does not adversely limit the identification of probable heritage assets (both designated and non-designated) capable of being affected by the proposal (though may have limited slightly

the range of assets considered for contextual data). The study area contained no designated assets, and eleven non-designated assets (all HER entries, eight of which related to finds of worked flint or ceramic, the others being: HER 722, the enclosure, Newham Hall; HER 5529, a field system at Marton West Beck, and HER 7958 the farmstead at Wind House, Marton).

At paragraph 6.1.1 the assessment acknowledges that “there has been relatively little intrusive investigation within the study area. However, the available evidence suggests that the site has a moderate to high potential to contain prehistoric and Roman remains.” In part, this conclusion is reached because archaeological finds and features dating from the prehistoric and Romano-British periods onwards have been found in the locality, including some of the finds within the study area. The immediate area within the development proposed is also stated to have been used for agricultural purposes since at least the medieval period, and does not show significant evidence for modern deposition or disturbance of a non-agricultural character.

Figure 5 of the DBA is a plot of LiDAR produced imagery downloaded from the Department for Environment, Food and Rural Affairs website. The imagery covers the whole site. The assessment states that “The interpretation of the LiDAR imaging did not reveal any significant features. Ploughing trends are visible across the agricultural fields that make up most of the site, but these appear to be characteristic of present-day agricultural use, not medieval or post-medieval ridge and furrow....”

Together with the HER and historic mapping evidence, our view is that the LiDAR results are sufficient support for the conclusion reached by the assessment with regard to below ground heritage, that “The proposed development would have a direct impact on the non-designated heritage assets and any currently unknown archaeological deposits and features within the site. Given the small footprint of the development, mitigation through archaeological monitoring (watching brief) during construction is recommended.” See paragraph 8.1.1 to 8.1.4 of the DBA for specific impacts on non-designated below ground assets, and setting impacts.

#### Built heritage

The DBA considers that the proposed development will not cause harm to any built heritage assets (designated or non-designated) in the wider study area, or to the setting of Newham Hall and its associated buildings. Given the generally low profile of the proposal and the vegetation surrounding the Hall this conclusion is reasonable, although we have not carried out our own assessment of the screening effects of vegetation. In narrow terms therefore, no mitigation of the proposal’s effects on the settings of listed buildings is therefore required, although some consideration should be given to securing the continued presence of the relevant vegetation in its current nature and scale.

#### Recommendation

If the LPA is minded to grant planning permission for the development a condition should be attached to the permission to secure the agreement of a written scheme of investigation for an archaeological watching brief of all ground disturbance for or part of land engineering and/or construction work, such WSI to be agreed with the LPA before the commencement of development and thereafter complied with according to its terms. The WSI should also make provision for more intensive excavation of any previously unknown features of moderate or high significance discovered during the course of the watching brief.

#### National Highways

No objection

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

#### North Yorkshire Council

North Yorkshire Council (NYC) recognises the necessity to engage in the potential collaborative discussion concerning the proposed housing development under planning reference 24/0371/FUL within Middlesborough Council's jurisdiction. As we strive to foster sustainable growth and enhance regional connectivity, it is essential to ensure that any new housing projects align with established transport policies and maintain the integrity of the highway networks.

Due to the wide expanse this proposal covers, it is inevitable that significant implications will take place on local traffic patterns, public transport, and overall mobility within the region. As a result, NYC believe a comprehensive Transport Assessment is necessary in order to provide a crucial insight into the expected impacts on the current highway infrastructure that borders the two authorities. This will allow for identification of required mitigation measures and ensure compliance with both local and national transport planning standards.

It would be expected that the Transport Assessment would provide a detailed analysis of data such as expected trip rates generated by the major development and how this data will be managed throughout the surrounding area by highlighting key regions or junctions of interest. The assessment findings should assist with design adjustments such as road widths, traffic signal placement, roundabout designs (as proposed on the B1365) and the integration of pedestrian and cycling facilities. Moreover, this information will aid in mitigation strategies that may need to be implemented within the North Yorkshire boundary to alleviate any adverse effects on the transportation network we currently maintain.

#### B1365

The stretch of highway covering the expanse from Coulby Newham through Tanton and along to Stokesley, is a key area which may be susceptible to deterioration due to current planning layout detailing that a new access point is proposed to be constructed on the southern boundary of the site. The 50mph highway currently covers approximately 4.8km of area with majority of the stretch residing in NYC's boundary, with through roads present that



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connects users to the A172. The Local Highway Authority would seek to review junction assessments and estimated traffic flows throughout this region in order to efficiently manage highway construction and safety.

Given NYC have not yet received a Transport Assessment for this proposal, the LHA at this time is not able to offer any further recommendations. However please note that, if there is intent of seeking a Transport Assessment at the time of housing applications being submitted then Middlesbrough Council will need to ensure that Scoping for the Transport Assessment is agreed with NYC.

#### Northumbrian Water

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

I can confirm that since surface water will not be draining to our public network we have no comments to make at this stage.

#### Natural England

No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### CPRE North and East Yorkshire

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

Ward Councillors

No response

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The planning application before Members is a full application for the development of an access road, a Sustainable Urban Drainage System (SUDs) and associated landscaping. The site is an allocated site for housing in the Housing Local Plan.
2. Whilst the site is allocated for housing, this development does not seek consent for any of the housing. The proposed road and associated works provide access to the site as a whole to enable access for the future development of the site. This report will consider the principle of the development in planning policy terms, the highways implications, the drainage infrastructure, and landscaping and ecology including biodiversity net gain (BNG).
3. During the application process revised plans were received in response to comments raised by consultees and the planning officer. The revised plans made alterations in relation to the site boundary (and corrected an error in relation to the blue line boundary), road layout (including the removal of a roundabout), and BNG details. Additional information was also submitted including sections of the proposed road. Following receipt of the revised details a second round of consultation with residents and consultees was carried out.
4. The revised details are the subject of this report.

### Principle of Development

5. The application is for construction of an access road and SUDS at Land at Newham Hall. The road is to support the development of the Newham Hall site for residential use. The application site forms part of a larger site Coulby Newham that is allocated for housing development on the adopted Housing Local Plan Proposals Map. The Planning Statement accompanying the application states that a separate planning application will be submitted to allow any housing development to progress.
6. Policy H1, H11 and H31 identify Coulby Newham as a strategic housing site for 1000 dwellings during the timeframe of the Housing Local Plan up to 2029. Policy H11 seeks the provision of higher value housing at Coulby Newham.
7. Policy H8 identifies the allocation site for 1000 dwellings. Policy H8 also identifies the site for the provision of open space, play and community facilities, enhancement of Marton West Beck and access from the B1365.
8. Policy H26 sets out specific criteria for the development of the site. The criteria include requiring access to the development to be from the B1365, Bonnygrove Way and Rye Hill Way and provides any necessary off-site improvements to transport infrastructure to ensure traffic generated by the development does not have a significant detrimental impact on the highway network. The policy also states that the development should maximise the use of SUDS in the drainage system and retain the ponds south of Newham Hall Farm.

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9. The Council is in the process of reviewing its Local Plan and in February 2024 consulted on a Draft Local Plan (DLP). The application site is identified as a proposed housing allocation in the Draft Local Plan. Draft Policy HO4b identifies the proposed allocation site for approximately 1100 dwellings. The criteria of the policy state that the development should be accessed from a new roundabout junction onto B1365, Bonnygrove Way and Rye Hill Way. At present limited weight can be attached to the proposed allocations and draft policies in the document at this early stage in the review process however the draft policy reflects the current policy for the site in the existing Local Plan.
10. Policy CS17 requires that development is not located where it will have a detrimental impact upon the operation of the strategic transport network. Policy CS18 requires that development proposals incorporate measures into development proposals that improve the choice of transport options available. Policy CS19 requires that development proposals that would have a detrimental impact upon road safety will not be supported.
11. The principle of the development is acceptable given the site is allocated in the Development Plan for residential uses and the road and SUDS are to support that residential use.
12. A number of comments have been received in relation to the Local Plan. Comments refer to the Council being in breach of paragraph 34 of the NPPF 2024 (previously paragraph 33 of the NPPF 2023) which requires local plans to be reviewed to address whether they need to be updated. The plan is currently being reviewed in line with the NPPF requirements.
13. The construction of the road as proposed will allow the development parcels on the wider site to come forward for housing. This process is likely to be in the form of an outline application for the wider site including the required masterplan which will guide the form of development on the site. The individual parcels will then come forward for development. Given the large size of the site as a whole the development of the site will take a number of years to be completed on site. The presence of a 5 year supply currently does not mean that a housing allocation is not required. Meeting the housing delivery test simply means there is no urgent need to bring forward additional sites ahead of the local plan review. The Coulby Newham site is allocated within the existing local plan and the allocation is continued in the draft local plan based on the evidence that there is a need for housing in Middlesbrough including the Local Housing Needs Assessment 2021 which is a material consideration. The allocated sites provide the required housing needs and take into account the economic growth the council is seeking.
14. The new NPPF has confirmed the new housing requirement is 522 dwellings per annum (dpa). Under transitional arrangements there is a need to be within 80% of that figure. The draft local plan is therefore likely to be taken forward with a requirement of 420dpa.
15. The allocations within the draft local plan are needed to meet the housing requirement to 2041, including Newham Hall. In relation to the current local plan recent appeal decisions have stated that the policies are in line with national planning policy and guidance and therefore they are still relevant to the decision making process until a new local plan is adopted. As a result the current local plan is still the

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relevant document for decision making and the required review of the local plan is being carried out.

16. Coulby Newham Neighbourhood Plan which has reached submission stage reflects the Local Plan in identifying the Housing allocation and the associated access road. The proposal is consistent with the policies of the submitted plan.
17. Comments have been raised regarding the loss of best and most versatile agricultural land and the need to notify Natural England where a new housing development is proposed to take place on agricultural land of more than 20 hectares. The objection states that the applicant has attempted to “conceal” this matter. However, despite the view of the objector that as the road will serve the wider site this matter must be considered, the fact is that the application is solely for the road and the associated drainage which is on a site of 9.65 hectares. The proposed development is not for housing on agricultural land of more than 20 hectares.
18. For completeness it is noted that the application site Best and Most Versatile (BMV) Agricultural Land Classification is considered to be grade 3 with BMV’s being graded 1 for the best quality, down to 5 with a future predictive assessment of a low likelihood of BMV. The NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. As a result of the low assessment the impact on this land to construct the proposed road is considered to be acceptable. As set out in the consultation section of this report, Natural England have been consulted and have not raised an objection to the proposed development. It is also noted that this assessment will have taken place as part of the allocation of the site in the Local Plan.

## Highways

19. Within the current adopted Local Plan, Newham Hall Farm is an allocated housing site (Policy H26). Work within the emerging Draft Local Plan proposes to retain the allocation of the site for housing (Policy Ho4b). Whilst there are some changes to the wording of the policies associated with the site the principle of access is unchanged with this being from 3 points; a new roundabout junction onto B1365, Bonnygrove Way and Rye Hill Way. Development proposals are therefore consistent with the policy and emerging policy.

### Access

20. Development proposals seek consent to deliver highway infrastructure in the form of;
  - Construction of the main internal road through the allocation,
  - Works to the existing roundabout at the Bonnygrove Way/Mount Pleasant Way roundabout to extend the existing 3rd arm into the proposed road; and
  - A new 3 arm roundabout onto the B1365
21. Together with associated supporting infrastructure consisting of earthworks, drainage and some street lighting at the proposed junctions.

### Bonnygrove Way Access

22. There is already an existing stub arm at the 3-arm roundabout of Bonnygrove Way/Mount Pleasant Way which will be utilized to provide the Northern access into

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the allocation. Works here are more limited and in broad terms consist of a continuation of the existing stub with street lighting and minor kerb works.

#### B1365 Roundabout

23. It is proposed to realign a section of the B1365 to facilitate delivery of a new 3 arm roundabout which will be used to provide the Southern access into the allocation. Highways modelling including the level of traffic which could be anticipated to be generated by the Newham allocation has been used as the basis to determine the size and design of the proposed roundabout. As part of the design process it is also intended to extend the existing 40mph limit from adjacent to the Cherry Hill Garden Centre to a point just East of the proposed roundabout. This is a reduction in the current speed limit on the B1365 from 50mph to 40mph. Street lighting is proposed at the new roundabout and on the immediate approaches.

#### Rye Hill Way

24. At this time no access is proposed onto Rye Hill Way following receipt of revised details which removed a roundabout that was originally proposed but deemed to be unnecessary. The current and emerging Local Plan policy is not explicit that any access onto Rye Hill Way must be vehicular and it is considered that from a highways perspective, in terms of capacity, the allocation is not dependent on it. Rye Hill Way may provide future option(s) in terms of a bus only access link or active travel link, or access direct to individual pockets of housing, but this detail is outside of the scope of the application being considered and would be addressed in future development applications or masterplanning.

#### Traffic Generation

25. The application has not been supported by a formal Highways Assessment nor Aimsun Modelling, a position which has been agreed with officers. Whilst the road falls within a Local Plan site allocated for residential development, the road infrastructure is being brought forward separate and in advance of any associated development proposals. Traffic generation is therefore not being considered through this application as consent is only being sought for the road, which will not generate any traffic in its own right.
26. As applications for development on the allocation are submitted, then it is these future applications which will generate the traffic that will use the road. Each individual development application will need to be supported by a Transport Assessment with highway modelling which will assess and demonstrate any impact that those proposals may or may not have on the adjacent highway network together with any mitigation as may be required.
27. Due to the location of the proposed road and relationship with the surrounding highway network it is considered that the provision of the road is unlikely to lead to a redistribution of vehicular trips across the network or materially affect traffic flows and turning movements at adjacent junctions. Any increase in traffic will be as a result of adjacent development served from the road and as such it is the planning applications for this development which will assess the impact of development on the network.
28. Notwithstanding the above the design of the new junction onto the B1365, changes to the Bonnycroft Way roundabout and design elements of the proposed road have

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been designed on the basis of anticipated development demand should the site be fully built out in line with the Housing Local Plan allocation.

#### Road Safety Audit

29. A combined Stage 1/2 Road Safety Audit has been undertaken by independent highway consultants. The Road Safety Audit process considers the proposed design and identifies whether there are any road safety issues which could be created or exacerbated by the proposals. The audit has not identified any significant matters and it is indicated that any minor matters will be dealt with through the detailed design process for construction should the proposals be approved. It is recognised that any amendments to the details being considered as part of this application may require a further application to be submitted to vary the approved scheme.
30. The new roundabout onto the B1365 has been designed to the required standards, including width, radii, swept path analysis, requirements for visibility splays and stopping sight distances. As such the proposed roundabout is of a similar design and format to other roundabouts and would not present a hazard or be unexpected to motorists.
31. The Road Safety Audit also considers the immediate highway around where works are proposed i.e the existing highway in the environs of the junctions at each end. When assessing the existing highway environment around where changes are being made accident statistics are investigated, generally over a 5 year period, to identify any clusters of accidents or patterns in accidents. The purpose of this is to establish as to whether there are any existing situations where these clusters/patterns could be exacerbated (or improved) by the proposed works. The tragic fatality which occurred on the B1365 in November 2024 took place in an area remote from the proposed site and highway works so as such would not be taken into account. Even were this to be taken into account this is a single event, the circumstances of which are still being investigated. A Road Safety Audit is a 4 stage process with stages 1 and 2 occurring at the design stage. Further stage 3 and 4 will be undertaken, in line with national guidance, which will further audit and double check the design to ensure that it is as safe as practicable.

#### Masterplanning

32. As described elsewhere in this report the proposed road and associated infrastructure is part of the enabling infrastructure for the Newham Grange housing allocation. The road is being considered in isolation from the allocation which is a very simplistic approach and raises concerns that the associated impacts could affect the deliverability and quality of future development that could take place due to fixing the roads position. Masterplanning identifies design parameters and sets the tone and framework that development proposals are assessed against. The delivery of a road and supporting infrastructure in isolation is not the optimal approach and would result in some concerns.
33. The alignment, design and construction of the road fixes a number of elements in advance of knowing whether such elements are optimally designed and located to support the development.
34. There are areas of infrastructure such as active travel, public transport and traffic calming that may require notable changes or additional works to be undertaken to the

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road in order to achieve the aspirations of any subsequent Masterplan. Any decision would need to achieve clear control on these matters being able to be delivered at the appropriate stage and deal with the matter of some works potentially being retrofit.

35. Could lead to an inefficient use of land and a lower quality layout – SuDS areas are required to simply address the requirements of the road with further SuDS systems being required for development. This could result in a number of smaller SuDS systems designed around the site as opposed to fewer well designed facilities serving a number of functions/areas. However, it is noted that the SUDs solutions can be designed in such a way that they can be added to at a later stage to benefit the overall design quality.
36. The road and supporting infrastructure as proposed by this application will place some constraints on the development of the masterplan for the wider site but it does not prevent the successful development of a masterplan for the development of the allocation.
37. It should be noted that the masterplan is being drawn up in full knowledge of the proposed road and SUDs as set out in this application and it will therefore respond appropriately to the issues and concerns raised setting out parameters for the development of the wider site to ensure that a high quality residential development can still be achieved.

#### Highway Design/Layout

38. Due to funding requirements the application for the road has been brought forward in advance of development proposals and as such elements of the design/layout that would be addressed as part of a holistic approach fall outside of the proposed application. This creates a potential conflict or risk with the approach being taken. If approved this application will need to include conditions to manage the conflict/risk.

#### Speed

39. The internal road is proposed to be subject to a 30mph limit and given the lack of proposed street lighting will be subject to signage consisting of 30mph repeater signs. Heading North from the B1365 to Bonnygrove Way through the site there are long straight sections of carriageway between any bend/curves with these measuring circa 280m, 150m, 120m and 220m in length. The levels to which the carriageway have been designed also means that there are no crests/dips which would follow the natural topography of the land or create natural traffic calming features. This gives rise to concerns over the potential ability to effectively restrain vehicle speeds in the future. National guidance contained within various highways and planning documents advises that carriageway and streetscene design should be such that vehicle speeds are naturally restrained to the intended design speed without the need for traditional engineered solutions (such as traffic calming).
40. Traffic calming features can be added as part of future development proposals and indicative illustrations have been submitted. These show possible solutions including narrowing of carriageways at landscaped crossing points rather than traditional speed bumps which are not considered to be a high quality design led solution. The indicative details also show possible locations, the precise locations will be set when they are informed by the design and layout of the wider residential development.

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41. Delivery of successful traffic calming design features would likely result in the need to amend sections of the proposed road if they are to be successful and designed holistically as part of the wider development. If approved a condition is required on this development to control the ability to reasonably achieve suitable traffic calming along the proposed road.

#### Public Transport

42. In order to meet the aspirations of the allocation together with achieving the mode shift targets within the Councils Transport Strategies, public transport penetration through the site is necessary. At this time no full details as to the form of bus stop facilities nor their locations along the proposed road have not been submitted. However indicative details have been submitted to demonstrate the principle of bus stops along the road. The indicative details also show possible locations however, the precise locations can only be set when they are informed by the design and layout of the wider residential development.
43. Whilst it is understood that it is the wider development of housing which will create the demand for public transport, the risk is that this infrastructure is brought forward in isolation to the road. The indicative details provide some assurance that bus stops have been factored into the design of the road. Conditions will be required to control the creation of bus stops at the appropriate time and locations. In this instance it is the planning view that this matter will be controlled as part of any outline housing approval on the site.

#### Active Travel

44. No footways or cycleways are proposed as part of the road proposals as the demand for these facilities will be generated by subsequent development. This infrastructure will be led by demand but the design of this will need to be approached on a strategic basis to a high standard across the allocation to ensure that sustainable travel becomes the first choice for new and existing residents. The layout of the road fixes a number of parameters which means that active travel and other elements will have to work around the road or alternatively elements of the road will become abortive work as they will need to be modified to suit the aspirations and policy requirements placed upon the allocation by local and national design guidance and policies. Conditions will be required to control the sustainable transport infrastructure at the appropriate time and locations. In this instance it is the planning view that this matter will be controlled as part of any outline housing approval on the site.

#### Street Lighting

45. The application as presented details street lighting at the proposed junctions. The applicant advises that street lighting will be designed and implemented by individual developers as development plots are brought forward. As is the case with much of the infrastructure the concern is how is it ensured that infrastructure, in this case street lighting, is designed in a holistic manner. Essentially what is to be avoided is lighting of the road by a series of individual proposals as opposed to an identified full scheme of street lighting. Adequate control to achieve this is required by condition which details phasing and provision of lighting to all useable areas of the highway if deemed necessary.

#### Other Highways Matters

46. One of the comments received relates to the need for access to Newham Hall Farm and Newham Hall. The Local Plan policy for the site requires the Newham Hall Farm



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to be incorporated into the wider development. To do this access from the proposed road to the farm will be required. This in turn will provide new access to Newham Hall. The indicative layout shows an access point from the road into the development parcel which is located to the west of the farm and to the north of the hall. This will then provide the required access to the existing buildings. At this stage it is not considered necessary to fix the location of the road through the development parcel as it would be subject to change when a housing layout for the site is considered. However, the current development does establish the principle of development to the existing buildings from the spine road which would in turn remove the need for vehicles to use the existing access road. The comments received in relation to the condition of the access road are noted, however this is not a material planning consideration, it is a civil matter between the two relevant parties.

47. As stated above, pedestrian and cycle links to the wider area for residents of the future housing development will be considered as part of the applications for the housing and highway network associated with those houses. It is not possible at this time to fix these requirements until we have details of the amount of development proposed and the parcels of those developments. Pedestrians and cyclists will only begin using the site when the houses are built and occupied. The infrastructure for these users will be constructed at this time.
48. The PROW (footpath) that runs north south through the centre of the wider site is crossed by the proposed road in several locations and is impacted by the proposed SUDS basin near to the roundabout on Bonny Grove Way.
49. The indicative details identify a diversion of the public right of way in two locations to allow it to cross the proposed road in a safe and useable location and to navigate around the proposed access road and detention basin. The diversion is considered to be acceptable in planning terms and allows the continued use of the right of way.

#### Highways Conclusion

50. The application has been considered by the Local Highway Authority who have no objections to the scheme subject to relevant conditions relating to full details of the proposed road (including materials), road safety audit, rights of way, method works statement, street lighting and traffic calming. The development is considered to be in accordance with the requirements of Local Plan Policies DC1, CS4, CS5, CS17 and CS18.

#### **Flood Risk and Drainage**

51. The proposed site is located within Flood Zone 1, which according to EA flood maps indicates that the land assessed as having a very low probability (less than a 1 in 1000 years) of river or sea flooding in any one year.
52. It is also in a low risk area of flooding from surface water that said there are a couple of identified low points where surface water collects just outside of the redline boundary and several identified overland flow paths. These flow paths, which will be cut by the proposed road, will be maintained by the use of culverts underneath the road which will be adequately sized.

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53. The general topography of the site falls from south to north and surface water runoff from the site currently flows into the drainage ditches and the tributaries of Marton West beck.
54. The road would increase surface water runoff without the implementation of mitigation measures as indicated within the drainage strategy. Keeping surface water runoff to the current greenfield runoff rate by the use of suds attenuation features would mimic the natural flows within the catchment and ensure there is no excess burden on the local watercourses which are the proposed points of discharge for the surface water network. It is proposed that there will be three separate networks that discharge into three existing watercourses in the area at a greenfield run off rate of 7.19, 4.0 and 2.0 l/s
55. The 'Management Train Approach' is central to the surface water drainage strategy of the proposed site with the main objective is treatment and control of runoff as near to the source as possible. The surface water runoff from the new Access Road will be dispersed over the kerb into Sustainable Urban Drainage Systems comprising of swales and filter drainage and conveyed to SUDS dry basins and then discharged into the watercourses at green field run off rate; any excess flows shall be attenuated within the proposed basins. The use of swales will allow for any silts and hydrocarbons to be dealt with and enhancing water quality entering the system.
56. The use of swales and attention (dry) basins is found acceptable types of SUDS and takes on board some of the comments raised during the public consultation where concerns were raised over safety and stagnant/smelly ponds. The basin near to Bonny Grove way is offline and has no through flow which would mean that if it was a pond it would become stagnant and smell due to the lack of aeration.
57. Some of the basins are in remote parts of the site which is not close to existing houses and therefore are not overlooked. Safety concerns were raised during the public consultation and if these were created as ponds then there is the potential for anyone getting into difficulty would not easily be detected. While it is accepted that ponds could be fenced off and have further safety measures added this would need to be maintained and could suffer vandalism. Risk assessments should be undertaken to provide evidence that potential risks have been evaluated on the dry basins to ensure the risk.
58. Any future required use of the highway basins by potential development in the area as storage could be considered at which point it may be that the dry basins could be converted into ponds which would form part of a wider landscape scheme, however at this time due to the uncertainty of specific details dry basins are acceptable.
59. Information has been provided on maintenance of the SUDs and the general layout of the drainage network along with a flood risk assessment and drainage strategy but further construction details are required by condition.
60. The Local Flood Authority and Northumbrian Water have been consulted on the submitted flood risk assessment and drainage details and have no objections subject to relevant conditions. The development is considered to be in accordance with the requirements of Policies DC1 and CS4.

#### Conservation/Heritage Impact

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61. The application site lies between the B1540 and B1365, immediately south of the Coulby Newham suburbs of Middlesbrough. Some of the site forms the grounds of Newham Hall, an ironmaster's home originally. Newham Hall and surrounding landscaping has seen little alteration until the development of a small executive housing estate, De Brus Park, in the early 21st century in the southeast corner of the parkland.
62. Within the application site lies one non-designated Heritage Asset, on Middlesbrough's Local List. Newham Hall farm lies just north of the Grade II listed Newham Hall, built for Ironmaster John Mills in 1880 on the site of an earlier manor house. It is most likely that the farm was built at around the same time as the new Hall, sometime after John Mills bought the land in 1875. It is possible that some of the buildings, such as the hay barn, could date from the time of the earlier Newham Hall. The farmstead is largely of a regular courtyard plan, with a hay barn (pictured) and granary to the north of the courtyard. The hay barn and granary appear earlier, are roofed in pantiles and of a different handmade brick to that seen in the courtyard. The main courtyard consists of stables, cart sheds, piggeries, cow sheds and kennels, with slate roofs and a beautiful handmade brick. The buildings have iron ventilation grills for animal housing, and attractive brick detailing throughout. The farmhouse is similar in material to the courtyard buildings, with cart sheds alongside.
63. The former farmbuildings, significant as evidence of a high-status farm related to a country house, are out of use and At Risk. The justification for any future housing scheme will benefit from incorporating restoration and reuse of these buildings.
64. Immediately adjacent to the application site lie three designated Heritage Assets, all Grade II Listed Buildings.
65. Newham Hall, retaining wall and steps Country House, 1880, for John Mills. On site of earlier manor house. Coursed rockfaced sandstone rubble, with ashlar quoins and dressings. Lakeland slate roofs. Jacobethan style.
66. Newham Hall is a good example of an Ironmaster country house, of which there were once several within the current Borough of Middlesbrough; examples include Grey Towers Hall (William Hopkins - extant), Gunnergate Hall (John Vaughan - demolished), Marton Hall (Henry Bolckow – demolished), and just outside the Borough in Redcar and Cleveland is Upsall Hall (John George Swan – extant). The Ironmaster Country Houses were situated to the south of the industrial heart of Middlesbrough, away from the pollution resulting from the heavy industry, and in the then undeveloped rural areas.
67. The immediate formal garden associated with Newham Hall lies in front of the Hall, which is south facing, with an ornamental lake/ pond. The wider former parkland associated with the Hall lies south of the Hall, bounded to the northwest by its access road and associated avenue of trees, which enters the park from the Lodge.
68. A 2016 study of landscape and heritage in Middlesbrough has this to say about the Newham Hall 'parcel' of land: Opportunities for development within this parcel are very limited, and any proposals would need to be very carefully designed to be in harmony with the sensitive landscape. In particular the historic importance of the parkland, indivisible from that of the Hall, needs to be recognised in any proposals brought forward for this site. However, Historic England's appraisal of the land, detailed below, is more recent and carries greater weight from a statutory consultee.

69. In terms of the land that forms the setting of Newham Hall, Historic England assessed it in 2019 as part of an unsuccessful application to place the land on the Register of Historic Parks & Gardens: Dating to circa 1880, Newham Hall can thus be seen as being rather old-fashioned and conservative, undermining its claim to special interest. The Newham Hall landscape is neither a good representative example of Victorian garden design, nor an early example of styles that developed in the late C19. In overall design terms it is thus seen as being relatively modest in comparison with other landscapes, including those that are smaller in extent, that have been added to the Register.
70. The strongest claim to special interest is the association between the landscape and the Grade II-listed hall. It appears that the hall was carefully designed and orientated to provide a framed view northwards to Ayresome Ironworks with the principal rooms enjoying views across the gardens, park and out to the North York Moors and Roseberry Topping. The external architectural design of the hall is focused on the south and east garden fronts, with the design of the gardens being very well integrated: the terraces and linking staircase complement the hall and provide view points across the parts of the gardens with most visual interest, whilst the gardens in turn provide good viewpoints back to the most architectural parts of the hall. The gardens around the hall very significantly contribute to the special interest of the Grade II-listed building. The wider parkland is also a key aspect to the setting of the hall and also significantly contributes to the interest of the listed building, providing essential meaning to two further listings, the lodge and associated gateway, both also being listed Grade II.
71. Newham Hall Lodge 1880; at entrance to Newham Hall. Coursed rockfaced sandstone rubble, with ashlar quoins and dressings. Lakeland slate roof with clay ridge tiles and stone gable copings with kneelers. Jacobethan style. Understood to be in use as a private dwelling, its significance lies in it evidencing a high-status building requiring a lodge building near its entrance.
72. Gate, Gatepiers and walls at entrance to Newham Hall 1880. Timber gate; coursed rockfaced sandstone rubble gatepiers and walls, with ashlar dressings. 4-bay arcaded gate with dograil. Square gatepiers and terminal piers with quoins and chamfered plinths; shouldered below domical caps with shaped finials, those to gatepiers missing. Serpentine walls, with cyma-reversa-moulded copings, link the gate piers to terminal pier. These remain in their original use, marking the vehicular entrance to Newham Hall and their significance is found in this evidence of a high-status building in what is currently primarily open countryside.
73. The construction of the proposed road and associated SUDs will inevitably have an impact on the surrounding area as it will result in the loss of some green space. This in itself will not sustain or enhance the settings of Newham Hall and Newham Hall Farm. Development causing less than substantial harm requires public benefit that outweighs the harm to comply with planning policy. Whilst the Conservation Officer has concluded in their comments that the proposed development is in conflict with relevant policies the Planning Authority must balance the concerns raised against the benefits of the development.
74. In this instance the works are taking place to the north of Newham Hall which is land that has been identified as contributing less to the building's significance than the land to the south which is not part of this application site. The creation of the road

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will also provide the access required to enable the housing development to come forward which will in turn result in significant public benefit due to the provision of much needed houses. There will also be a significant benefit through the inclusion of the dilapidated farm buildings as part of the wider development which will see their restoration and re-use and will prevent further dilapidation and ultimately their demolition. It should also be noted that an assessment of the site in terms of the heritage impacts was undertaken as part of the allocation of the site for development in the Local Plan. The allocation did not receive any objection or concern from Historic England.

75. The proposed road will also be the first step to providing a new access road to Newham Hall Farm and Newham Hall which will remove the need for vehicles to travel down the existing narrow access road. The owners of Newham Hall have stated that the condition of the current access track is a constraint to the site. Whilst the condition of the existing road itself is not a material planning consideration the creation of a new road to the site would support economic activity at Newham Hall. This is considered to be a public benefit of the proposed development as it will provide increased opportunities for the listed building. The existing road will then be utilised as part of the wider development of the site for pedestrians and cycles without any conflict with vehicles using the route.
76. The heritage assets are set within a landscaped setting which includes established tree belts and hedges. The proposed road will also benefit from a landscape scheme which includes tree planting along the entire length of the road. The existing and proposed landscaping will reduce the visual impact of the road on the existing listed building.
77. In line with the comments received from the Archaeology consultant, a Written Statement of Investigation has been received. If approved a condition will be placed on the application which requires the development to be carried out in line with the processes set out in the document.
78. It is the planning view that on balance, the proposed road and associated works including the landscape scheme, are located in an area which contributes less to the the Listed Building's significance and will result in significant public benefit, including opportunities in relation to the increased use of Newham Hall and restoration of Newham Hall Farm buildings. The road itself is relatively low level and will be softened in appearance by a landscape scheme which incorporates trees along its full length. As a result the development is considered to sustain the setting of Newham Hall and Newham Hall Farm.
79. It is the planning view that the development is in accordance with the requirements of Local Plan Policies CS4 and CS5 and paragraphs 210, 212, 213, 215, and 216 of the NPPF.

### **Biodiversity Net Gain (BNG)**

80. Since April, 2024 BNG has become a mandatory requirement under Schedule 7A of the Town and Country Planning Act 1990. All relevant applications must deliver a BNG of 10%, which means that development will result in a more or better quality natural habitat than there was before development.

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81. The application has been supported by a Biodiversity Net Gain Report. The report contains all the information necessary as part of the application validation process as set out in the government guidance on BNG.
82. During the application process revised details were submitted which increased the boundary of the site to enable the BNG to be provided on site, removing the need for any offsite works. As a result of the change to the boundary line the BNG report was updated to include all the land within the new site boundary.
83. The Biodiversity Metric and Statement establishes the Site's baseline Biodiversity Unit value of 37.04 Habitat Units and 2.64 Hedgerow Units. The proposed development seeks to provide the necessary BNG through enhancement of existing habitats and the creation of new habitats.
84. Following completion of the development the site will generate an additional 3.72 Habitat Units and 1.61 Hedgerow units representing a gain of 10.03% in Habitat Units and 61.03% gain in Hedgerow Units.
85. It is the planning view that the provision of the required 10% BNG can be achieved on site. If the application is approved it will be subject to two standard BNG conditions (set out in government guidance). The conditions require the detailed BNG information to be submitted prior to the commencement of the development.

### **Ecology/Landscaping**

86. The application site comprises grass land (primarily cereal fields) with some hedges and trees (including areas of woodland) and scattered scrub and bramble. The site has been assessed in relation to ecology, including protected species, and biodiversity.
87. The proposed development will result in the removal of some trees and hedgerow on the site. The road has been designed to minimise the amount that is required to be removed. The proposed landscaping and requirement to achieve 10% BNG will see additional planting and enhancement of retained areas to provide the necessary mitigation for the loss and the 10% overall improvement.
88. The ground levels vary significantly across the site. The construction of the road will include cut and fill of soil in various locations to create enable the road and swales to be constructed in a suitable manor. This will result in slopes to the side of the road in some locations. The slopes will be landscaped including tree planting which will result in a tree lined road in line with requirements in the NPPF.
89. The landscaping scheme will provide a visual screen of the development softening its appearance from the wider area and nearby properties including Newham Hall.
90. The site has been assessed in relation to birds, bats, badgers, great crested newts and other protected species. The route of the proposed road is considered to be of low and local value in relation to ecology on the site with the wider site likely to have greater value. When applications are submitted for the wider site they will need to be supported by further ecological studies.
91. In relation to great crested newts, of the ponds tested a single pond tested positive for the species indicating their likely presence. There are no areas of suitable

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breeding habitat within the site and the footprint of the road provides only limited areas of habitat suitable to the species during its terrestrial phase. Prior to commencement of development a district level licence application with Natural England will be required to support the site.

92. If approved a condition will be required to ensure the development is carried out in accordance with the recommendations and mitigation set out in the ecology assessment.
93. The development is considered to be in accordance with the requirements of policy CS4 of the Local Plan.

### **Nutrient Neutrality**

94. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
95. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
96. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
97. This application for a road does not give rise to any form of overnight accommodation. The application is not considered to be 'in-scope'. As a result no mitigation is required.

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98. When any applications come forward for housing on the wider site they will need to include details of nutrient neutrality mitigation.

### Amenity

99. Due to the design and position of the proposed road and associated works it is not located directly opposite any existing residential properties. As a result of the location the proposed road does not result in an impact on nearby residential properties amenities in terms of privacy or light. The road will not be overly dominating in its appearance when viewed from nearby properties. The road is a local road within an allocated housing site as a result, when brought into use, any traffic using the road will be local traffic and will not result in increased levels of noise over and above the existing local highway network.
100. The development is considered to be in accordance with the requirements of policy DC1.

### Other Matters

101. A number of the comments made are not material planning considerations, as a result they are not considered as part of the analysis of this application. Such comments include but are not limited to; concerns raised relating to the quality of the applicant's public consultation information, objections to houses on the site, no increased parking in the town centre, disturbance during the construction period including HGV's on the road network and mud and debris from construction vehicles.
102. Comments have been received in relation to the Statement of Community Involvement, specifically stating that 90% of respondents did not support the proposal with the inference being that this application should be refused as a result. A Statement of Community Involvement is submitted to demonstrate that the applicant has engaged with the local community prior to submitting the application. The application is assessed and considered against the detailed information that has been submitted that sets out the proposed development and all material planning considerations including the development plan. The content of the Statement of Community Involvement in itself is not material to the assessment of the application. The number of responses in objection to any application does not have any bearing on the decision made on the application. It is the content of the comments that are considered and whether they raise any material planning matters that warrant the refusal of an application. An application with a hundred objections can be approved and an application with no objections can be refused.
103. Comments have been raised due to residents perception of a conflict of interest as the Council is the land owner and applicant for the site. The implication being that the Local Planning Authority (LPA) cannot impartially consider an application submitted by the Council on Council owned land. The LPA sit separately to the Council and their functions as landowner and in this case developer. The LPA assess all applications in relation to local and national planning policy and guidance regardless of who submits the application, and processes are in place to ensure large scale developments such as this application, are considered by the Planning and Development Committee. The LPA consider numerous applications submitted by the Council or on land owned by the Council each year, as do other LPA's across the country. It has no bearing on the assessment of applications in relation to policy. The LPA have engaged with the applicant and sought revisions to the scheme to



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remove issues that were initially raised and all information is presented to the committee members to enable them to make an informed decision on the application that is based on their training and understanding of planning policy and guidance alone.

104. Some of the comments received have referred to a petition against housing in Coulby Newham on change.org. This petition was set up in response to the allocation of the site in the draft Local Plan, not specifically in response to this application. This application is solely for the construction of a road and associated works. It does not include any housing. When an application is received for housing residents will then be able to provide their comments in relation to the housing.

#### Masterplan

105. A number of comments received relate to the lack of a masterplan for the wider allocated site and state that an Executive report required a hybrid application to be submitted. This application has come forward earlier than the masterplan and outline housing application as the applicant is in receipt of time limited funding to construct the road. Whilst this is not material to the decision making process it provides an understanding for the reason it has come in before the applications for the wider site. This report has set out some of the concerns as a result of permission being sought for the road before a masterplan has been produced however the LPA must consider the application as submitted. Any matters that relate to why the application has come forward for the road ahead of any application for housing and the masterplan for the site are outside the remit of the LPA and should be directed to the applicant.

106. The LPA have been advised that the masterplan for the wider site is currently being finalised with details of the proposed road and SUDs incorporated into the document.

#### Social and Economic Benefits

107. The proposal would bring about social and economic benefits through enabling the provision of additional homes on the wider allocated site. There would be job creation during the construction of the development. These benefits carry moderate weight in favour of the scheme.

### **Conclusion**

108. Whilst it may have been preferable for an application to be submitted for the road and outline housing development, together with a masterplan for the wider site. The application that has come forward is for the road only. The LPA cannot refuse to consider the application, it must be assessed on a standalone basis.
109. A masterplan for the wider site is currently being drafted and the LPA understand that it will be published for public consultation in the coming months. The application that has been submitted for the road has taken into consideration the draft masterplan and the masterplan has been drafted on the basis of the road as proposed to ensure there is no conflict between the road and the housing development.
110. The principle of the development has been established through the allocation of the site in the Local Plan. The proposed road is in accordance with the requirements of policy H26 which allocates the wider site for housing.

111. The application has been assessed in relation to highway matters, flood risk and drainage, landscaping, ecology, biodiversity net gain and nutrient neutrality. There are no technical objections to the development.
112. The impact on the nearby heritage assets are considered to be minimal with any impact softened by the landscaping scheme which sustains the setting of Newham Hall and Newham Hall Farm. On balance, any harm from the development is outweighed by significant public benefit.
113. The development is considered to be in accordance with policies DC1, CS4, CS5, CS17, CS18 and H26 of the Local Plan the requirements of the NPPF. The application is recommended for approval with conditions.

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## RECOMMENDATIONS AND CONDITIONS

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### Approve with Conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan, drawing no. 24033-LE-ZZ-ZZ-DR-D-0001 rev. P04;
- b) Redline Boundary, drawing no. 24033-LE-ZZ-ZZ-DR-D-0006 rev. P08;
- c) Site Plan, Sheet 1 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0008 rev. P03;
- d) Site Plan, Sheet 2 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0009 rev. P03;
- e) Site Plan, Sheet 3 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0010 rev. P03;
- f) Site Plan, Sheet 4 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0011 rev. P03;
- g) Site Plan, Sheet 5 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0012 rev. P03;
- h) Site Plan, Sheet 6 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0013 rev. P03;
- i) Cross Sections, Sheet 1, drawing no. 24033-LE-ZZ-01-DR-D-0016 rev. P02;
- j) Cross Sections, Sheet 2, drawing no. 24033-LE-ZZ-01-DR-D-0017 rev. P02;
- k) Cross Sections, Sheet 3, drawing no. 24033-LE-ZZ-01-DR-D-0018 rev. P01;
- l) Road Lighting, Sheet 1, drawing no. 24033-LE-ZZ-13-DR-D-0001 rev. P02;
- m) Road Lighting, Sheet 2, drawing no. 24033-LE-ZZ-13-DR-D-0002 rev. P01;
- n) Road Lighting, Sheet 3, drawing no. 24033-LE-ZZ-13-DR-D-0003 rev. P02;
- o) Road Lighting, Sheet 9, drawing no. 24033-LE-ZZ-13-DR-D-0009 rev. P01;
- p) Carriageway Long Sections, Sheet 1, drawing no. 24033-LE-ZZ-01-DR-D-0041 rev. P02;
- q) Carriageway Long Sections, Sheet 2, drawing no. 24033-LE-ZZ-01-DR-D-0042 rev. P02;
- r) Carriageway Long Sections, Sheet 3, drawing no. 24033-LE-ZZ-01-DR-D-0043 rev. P02;
- s) Carriageway Long Sections, Sheet 4, drawing no. 24033-LE-ZZ-01-DR-D-0044 rev. P02;

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- t) Vehicle Swept Path B1365 Roundabout, drawing no. 24033-LE-ZZ-ZZ-DR-D-0021 rev. P01;
- u) Vehicle Swept Path Ryehill Way Roundabout, drawing no. 24033-LE-ZZ-ZZ-DR-D-0022 rev. P01;
- v) Newham Hall Site Access, Coulby Newham, Middlesbrough, Road Safety Audit Stage 1, reference no. DEP/LE/RSA/10/24/236
- w) Construction Plan, drawing no. 24033-LE-ZZ-ZZ-DR-D-0003 rev. P04;
- x) Existing C2 Utility Plan Overlay, drawing no. 24033-LE-ZZ-ZZ-DR-D-0002 rev. P04;
- y) Proposed Flood Route Plan, drawing no. 24033-LE-ZZ-00-DR-D-0002 rev. P03;
- z) Flood Risk Assessment and Drainage Strategy Report, reference no. 24033-LE-ZZ-05-RP-D-0001 rev. P03 dated 20/12/24;
- aa) Sustainable Drainage Systems (SuDS): Maintenance Plan, reference no. 24033-LE-ZZ-05-RP-D-0002-P01-S2 dated 06/09/24;
- bb) Archaeological Monitoring and Recording near Newham Hall, Middlesbrough – Written Scheme of Investigation, dated October 2024 version 0.1;
- cc) Biodiversity Net Gain Assessment, reference no. 24289 version 3, dated January 2025;
- dd) Biodiversity Metric dated 19/12/2024; and,
- ee) Proposed BNG Masterplan, drawing no. VEC544.03 dated 19/12/2024;
- ff) Arboricultural Impact Assessment & Method Statement, reference no. MCNHRoad\_AIA\_AMS\_01 rev. 3;
- gg) Preliminary Ecological Appraisal, reference no. 24289 version V2, dated September 2024;
- hh) Phase 1: Desk Study, Newham Hall Spine Road, Middlesbrough, reference no. S240741 dated August 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

### 3. Details of Roads, Footpaths and Open Spaces Required

Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site. The development shall be carried out in accordance with the approved details. For the purposes of this condition construction is deemed to not include preparatory earthworks.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

### 4. Road Safety Audit

A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB GG119 and guidance issued by the council, will be required for the proposed road, junction works and supporting infrastructure as specified in submitted drawing(s) Site Plan, Sheet 1 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0008 rev. P03 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Any remedial works required within the audit shall be implemented within 6 months following the remedial works being identified and agreed unless an alternative timescale is first agreed in writing with the Local Planning Authority.

Reason: To minimise the road safety risks associated with the changes imposed by the development having regard for policies DC1 and CS5 and sections 9 and 12 of the NPPF.

5. Method of Works Statement

The development hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- a) Routing of construction traffic, including signage where appropriate;
- b) Arrangements for site compound and contractor parking;
- c) Measures to prevent the egress of mud and other detritus onto the public highway;
- d) A jointly undertaken dilapidation survey of the adjacent highway;
- e) Program of works; and,
- f) Details of any road/footpath closures as may be required.

The development must be carried out in accordance with the approved details.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users having regard for policy DC1 of the Local Plan.

6. Existing Public Rights of Way (Footpaths and Bridleways)

Within 3 months of commencement of the development hereby approved, a Public Rights of Way General Arrangements Plan(s) to a scale of 1:200, showing the following works to the existing Public Rights of Way network must be submitted to and approved in writing by the Local Planning Authority. Thereafter the works must be carried out in complete accordance with the approved details.

- Signage and Furniture;
- Structures on or adjacent to;
- Changes to the surface; and,
- Extent of any stopping up, diversion or dedication of new highway rights (including all public rights of way shown on the definitive map and statement).

Reason: To ensure appropriate facilities are provided throughout the development in order to promote an active lifestyle and reduce dependence on the private car having regard for policy CS4 of the Local Plan and section 9 of the NPPF.

7. Street Lighting

Within 3 months of commencement of development a full street lighting design for the full length of the road hereby approved and its junctions to Bonnygrove Way and the B1365 shall have been submitted to and approved in writing by the Local Planning Authority. Lighting of the junctions of the Bonnygrove Way and the B1365 and their approaches shall be implemented prior to these junctions being brought into public use. Upon the commencement of works to form any further junctions onto the road hereby approved, active travel crossing points, traffic calming or public transport facilities the approved street lighting design shall be implemented in full.

Reason: In the interests of highway safety and sustainable travel, and to ensure an appropriate high quality of development in the interests of public amenity, placemaking and designing out crime having regard for policies CS4, CS5 and DC1

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of the Local Plan and sections 9, 12 and 15 of the NPPF.

8. Traffic Calming

Within 3 months of commencement of development a full scheme of traffic calming, including phasing of implementation for any part of the road hereby approved to be brought into public use, shall have been submitted to and approved in writing by the Local Planning Authority. The approved traffic calming scheme shall thereafter be implemented prior to any part of the road hereby approved being brought into public use, in accordance with the agreed phasing of implementation. Traffic calming for this scheme shall be a high quality intervention to support design aspirations and prioritise active travel as indicatively shown on drawing Indicative Planning Provision Layout, drawing no. 24033-LE-ZZ-ZZ-DR-D-0014 rev. P02, while allowing for the opening of the roundabout on the B1365 of the approved development.

Reason: In the interests of highway safety and sustainable travel, and to ensure an appropriate high quality of development in the interests of public amenity and placemaking having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 9, 12 and 15 of the NPPF.

9. Phasing Plan

The phasing of the development must be in accordance with the approved Construction Plan, drawing no. 24033-LE-ZZ-ZZ-DR-D-0003 rev. P04, or in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include the build route, creation and use of access points including roads, footpaths, cycle paths and bridleways

Reason: In the interests of highway safety and amenity of the area having regard for policy DC1 of the Local Plan.

10. Landscape Scheme

Within 3 months of commencement of construction of each phase of the development a scheme showing full details of both hard and soft landscape works and a programme of works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out on site as approved.

Details must include all services and physical entities that would impact on landscaping. These details shall include but are not limited to: footpath and cycleway links; proposed finished levels or contours; means of enclosure and boundary treatment; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures (eg; furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg; drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers, densities where appropriate; implementation programme.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1

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of the Local Plan and sections 12 and 15 of the NPPF.

11. Landscape Management Plan

A Landscape Management Plan(s) covering relevant phase(s) of development, including long term objectives, management responsibilities and maintenance schedules in perpetuity for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first use of the road by the public. Thereafter the Landscape Management Plan must be implemented on site.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

12. Replacement Tree Planting

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

13. Retained Trees

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of the occupation of the final building on site for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (with subsequent amendments)(British Standard recommendations for Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies during the period of construction another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority. Similarly, if a retained tree dies or needs to be removed within five years of completion, and this is found to have been the result of damage sustained during development, this replanting condition will remain in force

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. Retained trees shall be protected fully in accordance with British Standard 5837:1991 (Guide for Trees in Relation to

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Construction). In particular, fencing must not be dismantled at any time without the prior consent of the local planning authority.

Reason: To prevent the loss of or damage to trees and natural features during the development and to ensure so far as is practical that development progresses in accordance with current best practice having regard for policy CS4 and CS5 of the Local Plan and section 9 of the NPPF.

#### 14. Hedges and Hedgerows

All hedges or hedgerows on the site unless indicated as being removed shall be retained and protected on land within each phase in accordance with details submitted to and approved in writing by the local planning authority for the duration of works on land within each phase unless otherwise agreeing in writing by the local planning authority. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month a scheme of remedial action, including timetable for implementation shall be submitted to the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To prevent the loss of or damage to existing hedgerows and natural features so far as is practical that development progresses in accordance with current best practice having regard for policy CS4 and CS5 of the Local Plan and section 9 of the NPPF.

#### 15. Biodiversity Gain Plan

The development hereby approved shall not commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: As required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

#### 16. Biodiversity Net Gain Maintenance Plan

The development hereby permitted shall be carried out in accordance with the approved Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development and the Biodiversity Gain Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Local Planning Authority during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed to be undertaken to address a shortfall in predicted levels of gain.

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Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with paragraphs 180 and 186 of the National Planning Policy Framework.

#### 17. Ecology

The development hereby approved must be carried out in accordance with the recommendations and mitigation measures as set out in section 6 of the approved Preliminary Ecological Appraisal, reference no. 24289 version V2, dated September 2024.

Reason: To protect and enhance the ecology and biodiversity of the site and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development having regard to policy CS4 of the Local Plan and section 15 of the NPPF.

#### 18. Earthworks

The earthworks shall be carried out in accordance with the approved plans listed below or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

- a) Site Plan, Sheet 1 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0008 rev. P03;
- b) Site Plan, Sheet 2 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0009 rev. P03;
- c) Site Plan, Sheet 3 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0010 rev. P03;
- d) Site Plan, Sheet 4 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0011 rev. P03;
- e) Site Plan, Sheet 5 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0012 rev. P03;
- f) Site Plan, Sheet 6 of 6, drawing no. 24033-LE-ZZ-ZZ-DR-D-0013 rev. P03;

Reason: To ensure a satisfactory form of development in the interest of visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

#### 19. Finished Levels

The finished ground levels shall be carried out in accordance with the Proposed Flood Route Plan, drawing no. 24033-LE-ZZ-00-DR-D-0002 rev. P03 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interest of amenities including visual amenity and the character of the area having regard for policies CS4, CS5 and DC1 of the Local Plan and sections 12 and 15 of the NPPF.

#### 20. Surface Water Drainage Scheme

Within 3 months of commencement of the development on site a detailed surface water drainage scheme (design and strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed, following the principles as outlined in the Flood Risk Assessment and Drainage Strategy Report, reference no. 24033-LE-ZZ-05-RP-D-0001 rev. P03 dated 20/12/24 and the development shall be completed in accordance with the approved scheme.

The design of the drainage scheme shall include but is not be limited to;

- (i) The surface water discharge from the development must be limited to a Greenfield run off rate ( $Q_{bar}$  value) with sufficient storage within the system to



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accommodate a 1 in 30 year storm.

(ii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.

(iii) The design shall ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.

(iv) Provide an outline assessment of existing geology, ground conditions and permeability.

(v) The design shall take into account potential urban creep.

(vi) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change (Conveyance and exceedence routes)

This should be accomplished by the use of SuDs techniques, if it is not possible to include a sustainable drainage system, details as to the reason why must be submitted.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

#### 21. Surface Water Drainage Management Plan

Within 3 months of commencement of the development on site, details of a Surface Water Drainage Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

(i) A build program and timetable for the provision of the critical surface water drainage infrastructure.

(ii) Details of any control structure(s) and surface water storage structures

(iii) Details of how surface water runoff from the site will be managed during the construction Phase

(iv) Measures to control silt levels entering the system and out falling into any watercourse or public sewer during construction.

The development shall, in all respects, be carried out in accordance with the approved Management Plan.

Reason: To ensure the development is supported by an appropriately designed surface water disposal infrastructure scheme and to minimise the risk of increased flooding and contamination of the system during the construction process having regard for policies DC1 and CS4 of the Local Plan and section 14 of the NPPF.

#### 22. Surface Water Drainage Management and Maintenance Plan

Following completion of the construction the surface water drainage scheme shall be managed and maintained in accordance with the details set out in the approved Sustainable Drainage Systems (SuDS): Maintenance Plan, reference no. 24033-LE-ZZ-05-RP-D-0002-P01-S2 dated 06/09/24.

Reason: To ensure that the surface water drainage infrastructure is maintained to minimise the risk flooding in the locality having regard for policy CS4 of the Local Plan and section 14 of the NPPF.

23. Archaeology

The development hereby approved shall be carried out in accordance with the approved Written Scheme of Investigation Archaeological Monitoring and Recording near Newham Hall, Middlesbrough – Written Scheme of Investigation, dated October 2024 version 0.1.

The road shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured to the satisfaction of the Local Planning Authority.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building having regard for policies CS4 and CS5 of the Local Plan and section 16 of the NPPF

### Reason for Approval

**The proposed access road, SUDs and associated works is considered to be appropriate for both the application site itself and within the surrounding area in that the proposal is in accordance with national and local planning policy.**

**The relevant policies and guidance is contained within the following documents: - National**

**Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014)**

**In particular, the proposal meets the national planning policy framework and guidance, and the Local Plan policies regarding the appropriate design and layout of development, sustainable development, and accessibility, biodiversity net gain and would not have a detrimental impact on the character of the surrounding area and would not be detrimental to the local amenities of the surrounding area. Issues of the principle of the proposed development, the impact of the proposed scale and design, the highways implications of the proposal, local amenity and the impact on heritage assets have been considered fully and are not considered to give rise to any inappropriate or undue affects.**

**Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise. On this basis the recommendation to approve conditionally is as set out for these reasons.**

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### INFORMATIVES

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- Discharge of Condition Fee  
Under the Town & Country Planning (Fees for Applications and Deemed

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Applications)(Amendment)(England) Regulations 2018, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>. Please be aware that where there is more than one condition multiple fees will be required if you apply to discharge them separately.

- Abuts Public Right of Way

The property boundary of the development hereby approved abuts a Public Right of Way. You are advised that before undertaking any work you must contact the Highway Authority's Public Rights Of Way Officer at [rightsofway@middlesbrough.gov.uk](mailto:rightsofway@middlesbrough.gov.uk).

Whilst it may be unlikely that the Public Right Of Way (PROW) will be affected by the proposed development you are advised that:

- The PROW must remain open, unobstructed and safe for public use at all times;
- No materials are to be stored or spilled on the surface of the PROW;
- There must be no encroachment onto the width of the PROW;
- No vehicles are to use the PROW without lawful authority of the landowner(s), unless a private right of way is shown on property deeds. It is the applicant's responsibility to ensure that the appropriate private right exists or has been acquired from the landowner.
- Any scaffolding and/or skips placed over or adjacent to the PROW must not obstruct public access or inconvenience the public in their use of the way and must be properly licensed. Licences are available at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk).
- Any interference of the PROW either whilst demolition/construction is in progress or on completion, may well constitute a criminal offence.

If construction works are likely to temporarily affect the right of way, a Temporary Traffic Regulation Order (TTRO) may be required to close or divert the PROW for the duration of the works on the grounds of safety of the public. To discuss and/or apply for a TTRO contact the Highway Authority's Public Rights of Way Officer at [rightsofway@middlesbrough.gov.uk](mailto:rightsofway@middlesbrough.gov.uk).

Any diversions or extinguishments will require the relevant legal works, which will need to be funded by the applicant and carried out prior to the commencement of works on site. Such legal processes are not guaranteed to be successful.

Any damage caused to the surface of the PROW during development works must be made good to the satisfaction of the Local Highway Authority.

- Public Right of Way on Site

A Public Right of way exists on the site. Before planning approval is commenced discussion is required with the Highway Authority's Public Rights of Way Officer (tel: 01642 728153) to ensure that the line of the path is not interfered with. Or an order must be obtained to stop up or divert the Public Right of Ways, as shown on the definitive map and statement, under Section 257 of the Town and Country Planning

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Act 1990. To discuss or apply for an order contact the Highways Authority's Public Rights of Way Officer at [rightsofway@middlesbrough.gov.uk](mailto:rightsofway@middlesbrough.gov.uk).

- Deliveries to Site

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

- Cleaning of Highway

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

- Discharge into Watercourse/Culvert

The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.

- Culvert or Bridge Existing Watercourse

Any proposal to culvert or bridge an existing watercourse, or part thereof, requires the express consent of the Local Authority.

- Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) should be considered when designing drainage, driveways and car parking areas.

- Wildlife and Countryside Act

The applicant is reminded that under the Wildlife and Countryside Act 1981 it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August. Trees and scrub are present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown conclusively that nesting birds are not present.

- Protected Species

The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under wildlife protection legislation. You are advised that it may be necessary before development commences, for the applicant to commission an ecological survey from a suitably qualified and experienced professional to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.

- Construction Noise

The applicant should be aware that noise from construction work and deliveries to

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the site may have an impact upon local residential premises. The applicant may if they wish to apply for a prior consent under the Control of Pollution Act 1974 Section 61 with regard to working hours at the site. The applicant can contact the authorities Environmental Protection service for more details regarding the prior consent process. The hours that are recommended in the Control of Pollution Act for noisy working are 8am-6pm Mon-Fri, 8am-1pm Saturday and no working Sundays and Bank holidays.

- The following details will be required by conditions on any subsequent outline consents for housing associated with the allocation of the wider site.

#### Gradients

Details of the gradients of the access to the public highway. Such gradients shall not exceed 1in20 (5%)

#### Street Lighting

A full street lighting design for the full length of the spine road and its junctions to Bonnygrove Way and the B1365 is required. Lighting of the junctions of the Bonnygrove Way and the B1365 and their approaches shall be implemented prior to these junctions being brought into public use. Upon the commencement of works to form any further junctions onto the proposed road, active travel crossing points, traffic calming or public transport facilities the approved street lighting design shall be implemented in full.

#### Traffic Calming

A full scheme of traffic calming for the spine road is required. The approved traffic calming scheme shall thereafter be implemented prior to any part of the road hereby approved being brought into public use. Traffic calming for this scheme shall be a high quality intervention to support design aspirations and prioritise active travel as indicatively shown on drawing Indicative Planning Provision Layout, drawing no. 24033-LE-ZZ-ZZ-DR-D-0014 rev. P02.

#### Public Transport Infrastructure

A full scheme of public transport infrastructure including bus stops for the spine road is required. The approved public transport infrastructure shall be implemented prior to any part of the spine road being brought into public use. Public transport infrastructure for this scheme shall be a high quality intervention to support design aspirations and prioritise active travel as indicatively shown on drawing Indicative Planning Provision Layout, drawing no. 24033-LE-ZZ-ZZ-DR-D-0014 rev. P02.

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## IMPLICATIONS OF THE DECISION

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### Environmental Implications:

The proposal relates to the construction of a road and SUDs, and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological

implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant.

Biodiversity net gain has been taken into account in relation to this report and is detailed above.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

### **Public Sector Equality Duty Implications:**

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. The application relates solely to the erection of a road and its associated works. Consideration has been given to the designing out opportunities for users of the road to travel at increased speed along the road. Considerations around designing out opportunity for crime and disorder will be considered in detail as part of any application for housing on the wider site. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

### **Financial Implications:**

The proposed development if approved will result in the construction of a road which will also enable the development of the wider site which will in turn result in financial contributions towards the required infrastructure / Community provisions / environmental provisions which will be assessed as part of future applications. These matters have been given limited weight in reaching a decision on this application.

Item No:

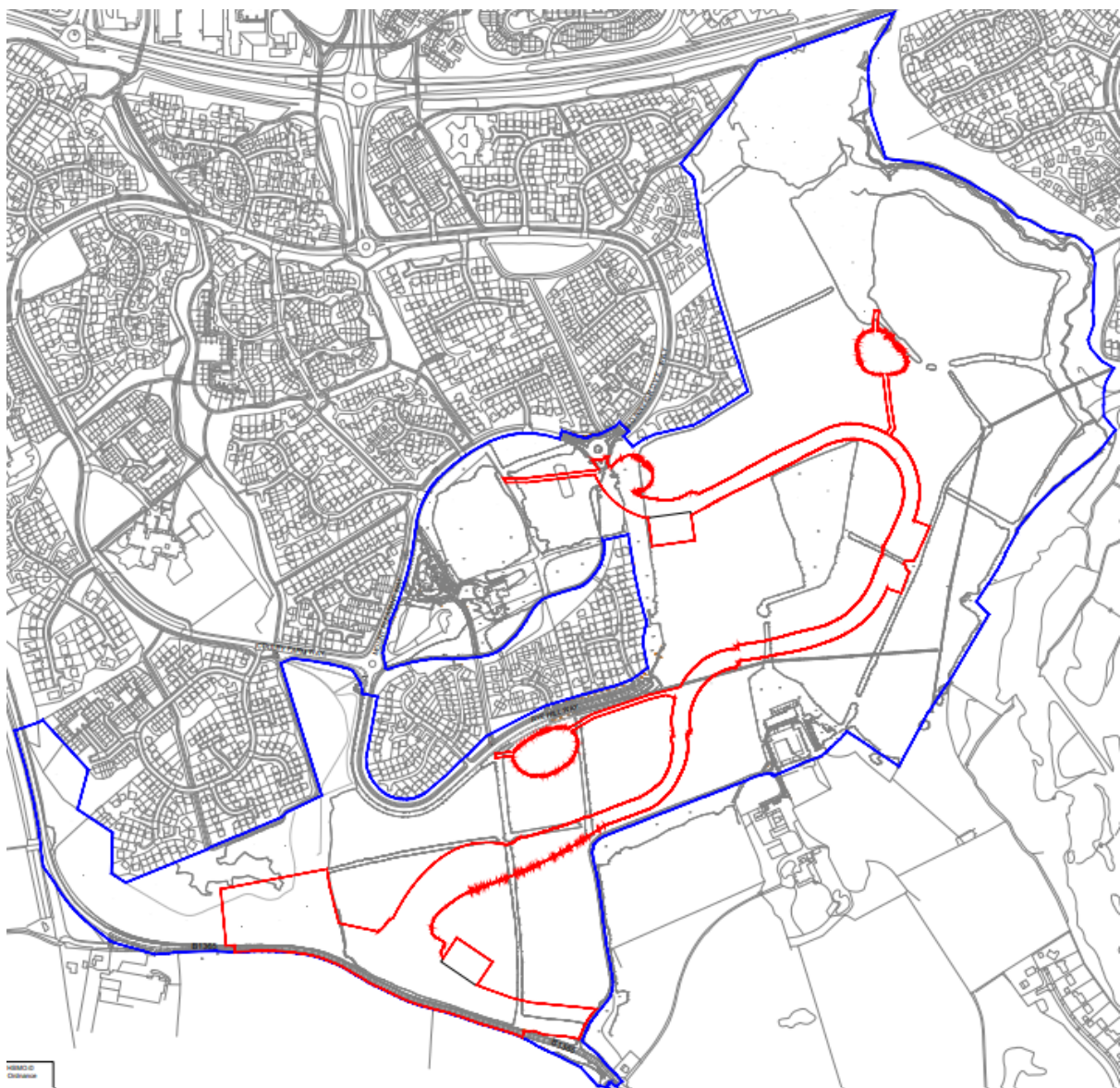
The proposed development if approved would enable future development of residential properties being constructed which would in turn lead to council tax revenue for the council. This matter is not a material planning consideration.

The proposed development is linked to funding to erect the proposed road. This matter is not a material planning consideration.

Case Officer: Shelly Pearman

Committee Date:

### Location Plan



**Proposed Site Plan**

