

Response to Middlesbrough Council Consultation Statement

Council Statement	How the Issues have been addressed
<p>The Council welcomes that the Forum has considered and taken on-board a number of these comments and suggestions, and has accordingly made the relevant amendments to the Neighbourhood Plan. We are, however, aware that as part of the Forum’s modified Neighbourhood Plan submission documentation, additional supporting evidence has been submitted, in respect of its proposed Local Green Space (LGS) designation of land west of De Brus Park, under proposed Policy MW1: Parks & Green Spaces.</p>	<p>The Forum has submitted further supporting evidence¹ in response to the Council’s comment as to whether the proposed LGS “accords with the LGS criteria as set out in the NPPF (para 100)”.</p> <p>The Historic England map, (Appendix 1) on page 10 of the Modified Plan, defines the Newham Hall parkland, which has been in situ since 1880, that is proposed to be designated as LGS, in its entirety.</p>
<p>As the Forum will be aware, in our pre-submission comments, we raised concerns about the proposed LGS designation. These concerns centred on, that we did not consider that the proposed LGS designation was an appropriate mechanism to protect the ‘parkland’ from development, and that the proposed designation, may not fully accord with the LGS criteria as set out in the National Planning Policy Framework (paragraph 100).</p>	<p>The LGS designation aims to conserve historic green space that is of particular importance to the local community. This is evident in the changes made to the modified plan, i.e., in its Sustainable Development Principles; the specific aims for the De Brus Park area; the updated Objectives; commentary included in the sections associated with Historic Environment and Parks and Green Spaces. This culminates in the updated MW1 policy for Parks and Green Spaces, which introduces the LGS designation</p>
<p>The majority of the proposed LGS land has already been identified as land to be designated as primary open space, and identified on the Council’s adopted Development Plan – Proposals Map, under extant Local Plan Policy E8 – New Primary Open Space, Proposals</p>	<p>The parkland was initially designated as a golf course extension “to protect the setting of the listed building” (Appendix 2) in the 2014 Local Housing Plan Submission document.</p> <p>In October 2014, the Independent Examiner’s report stated that “<i>development of the parkland to the south is to be restricted to golf club use and open space</i>”. The Council agreed to withdrew the golf course extension from the plan</p> <p>The subsequent Council Proposals map (Appendix 3) produced in November 2014, arbitrarily divided up the parkland, between Primary Open Space and white land, without any supporting evidence or consultation. This was also in direct contradiction of the Independent Examiners report, given the requirement for the land to be restricted to open space.</p> <p>The LGS designation of the parkland is made on the basis that the Council’s E8 and white land policy designation, materially understates and undermines the importance of the historic significance of Newham Hall, its parkland, setting and designed landscape, as a whole</p>

¹ Justification for designation of Newham Hall Parkland as Local Green Space, July 2020

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<p>This was further identified, along with an additional parcel of land, as a protected open space under Policy INFRA8 of the 2018 Publication Local Plan. The Council considers this a more appropriate policy mechanism for designating this land as protected open space</p>	<p>The Publication Local Plan 2018 has been withdrawn by the Council. Consequently, the proposed designation has no basis.</p>
<p>Additionally, we will be seeking further clarification from the Independent Examiner on the extent of the Forum's proposed LGS designation, which includes a parcel of 'white land', shown on the Proposals Map to the west of De Brus Park, not covered by Local Plan Policy E8.</p>	<p>The logic of allocating part of the parkland, as white land, is questioned, in light of:</p> <ul style="list-style-type: none"> • Independent Examiners requirement for the land to be restricted to open space • A similar part of the parkland being subject to a public inquiry² in 1996 (Appendix 4) in which the Council were refused permission to develop land to the north and west of Brass Castle Lane • In August 2014, the Council confirmed that it was fully aware of the boundary of the parkland when approving permission for 5 executive houses adjacent to the existing housing development³. This was reinforced by the Council's Historic Environment Record, i.e., <i>the parkland setting is extremely important to the significance of Newham Hall and the open character of the area</i>⁴ • The White land containing a significant number of veteran and notable trees, that are protected under NPPF s175 (c). • Potential impact on the designed landscape and views from it, across to the North Yorkshire Moors, Cleveland Hills and Roseberry Topping, evidenced in the Durham University Landscape and Heritage Appraisal 2013 <p>The above references serve to support the Forum's proposed designation of the entirety of the parkland as LGS</p>
<p>As the proposed housing allocation site has been opposed, we would like to draw the Forum's attention to advice from Locality in its guidance publication 'Neighbourhood Planning, Local Green Spaces – A toolkit for neighbourhood planners', that when Neighbourhood Forums are proposing LGS: 'care is required to ensure that green space policies are not misused, for example through making designations to stop development, rather than to ensure proper green space provision</p>	<p>The Publication Local Plan 2018 has been withdrawn by the Council. There is no proposed housing allocation in the current adopted Housing Local Plan.</p> <p>The Forum is well aware of the Locality publication and is satisfied that the evidence base for the proposed LGS is robust and is aimed at conserving and enhancing the historic environment.</p>

²Inspectors report – Town and Country Planning Act 1990 s77 – Application by Middlesbrough Council for permission to develop land to the north and west of Brass Castle Lane, August 1996 https://drive.google.com/file/d/1Z10u0ID0IhzDoW78vFSB_96nbeMnkXLb/view?usp=sharing

³ Paragraphs 19-21, Committee report, Middlesbrough Planning and Development Committee, Application No. M/OUT/0554/14/P, 15th August 2014 https://publicaccess.middlesbrough.gov.uk/online-applications/files/A64D7BA2E7BC19EBAB739F9155CC88DA/pdf/M_OUT_0554_14_P-COMMITTEE_REPORT-125514.pdf

⁴ Newham Hall Statement of Significance, Middlesbrough Planning and Development Committee, Application No. M/OUT/0554/14/P, 15th August 2014 https://publicaccess.middlesbrough.gov.uk/online-applications/files/7CB58BFA04CBDDF1A637DA4606C1D866/pdf/M_OUT_0554_14_P-HERITAGE_STATEMENT-287358.pdf

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<p>As mentioned above, we also have concerns that the proposed LGS designation may not fully accord with the criteria as set out in the NPPF (paragraph 100). It is under these criteria that proposed LGS designations should be assessed against, and we are of the opinion that the proposed LGS designation may not fully comply with the definition of a LGS under parts of criterion (b) and (c) of the assessment criteria.</p>	<p>This is a matter for the Independent Examiner to address.</p> <p>Our supporting Justification document details our evidence.</p>
<p>Under criterion (b) the green space should ‘demonstrably be special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife’.</p>	<p>This is a matter for the Independent Examiner to address.</p> <p>Our supporting Justification document details our evidence.</p>
<p>The Forum will be aware that Historic England in 2019 refused an application - http://services.historicengland.org.uk/webfiles/GetFiles.aspx?av=80191468-40D9-449D8706-59BDCEEFAFA3&cn=64653BA9-FFA0-441E-877E-6AEEC05A5E2A , for the ‘parkland’ at Newham Hall to be added to the Register of Parks and Gardens. The application was refused, partly on grounds that it did not meet Historic England’s test of special interest (albeit) in a national context, and that the landscape design of the ‘parkland’ was considered “although remarkably intact, it is relatively modest in design terms, with a limited range of features and aspects of interest.”</p> <p>In applying Historic England’s assessment, the landscape design of the ‘parkland’ was found to ‘relatively modest’ and with no special or historic significance.</p>	<p>The assessment for national listing of the parkland, was made in isolation and out of context from the grouped assets. Evidence from the same report identified that:</p> <p><i>...the wider parkland is also a key setting to the Hall and also contributes significantly to the interest of the listed building ...Newham Hall landscape is thought to be the most complete and best surviving example in the area⁵</i></p> <p>NPPF criteria (paragraph 100) requires the historic significance to have a particular local significance. Our Justification document highlights the evidence dating from 1996 onwards, well known to the Council, that indicates that Newham Hall, its parkland, parkland setting and designed landscape, is of particular local significance, i.e.,</p> <p><i>...the gardens and parkland around Newham Hall are of regional rather than national significance⁶</i></p> <p><i>... being of considerable regional significance⁷.</i></p> <p><i>...the significance of the asset group as a whole could be argued to be more than regional, given the rarity of survival of Ironmasters Houses in the region and more generally and the intactness of the House and landscape⁸</i></p>

⁵ Historic England decision summary, Parkland and Gardens of Newham Hall, 2019

⁶ Garden Society, paragraph 1.73, Inspectors report – Town and Country Planning Act 1990 s77 – Application by Middlesbrough Council for permission to develop land to the north and west of Brass Castle Lane, August 1996 https://drive.google.com/file/d/1Z10u0ID0IhzDoW78vFSB_96nbeMnkXLb/view?usp=sharing

⁷ Landscape and Heritage Appraisal, Durham University, 2013 <https://www.dropbox.com/s/8anjylruwvy21mo/Landscape%20and%20Heritage%20Appraisal.pdf?dl=0>

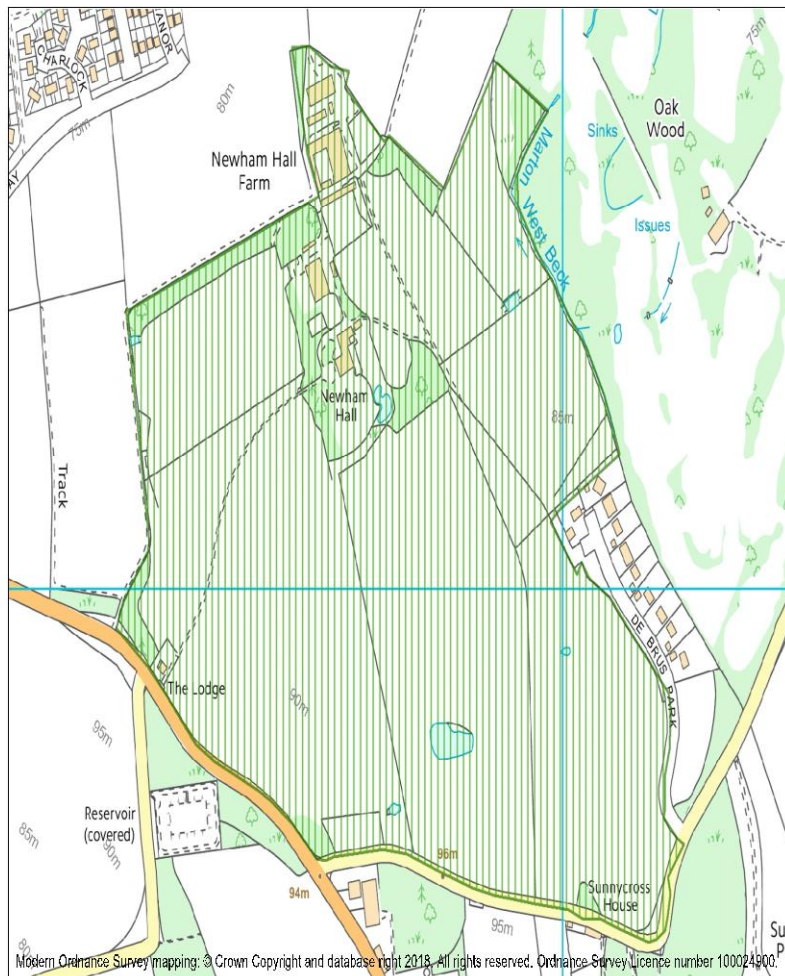
⁸ Parcel 24, p42, Landscape and Heritage Assessment, LUC, Dec 2016 <https://www.middlesbrough.gov.uk/sites/default/files/Landscape%20and%20Heritage%20Assessment.pdf>

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<p>Furthermore, in paragraphs 58-59, of the modified Plan, the impression is given that the 'parkland' is fully accessible to the public, unfortunately, this is not the case. The public only has access to the public rights of way, as the 'parkland' is leased from the Council by a local farmer, who maintains it as pasture farmland.</p>	<p>Paragraph 58 refers to the Ancient Tree Registry. Paragraph 59 clearly specifies that the parkland is accessible to the public, through the use of public rights of way. The entirety of the parkland is accessible visually, from numerous vantage points There is no requirement for any further physical access to the parkland, over and above the public rights of way.</p>
<p>Also, paragraph 62, in respect of protecting veteran trees, fails to acknowledge that the Council owns the 'parkland' and, as such, the trees are already offered protection without the need for a specific policy (or for that matter Tree Preservation Orders).</p>	<p>Paragraph 62 does not relate to veteran trees. Assuming the reference is to paragraph 63, the Forum is happy to acknowledge that Middlesbrough Council owns the parkland.</p> <p>The Forum has no evidence of the Council knowing that the trees on the parkland were veteran trees, given that the Council has designated their location as white land. NPPF s175 (c) protects veteran trees from development</p> <p>These trees were registered with the Ancient Tree Registry by local residents. They were brought to the attention of Tees Valley Wildlife Trust who have indicated that veteran trees in Middlesbrough are a rarity and should be preserved and enhanced</p>
<p>In designating the 'parkland' as open space, under the Council's green space policies, the public would have access to the rights of way and greater access to the 'parkland', and the veteran trees and landscape would be protected without the need of the LGS designation.</p>	<p>The Council has only designated part of the parkland, under their green space policy. No evidence or explanation has been provided as to why only part of the parkland has been designated.</p> <p>Comments have already been made above as to why the whole of the parkland needs to be included, from the Forum's perspective.</p> <p>The public already has access to public rights of way</p> <p>The Forum considers that the judgement of whether green space is demonstrably special to a local community, should be made by the community and not by the Council. This is in line with Cllr Waters comments.</p> <p>The Forum is satisfied that the proposal for LGS designation, is consistent with the s99 NPPF requirement for sustainable development and complements investment in sufficient homes, jobs and other essential services in the ward</p>

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<p>In relation to criterion (c) the green space needs to be 'local in character and is not an extensive tract of land'. The 'parkland may well be identified as being local in character, however, it is considered that the extent of the proposed LGS designation, in this instance, may be classed as an extensive tract of land, and therefore, does not fully reflect the definition of a LGS under the NPPF criteria.</p>	<p>This is a matter for the Independent Examiner to address.</p> <p>Our supporting Justification document details our evidence.</p> <p>The 2014 Housing Local Plan estimates the golf course extension, covering the parkland, at 25 ha</p> <p>The Forum would highlight the Planning Inspector's own perspective, from his 1996 Local Inquiry report⁹ i.e.,</p> <p><i>"Travelling past the entrance and Newham Hall Lodge, along the B1365 and then turning into Brass Castle Lane and looking across the spacious open grassland with glimpses of the hall through the trees, I gained the clear impression of a country estate. Within the open grassland are individual mature trees and small copses which give it a distinctive parkland character. The entrance, lodge and driveway can be seen from many vantage points... in my view the parkland makes a significant contribution to the wider setting of Newham Hall"</i></p> <p>As such, the Forum would contend that the green space is "local in character" and not an extensive tract of land</p>
<p>the front cover of the modified Plan does not appear to cover a 15 year period;</p>	<p>This is the timeframe of the original made Neighbourhood Plan adopted by the Council in 2016 following the Independent Examination. The Forum is simply modifying the existing adopted plan</p>
<p>the map on page 2 showing the Neighbourhood Area, does not show the required copyright details;</p>	<p>The Forum will update the map for the copyright details</p>
<p>parts of the supporting text in the modified Plan can be read as more as a policy, rather than informing and supporting a particular policy.</p>	<p>This appears to be a subjective comment, without any guide as to which parts of the text are being referred to, so it is difficult for the Forum to address. The Forum cannot find any reference to similar comments in the Council's detailed response to the pre-submission formal consultation,</p>

⁹ Paragraph 1.116, Inspectors report – Town and Country Planning Act 1990 s77 – Application by Middlesbrough Council for permission to develop land to the north and west of Brass Castle Lane, August 1996 https://drive.google.com/file/d/1Z10u0ID0IhzDoW78vFSB_96nbeMnkXLb/view?usp=sharing

Appendix 1 Map of parkland and gardens of Newham Hall



Heritage Category:
Park and Garden

County:

District: Middlesbrough

Parish: Non Civil Parish

Each official record of a registered garden or other land contains a map. The map here has been translated from the official map and that process may have introduced inaccuracies. Copies of maps that form part of the official record can be obtained from Historic England.

This map was delivered electronically and when printed may not be to scale and may be subject to distortions. The map and grid references are for identification purposes only and must be read in conjunction with other information in the record.

Grid Reference: NZ5177813080

Map Scale: 1:5000

Print Date: 15 October 2019



Number: 1462662_1

Name: Parkland and gardens of Newham Hall

This is an A4 sized map and should be printed full size at A4 with no page scaling set.

Newham Hall is a Grade II Listed building set in a parkland landscape. Newham Hall Lodge and the associated entrance, gate piers and walls are also Grade II Listed. The intervening parkland unites these elements in a setting that typifies c19th designed landscapes of this kind.

Despite the addition of housing on the periphery of the estate in the late 20th and early 21st century, the basic structure of the 19th century designed landscape has survived well and includes landscaped parkland, ornamental gardens, woodland pleasure grounds, a pond, adapted moat, a lodge and carriage drive. The park is a prominent feature in the area, perhaps even more so as it lies in a 'bowl' of parkland allowing views into it from surrounding areas.

Middlesbrough Council has identified the land to the south of the site and Brass Castle Lane as a Special Landscape Area.

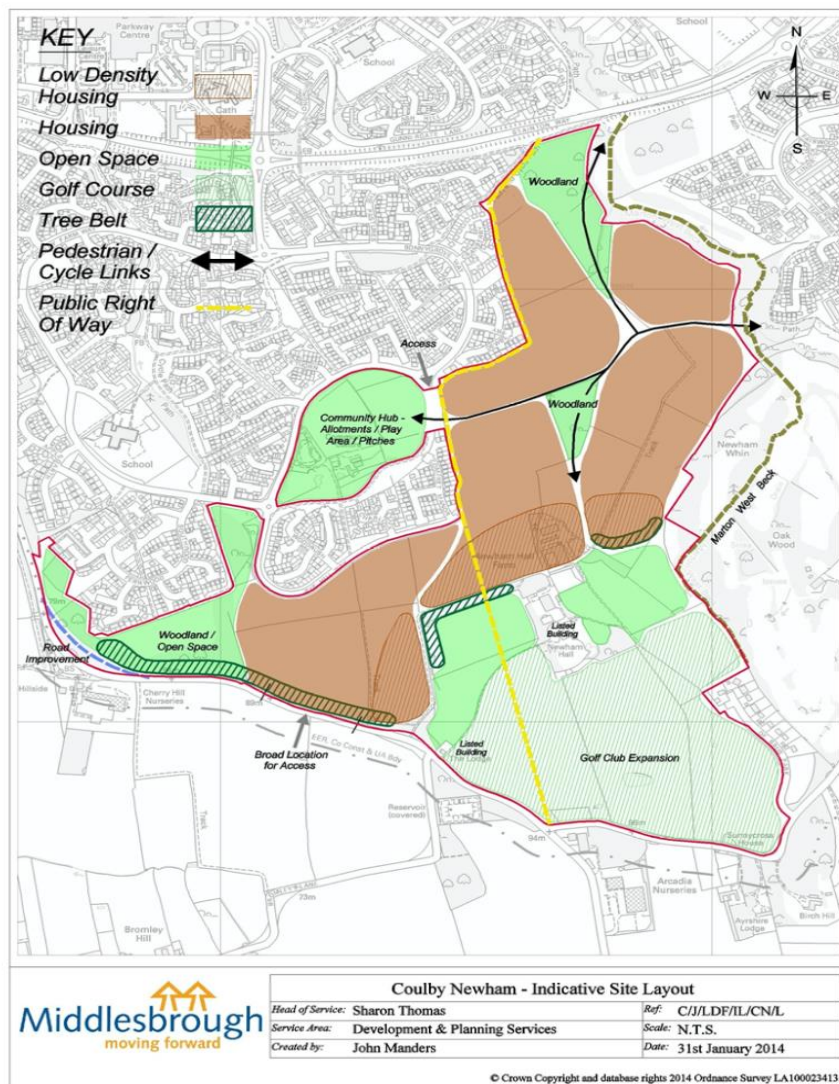
There are panoramic views across the rolling parkland to the east which includes historic trees along the lines of old field enclosures. The route of the drive allows a view of Roseberry Topping and the North York Moors.

A public footpath crosses the site from north to south, just to the west of Newham Hall. This footpath is an important link from the large area of urban settlement to the north of the site to the extensive footpath network in the surrounding rural landscape. The proximity of this land to the urban edge of Middlesbrough makes this area easily accessible for recreation and an important landscape resource for nearby residents.

Extracts from Durham University Landscape and Heritage Appraisal, 2013

Appendix 2 Map from the Middlesbrough Housing Core Strategy and Housing Development Plan Submission document 2014

Figure 3.3 Coulby Newham – Indicative Site Layout



Paragraph 3.57 of the submission document stated that, for the Coulby Newham housing allocation:

“The proposed expansion of the adjoining golf course, into the parkland south of Newham Hall, provides an opportunity to protect the setting of the three listed structures and improve golf course provision which will attract more people into the Borough, along with associated economic benefits”

The council estimated the area of the golf course expansion as approximately 25 hectares

The independent examination of the submitted plan resulted in the Council agreeing to delete the golf course expansion

The Independent Examiner’s final report in October 2014, specifically indicated that *“Development on the parkland to the south is to be restricted to golf course use or open space”*.

The adopted Housing Local Plan 2014 included the following requirement as part of Policy H26 Coulby Newham (e)

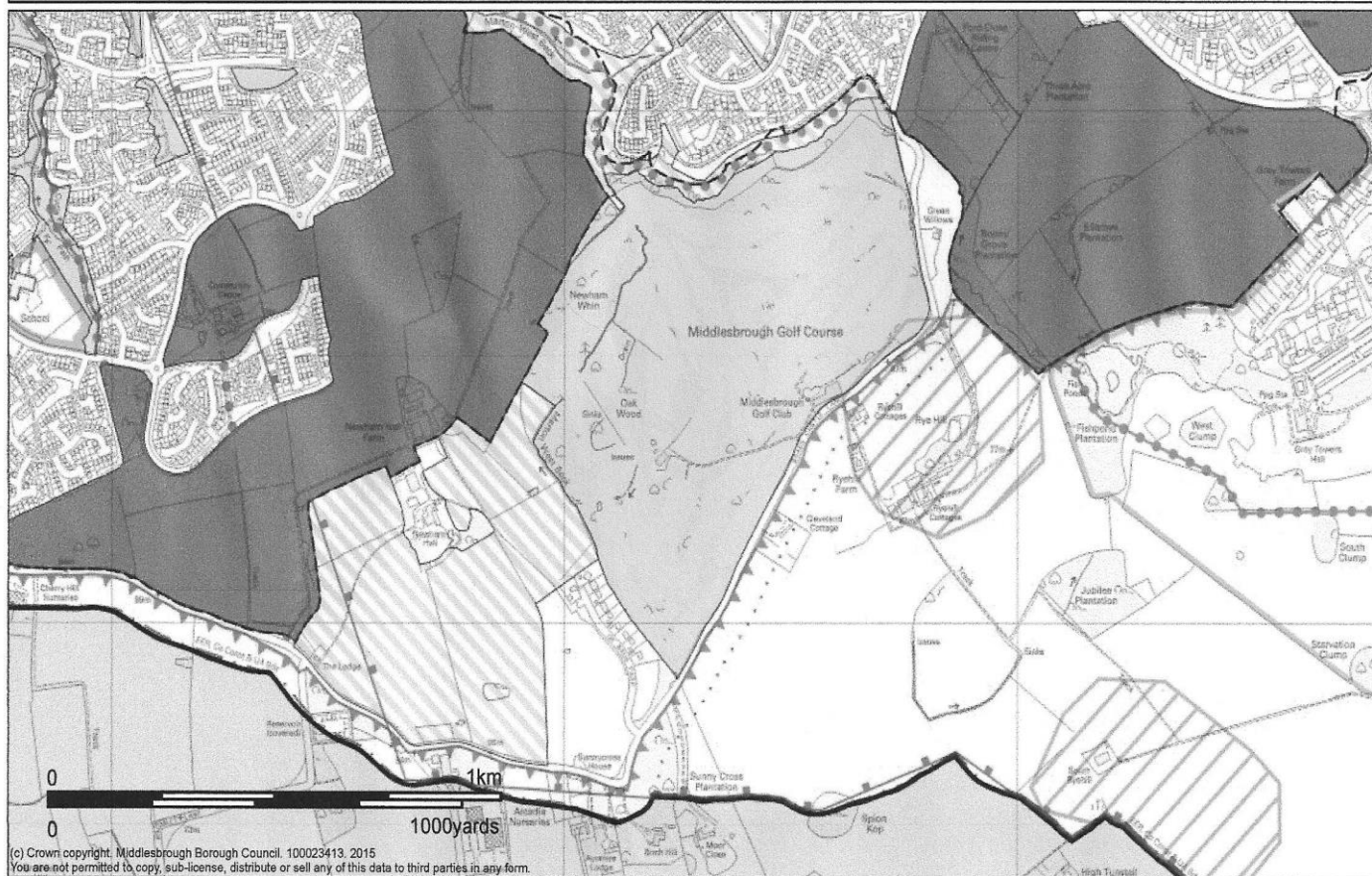
“preserves the character and appearance of the setting of the Grade II listed structures Newham Hall, Newham Hall Lodge and Newham Hall Gate”

Appendix 3 Extract from Middlesbrough Housing Local Plan Proposals Map (adopted November 2014)

20/11/2020

www.cartogold.co.uk/MiddlesbroughLDF2016/Print_Window.htm

Title / comments:



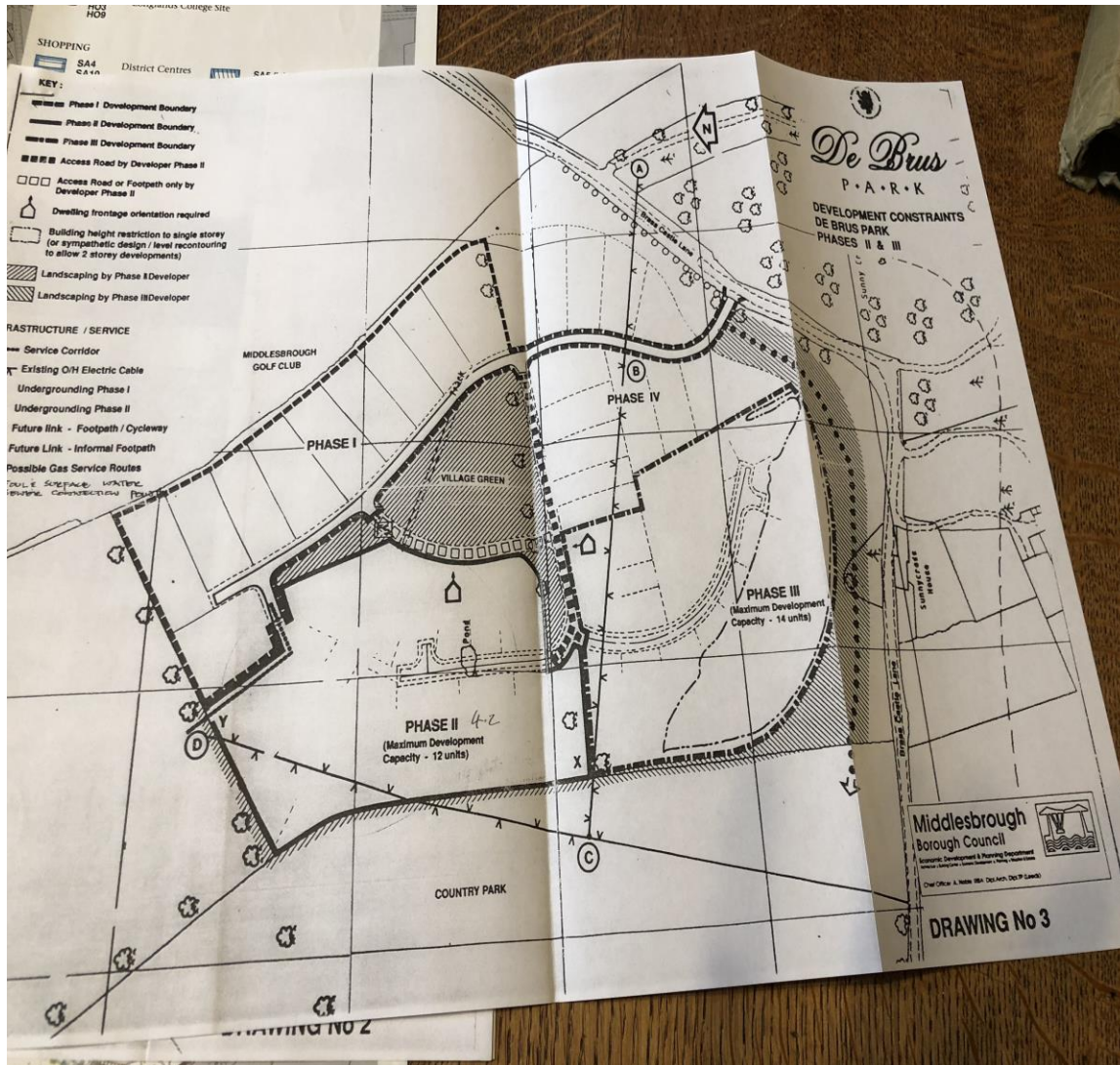
Middlesbrough Housing Local Plan - Proposals Map Adopted November 2014

The Durham University study¹ in 2013 concluded that the retention of the entirety of the parkland was the best means of preserving the historical significance of the site. It also indicated that the hall, lodge, gates, estate drive and the surviving landscape to the east, south and west, together comprise a landscape of high sensitivity

The LUC report,¹ commissioned by the Council, undertook a critical review of the Durham University study and confirmed its findings.

1. LUC report, Landscape and historic environment value of land south of Newham Hall, January 2017
<https://www.middlesbrough.gov.uk/sites/default/files/Land%20south%20of%20Newham%20Hall%20%28final%20report%29.pdf>

Appendix 4 Map showing the proposed development of parkland, associated with the Local Inquiry held in 1996



This map depicts the southern part of the Newham Hall parkland which was the subject of the Local Inquiry in 1996 regarding permission to develop land to the north and west of Brass Castle Lane.

The Planning Inspector concluded that, in relation to the settings of the listed buildings:

1. That the parkland, including Newham Lodge, entrance gate, piers, walls, and serpentine driveway are part of the setting of Newham Hall. The fact that most of the surrounding land is in separate ownership with the Council, under the management of Newham Farm and the Hall is not listed for its group value, do not alter my conclusion.
2. Having regard to the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the proposal would fail to preserve the character or appearance of the setting of Newham Hall and to a much lesser extent, the setting of the listed group around Newham lodge

In his summary of conclusions, the Planning Inspector also indicated that:

1. ...The quality of the landscape, in the parkland surrounding Newham hall has long been recognised, but not, in my view with sufficient regard to its contribution to the setting of these buildings and structures
2. ...I do not consider that the benefits that would flow from it would outweigh the harm the proposal would cause to the character, appearance and amenity to the surrounding area and the settings of the listed buildings