
APPLICATION DETAILS

Application No:	24/0463/RES
Location:	Hemlington Grange Phase 3B & 4B, Middlesbrough
Proposal:	Reserved Matters application (Phase 3b and 4b) for the erection of 225 no. dwellings, landscaping, SUDs basins and associated infrastructure on application ref. M/FP/0082/16/P
Applicant:	Persimmon Homes
Ward:	Stainton and Thornton
Recommendation:	Approve with conditions subject to legal agreement

Consultee Comments

Stainton and Thornton Parish Council

1. For confirmation, Stainton and Thornton Community Council, and Stainton and Thornton Parish Council were consulted on the application.
2. On 3rd September 2025 Stainton and Thornton Parish Council submitted the following comments:

The site falls within the Housing Local Plan, adopted in 2014 as Policy H23 Hemlington Grange and as such we have no objection in principle to the development.

It states that Planning permission will only be granted for development that satisfies the following criteria :

One of which g) states, green corridors should be incorporated within the layout to facilitate the movement of wildlife and pedestrians, and which contribute to the creation and management of habitats identified in the Tees Valley Biodiversity Action Plan. The above proposal seems to be against this as sections of woodland are to be removed.

In the accompanying paperwork for the meeting, committee report, page two, it states that the proposed 225 dwellings include: d) 36 three-storey three bed dwellings, and e) 36 three storey four bed dwellings. The adopted Stainton and Thornton Neighbourhood Plan 2021-2036 Policy ST8 : Design Principles for New Residential Developments Part 1. 5. Be of two-

storeys or less, unless there is a clear design justification for developments in excess of two storeys.

The plans shown for The Kennet in particular are not clear if it is 2.5 storey(which we would NOT object to) or 3 storeys, which we feel goes against our Neighbourhood Plan and would create a precedent for future developments in the parish and we WOULD object to genuine three storey developments and above.

Could you please get clarification that the design on the proposed development would be for a maximum of 2.5 storey dwellings?(as mentioned by the Strategic Policy Team)

3. In relation to the green corridors. The masterplan approved as part of the hybrid application which gave outline consent for the phases subject of this application, clearly identifies the green corridors required in part g of the allocation policy. The proposed development includes the green corridors approved in the masterplan. The masterplan also clearly identifies the development parcels. The area of woodland referred to is an area of self-seeded vegetation and trees that have grown in the development parcel, outside of the green corridors.
4. This matter is considered with in the main committee report in the Ecology and Landscaping section, paragraphs 31 to 39.
5. In relation to the house types all properties within the development which have 3 floors have the third floor located within the roof space and can therefore be classed as 2.5 storey dwellings in line with the Neighbourhood Plan. This includes the Kennet house type.

Ward Councillors

6. Due to the location of the wider Hemlington Grange site on the boundary with multiple Wards. Consultations to were sent to Ward Councillors from Stainton and Thornton, Hemlington and Coulby Newham. No response was received from any Ward Councillor.

Natural England

7. Following the completion of the committee report further comments were received from Natural England. Their comments are set out below.

OBJECTION Natural England objects to this proposal.

As submitted we consider it will:

- have an adverse effect on the integrity of the Teesmouth and Cleveland Coast Special Protection Area & Ramsar Site <https://designatedsites.naturalengland.org.uk>
- damage or destroy the interest features for which the Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

We have reached this view for the following reasons:

- We requested further information from your authority in our last advice letter (Our Ref 516829 Dated 3 July 2025). In summary this asked for further evidence that the mitigation land proposed offsite from the development had been used to farm pigs for at least 6 of the previous 10 years.
- The applicant has provided information from the mitigation landowner which provides sufficient evidence that the farm has farmed pigs for over 10 years however, it is Natural England's view that this does not provide sufficient evidence that the mitigation land proposed has been used to rear pigs for at least 6 of the previous 10 years.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required:

- The reason Natural England advised that you obtained further evidence of the current land use of the site is because the values within the Nutrient Calculator are higher for pig farming land than for mixed. Without robust evidence on current land use there is therefore risk that the mitigation will not reduce the annual nitrogen nutrient export to mitigate for the effects on the development as the current nitrogen export could be overestimated.
- Natural England have produced the Nutrient Neutrality Principles which nutrient neutrality mitigation would need to meet to avoid impacts on designated site to meet the requirements of the Habitats Regulations. These principles include the need for measures relied upon to be certain at the time of the assessment i.e. there is "no reasonable scientific doubt remains as to the absence of such effects.
- Natural England's advice is that the applicant needs to demonstrate that removing the field from production will result in fewer pigs being reared on their farm and reduce the overall amount of nitrogen entering the Tees.
- As per our previous advice a suite of aerial photographs of the land over the last 10 years could provide the evidence required to show that the field has been used predominantly for pig rearing.

Within the Case Officers Report (dated 27 August 2025) on the planning application site it is stated that a legal agreement for the mitigation land will be secured on any permission given which we welcome, noting that the land is not within your authority's area. Your authority must ensure if permission is granted to this application, that appropriate legal agreements are in place between yourselves and the applicant; and the authority where the mitigation land is located (i.e. Durham Page 3 of 3 County Council) to ensure that, if required, enforcement measures can be taken.

We also advise that a monitoring plan is made a requirement of the application, we have noted that there is one set out within the applicant's shadow HRA (v2) which is listed in Condition 2 as an approved document which the development must adhere to within the Case Officers Report; however, it is not clear why results of soil testing would be sent to Stockton-on-Tees (as stated in Section 6.13) and not your authority who will need to monitor that the mitigation measures have been effective.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

8. The objection from Natural England does not alter the planning assessment in relation to the mitigation, information and evidence that has been submitted by the applicant. The Planning Authority are satisfied that the details submitted provide suitable evidence that the site is and has been used for pig farming and that taking the land out of use will result in fewer pigs being reared on the site. As a result the required mitigation can be achieved.
9. The legal agreement to be finalised in relation to Nutrient Neutrality mitigation is a s33 agreement between the developer and Middlesbrough Council and the developer submitting a Unilateral Undertaking to Durham Council in relation to the mitigation land in. Not a s106 agreement as stated in the committee report.
10. If Members are minded to approve the application subject to the relevant legal agreements. Once the legal agreements have been finalised the Planning Authority will notify Natural England of the decision setting out the terms on which it has been granted, how we have taken account of Natural England's advice and giving them the required 21 days notification.

Conclusion

11. The details set out in this addendum report do not alter the analysis, conclusion and recommendation set out in the main report. The recommendation is for approval of the application subject to conditions and legal agreements to secure the required nutrient neutrality mitigation.