



South Tyneside Council

item 3

Planning Committee

Date: 13 February 2023

Planning Applications

Report of the Corporate Director Regeneration and Environment

Purpose of Report

1. This report contains details of planning applications for consideration by the Committee.

Contact Officer: Peter Cunningham, Operations Manager - Development Management

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Index of Planning Applications

Item No.	Application No. Location	Proposal	Recommendation
01	ST/1109/21/FUL Land and buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon	Demolition of existing buildings and erection of 202 residential units (Use Class C3) including vehicular access from Cleadon Lane, associated infrastructure and landscaping.	Minded to Grant Permission (Speaker)
02	ST/0892/22/LAA Vacant land behind Seton Avenue, Fox Avenue and Laybourn Gardens South Shields	Development of a new two storey Children's Assessment Centre	Grant Permission (Speaker)
03	ST/1014/22/FUL Barbour House 50 Bedesway Jarrow NE32 3EG	Erection of showroom and alterations to Barbour House including conversion of existing showroom to office space and installation of new loading bay.	Grant Permission

Application Number: ST/1109/21/FUL

Date Received: 09/11/2021

Application Date: 03/11/2021

Applicant's Name and Address

Avant Homes
Investor House
Colima Ave
Sunderland
SR5 3XB

Agent's Name and Address

Lichfields
FAO: Josh Woolard
Saint Nicholas Building
Saint Nicholas Street
Newcastle upon Tyne
NE1 1RF

LOCATION Land and buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon

PROPOSAL Demolition of existing buildings and erection of 202 residential units (Use Class C3) including vehicular access from Cleadon Lane, associated infrastructure and landscaping.

RECOMMENDATION: Minded to Grant Permission with:

The Director of Regeneration and Environment being authorised to issue the planning permission subject to:

- A) the schedule of planning conditions as set out below; and
B) the completion of a legal agreement in respect of the provision of:
- 23% affordable housing (46 units) comprising a mix of 18 x 1 and 2 bed apartments and 28 x 2 and 3 bed dwellings with a mix of tenures proposed – First Homes, affordable rented and Discount Market Value (DMV) sale units.
 - £1,025,605 education contribution comprising £616,405 for primary school places and £409,200 for secondary school places.
 - Ecology coastal mitigation contribution of £81,406.
 - Arrangements to offer two travel cards (up to a value of £50 each) to the first occupier of each approved dwelling to encourage public transport usage;
 - A contribution to cover the full cost of the Council progressing and implementing new Traffic Regulation Orders in respect of the roads within the development to limit vehicle speeds to 20mph and, if deemed necessary post occupation of the development, discourage commuter car parking associated with those using the nearby East Boldon Metro Station and amendment of an existing TRO in respect of the speed limit and parking restrictions on Cleadon Lane in the vicinity of the site - speed limit reduction from 40mph to 30mph and amendment of on-street parking restrictions to

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reflect the proposed development – e.g. new access & bus stop locations and closure of existing redundant accesses to site.

- Arrangements to facilitate implementation of off-site improvement works to the existing bridleway to the south west of the application site as detailed in condition 8 below.

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SUMMARY OF NEIGHBOUR REPRESENTATIONS:

Objection

7 Alison Drive, East Boldon
9 Alison Drive, East Boldon
10 Alison Drive, East Boldon
STEP, 5 Ashleigh Villas, East Boldon (x14)
5 Ashleigh Villas, East Boldon (x4)
7 Ashleigh Villas, East Boldon (x3)
11 Beatrice Gardens, East Boldon
13 Bede Terrace, East Boldon
4 Beckenham Avenue, East Boldon (x2)
17 Beckenham Avenue, East Boldon
33 Beckenham Avenue, East Boldon
42 Beckenham Avenue, East Boldon
46 Beckenham Avenue, East Boldon
90 Beckenham Avenue, East Boldon
Cleadon and East Boldon Branch Labour Party, c/o 114 Beckenham Avenue, East Boldon (x2)
Shell Hill, Bents Road, Whitburn (x8) **(Wishes to Speak)**
Greenlands, 2 Boldon Lane, Cleadon (x2)
11 Boldon Lane, Cleadon (x3) – two separate people
10 Borrowdale Close, East Boldon
18 Bowness Close, East Boldon
6 Bridle Path, East Boldon
7 Bridle Path, East Boldon
20-22 Brindley Road, RO-BAL Steel Fabrication Ltd, Hertburn Industrial Estate, Washington on behalf of OPM Development
1 Broadlands, Cleadon (x3) **(Wishes to Speak)**
8 Broadlands, Cleadon
16 Broadlands, Cleadon
27 Broadlands, Cleadon
30 Broadlands, Cleadon
35 Broadlands, Cleadon
14 Burdon Crescent, Cleadon
1 Burnham Grove, East Boldon
24 Burnham Grove, East Boldon
21 Burnside, East Boldon (x3)
1 Buttermere, Cleadon
11 Bywell Road, Cleadon
19 Bywell Road, Cleadon

44 Bywell Road, Cleadon
9 Celtic Crescent, Cleadon (x3)
3 Claremont Gardens, East Boldon
4 Claremont Gardens, East Boldon
11 Charlcote Crescent, East Boldon
Stanley F Cutter Ltd, Cleadon Lane, East Boldon (x2)
Group Tegula Ltd, 9 & 9A Cleadon Lane Industrial Estate, East Boldon
1 Cleadon Lea, Cleadon (x3) **(Wish to Speak)**
21 Cleadon Lea, Cleadon (x2)
24 Cleadon Lea, Cleadon (x4)
55 Cleadon Lea, Cleadon (x2)
73 Cleadon Lea, Cleadon (x4)
80 Cleadon Lea, Cleadon (x2)
86 Cleadon Lea, Cleadon
94 Cleadon Lea, Cleadon
99 Cleadon Lea, Cleadon
6 Cleadon Meadows, Cleadon
44 Constable Gardens, South Shields
1 Coulton Drive, East Boldon
3 Coulton Drive, East Boldon
46 Don View, West Boldon
1A East Boldon Road, Cleadon (x2)
1B East Boldon Road, Cleadon
7 East Boldon Road, Cleadon
136 East Boldon Road, Cleadon (x3) – separate people
2 East Drive, Cleadon (x2)
18 East Drive, Cleadon Village (x3)
12 Farm Hill Road, Cleadon **(this is Cllr Herbert named below; they had not stated they were a Cllr in their initial objection)**
9 Featherstone Street, Roker, Sunderland
1 Ferndale Avenue, East Boldon
14 Ferndale Avenue, East Boldon
33 Ferndale Avenue, East Boldon (x2)
Stratford House, Ferndale Lane, East Boldon
15 Foxtan Court, Cleadon
15 Front Street, East Boldon
20 Front Street, East Boldon
25 Front Street, East Boldon (x2)
9 The Hawthorns, East Boldon
11 The Hawthorns, East Boldon
56 Hindmarch Drive, West Boldon
3 Homestall Close, South Shields
5 Kendal Drive, East Boldon
12 Laburnum Grove, Cleadon (x2)
21 Langdale Way, East Boldon
73 Langdale Way, East Boldon
80 Langdale Way, East Boldon
29 Langholm Road, East Boldon
42 Langholm Road, East Boldon
45 Langholm Road, East Boldon

50 Langholm Road, East Boldon (x4)
53 Langholm Road, East Boldon (x2)
70 Langholm Road, East Boldon
72 Langholm Road, East Boldon
29 Lyndon Grove, East Boldon (x2)
7 Mayfield Drive, Cleadon (x3)
5 Moor Lane, Cleadon
23 Moor Lane, Cleadon
24 Moor Lane, Cleadon
38 Moorfield Gardens, Cleadon
4 Natley Avenue, East Boldon
30 Natley Avenue, East Boldon
15 North Drive, Cleadon (x3)
43 North Drive, Cleadon
3 North Lane, East Boldon
101 Ravensbourne Avenue, East Boldon (x2)
23 St Bedes, East Boldon (x2)
2 St Chads Villas, East Boldon
3 St George's Terrace, East Boldon
31 St George's Terrace, East Boldon
53 St Johns Terrace, East Boldon (x3)
4 St Mary's Terrace, East Boldon
43 St Marys Terrace, East Boldon
8 Sandgrove, Cleadon
17 Sandgrove, Cleadon (x2)
19 Sandgrove, Cleadon
1 Sandpiper View, East Boldon
2 Sandpiper View, East Boldon (x2)
4 Sandpiper View, East Boldon (x2)
12 Sandpiper View, East Boldon (x3)
Lislehurst, South Lane, East Boldon (2)
1 Station Road, East Boldon (x2)
15 Station Road, East Boldon
16 Station Road, East Boldon (x2)
52 Sunderland Road, East Boldon
Janell, 60 Sunderland Road, East Boldon (x2)
58 Sunderland Road, South Shields
2a Sunnyside Terrace, Cleadon (x2)
9 Sunnyside Terrace, Cleadon
22 Sunnyside Lane, Cleadon Village (x2)
8 Sunview Terrace, Cleadon
9 Thornbury Close, Boldon Colliery
8 Trevor Grove, Cleadon
10 Trevor Grove, Cleadon
15 Victoria Terrace, East Boldon (x2)
21 West Drive, Cleadon
32 West Drive, Cleadon (x2)
41 West Drive, Cleadon (x2)
59 West Drive, Cleadon
63 West Drive, Cleadon

75 West Drive, Cleadon
81 West Drive, Cleadon
18 West Meadows Road, Cleadon (x2)
15 West Park Road, Cleadon
4 Whitburn Road, Cleadon (x3)
30 Whitburn Road, Cleadon
62 Whitburn Road, Cleadon
64 Whitburn Road, Cleadon
87 Whitburn Road, Cleadon
119 Whitburn Road, Cleadon (x2)
123 Whitburn Road, Cleadon
161 Whitburn Road, East Boldon
36 White Rocks Grove, Whitburn (x7)
18 Woodlands Drive, Cleadon
25 Woodlands Road, Cleadon
50 Woodlands Road, Cleadon
52 Woodlands Road, Cleadon
53 Woodlands Road, Cleadon
125 Whitburn Road, Cleadon
159 Whitburn Road, East Boldon (x2)
7 Woodlands Road, Cleadon (x2)
8 Woodlands Road, Cleadon
36 Woodlands Road, Cleadon
46 Woodlands Road, Cleadon
91 Woodlands Road, Cleadon (x2)

Cllr Joan Atkinson

Cllr Ian Forster – **(Wish to Speak)**

Cllr David Herbert

CPRE Durham, Rose Cottage, Old Quarrington, Durham

STTAG, 32 Lemon Street, South Shields

East Boldon Neighbourhood Forum **(wish to speak)**

Seaham Town Council, Seaham Town Hall, Stockton Road, Seaham

Support

79 Addison Road, West Boldon (x2)
79 Aylesford Mews, Sunderland
6 Baker Square, Sunderland
2 Beckenham Avenue, East Boldon
4 Beckenham Avenue, East Boldon
2 Cliffe Court, Seaburn
4 Colliery Mews, Boldon Colliery (x2)
7 Coronation Terrace, Boldon Colliery
Coach House, Dipe Lane, East Boldon
45 The Hawthorns, East Boldon
35 Hedworth Lane, Boldon Colliery
32 Rowan Drive, South Shields
31 St Bedes, East Boldon
1 Thorntree Walk, Jarrow

All of the issues raised are summarised in the body of the report

REASON FOR PRESENTATION TO PLANNING COMMITTEE

This application is brought to the committee for determination because it is a 'major' application and because interested persons have registered their wish to speak at committee on the application proposals.

The Department for Levelling Up Housing and Communities (DLUHC) received a request from a third party that the application be called-in to be decided by the Secretary of State rather than the Council. DLUHC have advised on the 2 December 2022 that they do not wish to call-in the application and therefore the application falls to be decided by the Council. A third party has subsequently asked via the DLUHC for the Secretary of State to adopt a Screening Direction regarding the need or otherwise for an Environmental Statement under the Environmental Impact Assessment (EIA) Regulations in respect of the proposed development. A response from the DLUHC on this matter is expected prior to Planning Committee on the 13 February and an update will be provided at committee. The Council have already adopted a Screening Opinion which states that in their opinion an Environmental Statement is not required in respect of the proposed development and a copy of this has been provided to the DLUHC at their request and will be considered by the Secretary of State prior to their Screening Direction being published.

1.0 The Proposal

1.1 The application site comprises currently largely vacant previously developed land on part of the Cleadon Lane Industrial Estate formerly occupied by industrial, storage and office activities and covers an area of 6.3 hectares. Two parts of the southern area of the site continue to be occupied by businesses at the present time – a sawmill in the south west corner of the site and a former office building with associated yard area in the south east of the site adjacent to Cleadon Lane which is used for car storage. The remainder of the site has been vacant for several years. The site is primarily open in character having been largely cleared of buildings in recent years. The only buildings remaining on the vacant part of the site lie in the north east of the site adjacent to Cleadon Lane. The open areas of the site comprise largely concrete slab hard surfaces. There is some scattered tree and hedge planting to the Cleadon Lane site frontage, to the boundary with open countryside to the north and on the boundary between the sawmill and a bridleway in the south west corner of the site. The boundary between the south western part of the site and neighbouring land is occupied by an earth bund. In terms of the East Boldon Neighbourhood Plan (EBNP) and Council's Local Development Framework (LDF), the vast majority of the site is identified as lying within the settlement boundary of East Boldon and as forming part of a Predominantly Industrial Area (PIA), although a small area of land adjacent to the northern site boundary lies within the Green Belt and a Local Wildlife Site (LWS) as shown on the Council's LDP Proposals Map 2012. Levels fall gradually across the site by around 1.5 metres from south east to north west. Access to the site is presently from 3 separate access points on Cleadon Lane and there is also access to the sawmill from an access road to the south of the site that serves a number of units on the wider industrial estate. A field drain runs into the site from the north and terminates in the heart of the site.

- 1.2 The locality surrounding the application site is characterised by a mix of uses. To the north and north west lies open countryside in the Green Belt, with the adjoining land to the north west also being designated as a LWS. To the east lies Cleadon Lane and beyond this further open countryside which separates the site from a housing estate on the western edge of Cleadon. To the south lie industrial units on the remainder of the Cleadon Lane Industrial Estate. To the south west is land used for allotments and stabling, a bridleway and a railway line which lies on the Newcastle to Sunderland metro and rail route. The remainder of East Boldon lies on the opposite side of the railway line with East Boldon metro station a short distance to the south of the application site. All of the application site lies within the settlement boundary of East Boldon as defined in the East Boldon Neighbourhood Plan, with the exception of the small area of land adjacent to the northern site boundary within the Green Belt and a Local Wildlife Site (LWS).
- 1.3 Full planning permission is sought for demolition of existing buildings on site and redevelopment of the site to provide 202 dwellings including vehicular access from Cleadon Lane, associated infrastructure and landscaping.
- 1.4 The 202 dwellings proposed comprise a mix of 18 apartments and 184 houses. The dwellings sizes proposed comprise 12 x 1 bed apartments, 6 x 2 bed apartments, 62 x 2 bed houses, 68 x 3 bed houses and 54 x 4 bed houses. All of the houses would be 2-2.5 storeys in height whilst the apartments would be 3 storeys.
- 1.5 It is proposed that 46 of the 202 dwellings (23%) would be affordable dwellings, rather than the usual policy requirement of 25% with the applicant claiming a discount on affordable housing numbers through the Vacant Building Credit (VBC) scheme which takes into account the additional development costs arising from the need to demolish existing buildings on site prior to redevelopment taking place. The affordable housing mix proposed is 12 x 1 bed apartments, 6 x 2 bed apartments, 17 x 2 bed houses and 11 x 3 bed houses. It is anticipated that 20 of these units will be affordable home ownership units, comprising a mix of 12 First Homes and 8 Discount Market Value (DMV) sale units that would be sold to eligible individuals at a discount from open market value, with such discounts/eligibility criteria being retained in-perpetuity in respect of re-sales. The remaining 26 units would be affordable rented units managed by a Registered Provider.
- 1.6 External materials for the proposed buildings would comprise a mix of red facing bricks to elevations and a mix of dark grey and red/brown roof tiles. The various dwellings would be grouped into three character areas on site – an urban edge area, a rural edge area and a village green area with different mixes of brick and tile materials and elevational detailing proposed in each area.
- 1.7 In terms of external areas the main vehicle and pedestrian/cyclist accesses to the proposed development would be via two new priority junctions to Cleadon Lane. Connections are also proposed for pedestrians and cyclists in the south west corner of the site which would link to the existing bridleway and in the south east corner of the site to Cleadon Lane, with a further pedestrian access to Cleadon Lane proposed between the two priority junctions.
- 1.8 Linear open space areas are proposed providing a landscaped corridor east to west across the centre of the site. The largest of these open spaces would be located towards the central western area of the site and would include the retained existing land drain, a sustainable drainage basin, a largely below ground sewage and surface water pumping station and a play area. Landscaped buffers are proposed where the site abuts the Green Belt and LWS to the north and north west, adjacent to Cleadon

Lane and along the southern boundary where the site adjoins the remainder of the Cleadon Lane Industrial Estate.

- 1.9 In terms of car parking, each of the houses and apartments would have off-street car parking which accords with the East Boldon Neighbourhood Plan standards one space for 1 bed units, two spaces for 2 and 3 bed units and 3 spaces for 4 bed units, with the exception of 1 x 2 bed house which would have a single car parking space. 56 visitor car parking spaces are proposed throughout the site.
- 1.10 Reports submitted in support of the planning application comprise a Planning Statement, Design & Access Statement, East Boldon Design Code Scheme Review, Transport Assessment/Travel Plan, various ecology reports, Air Quality Assessment, Noise Assessment, Vibration Assessment, Ground Contamination Investigation/Remediation Reports, Drainage Strategy/Flood Risk Assessment, Archaeology Assessment, Tree Report, Landscape & Visual Appraisal, Live Work Technical Note, Vacant Building Credit Note and a Sustainability Statement.
- 1.11 Copies of the submitted plans and photographs of the application site and its surroundings are included separately with the committee agenda papers.

2.0 Responses to Publicity and Consultations

Applicant's Pre-Application Community Engagement

- 2.1 The applicant undertook a leaflet drop of around 650 local residents and businesses in the vicinity of the site during the Summer of 2021. This leaflet included a questionnaire that sought feedback from those consulted and directed individuals to a website that contained further details of the proposals.
- 2.2 A total of just over 200 feedback responses were received. In respect of the questions posed in the questionnaire, the following responses were received:
- 2.3 Question 1: Do you generally agree that East Boldon provides a sustainable location for new homes, with good transport links and access to local services? - 33.97% (71/209) of respondents either Strongly Agreed or Agreed, 58.85% (123/209) of respondents either Disagreed or Strongly Disagreed, 7.18% (15/209) of respondents answered 'Neutral'. One respondent opted to skip this question.
- 2.4 Question 2: Do you generally agree that the site provides an appropriate location for new homes? - 38.94% (81/208) of respondents either Strongly Agreed or Agreed, 53.37% (111/208) of respondents either Disagreed or Strongly Disagreed, 7.69% (16/208) of respondents answered 'Neutral'. Two respondents opted to skip this question.
- 2.5 Question 3: The proposed layout is well designed and will provide an attractive development. - 31.40% (65/207) of respondents either Strongly Agreed or Agreed, 51.69% (107/207) of respondents either Disagreed or Strongly Disagreed, 16.91% (35/207) of respondents answered 'Neutral'. Three respondents opted to skip this question.
- 2.6 The applicant has also met with East Boldon Forum subsequent to submission of their planning application and prior to the submission of amended plans to discuss their proposals.

- 2.7 Planning Committee must note that the community engagement undertaken by the applicant does not form part of the statutory planning application process administered by the Council as Local Planning Authority.

Neighbour Notification Responses

- 2.8 The Council sent letters to 346 neighbouring properties notifying them of this planning application. In addition site notices were displayed in the vicinity of the site and the planning application was advertised in the local press.
- 2.9 In response to this publicity a total of 289 letters of objection and 19 letters of support have been received.
- 2.10 The written objections that have been received for this proposal may be summarised as follows:
- Increased pressure on school places
 - Doctors/dentists and local services not able to cope with this scale of development
 - Increased traffic congestion
 - Increased air pollution from traffic and dust
 - Harm to wildlife including nearby Local Wildlife Sites with impacts having been under-estimated
 - Increased queuing at nearby level crossings
 - Loss of employment land and jobs and lack of evidence to demonstrate this would be acceptable/unavoidable
 - Inadequate drainage infrastructure leading to increased likelihood of further untreated sewage discharges into the sea & water courses as existing sewage system does not have capacity to accept additional sewage from the proposed development.
 - Betterment figures supplied by applicant regarding discharges to combined sewer are misleading as they would only arise in extreme rainfall events.
 - Need for new employment not houses
 - Inadequate car parking provision
 - Increased car parking problems
 - Increased flood risk
 - Increased coalescence between East Boldon & Cleadon
 - No need for new housing
 - Additional metro parking required & could be provided on site
 - Lack of affordable housing
 - Too many dwellings as the Neighbourhood Plan identifies only a need for 12 dwellings per year over 16 years (i.e. 192 in total) for the whole Neighbourhood Plan area.
 - Increased crime & disorder with no additional police resources
 - Highway safety concerns
 - Inadequate green space and landscaping provision contrary to neighbourhood plan
 - No nitrate neutrality assessment in HRA report and concerns re impact of sewage discharges on internationally designated coastal sites.
 - Noise pollution
 - Increase in speeding traffic
 - Need for traffic calming
 - Harmful carbon footprint

- Housing mix not reflective of local need for smaller units as evidenced in local housing needs survey
- Lack of housing for older residents
- Lack of affordable starter homes
- Inadequate environmental improvements to offset negative impact
- Further damage to already problematical road surfaces
- No communal facilities proposed
- Use site to provide additional shopper parking
- Social space and gym should be provided as part of a mixed use redevelopment
- TA undertaken during school holidays and therefore underestimates traffic
- Inadequate footpaths adjacent to site
- Urban creep
- Wider consultation required on application
- Application should be postponed pending an independent investigation and more information given to residents before application decided
- Scale of development out of proportion to village size
- Current vacant buildings nearer town should be used to provide new housing
- Site should be developed for a mix of uses (e.g. housing, employment, metro parking, community facilities)
- Loss of property value
- TA doesn't consider possible Network Rail changes at level crossings, Nexus intention to increase Metro services and wider area junctions
- Lack of use of low carbon/renewable energy generation
- Poor bus service provision
- Biodiversity enhancement required
- Access points suggest further site expansion in future
- Bridges or tunnels needed under/over level crossings in line with schemes already worked up that have funding.
- TA doesn't consider all train services
- Travel Plan not likely to be effective
- Out of character with village
- Erosion of Green Belt between East Boldon & Cleadon
- Ground contamination hazardous to human health and local ecosystems and contamination risks on site have not been satisfactorily assessed.
- Lack of collaborative work with community on design
- Proposed design does not reflect East Boldon Design Code and national design guidance
- Poor quality design
- Use of shared surfaces problematical for visually impaired
- Use of standard house types unacceptable as they fail to reflect local character
- Boundary treatments should be provided to frontages
- Pedestrian and cyclist connectivity needed to bridleway from site
- Proposal does not meet the 12 tests set out in East Boldon Neighbourhood Plan Policy EB10
- No master plan provided as required by Neighbourhood Plan.
- Contamination of local watercourses
- Biodiversity net gain not quantified
- Impact on internationally designated ecology sites
- Improved park facilities required
- Site should be used as a nature reserve
- Lack of cycle parking
- Negative impact on climate change

- Loss of trees
- Plots 1 and 245 too close to Cleadon Lane
- Cleadon Lane public footpath must be maintained east of plots 18 and 59/60
- Bedroom numbers for dwellings need to be more clearly specified
- Development is not carbon neutral
- Disruption to mains services
- Noise, dust and traffic problems during the construction phase
- Neighbourhood Plan not suitable to be used for decision making re this application bearing mind site designation was based on a now withdrawn emerging Local Plan and residents in Cleadon were not able to vote in the neighbourhood plan referendum despite the proximity of the site to Cleadon;
- Concerns regarding adequacy of Section 106 contributions proposed;
- Site will be used as overspill parking by metro users;
- Loss of an area of Green Belt and Local Wildlife Site;
- Site is within a Water Source Protection Zone but inadequate assessment undertaken of impact on groundwater.
- Housing would be better located in South Shields town centre.
- Lack of usable open space due to need to accommodate a SUDS basin
- Too few affordable dwellings in first phase of development
- Whitburn Neighbourhood Plan Policy re foul drainage should be considered in assessing this application.
- Recent motion of Sunderland City Council should be given consideration. This expresses concerns regarding untreated sewage discharges to the sea and watercourses and seeks a response from DEFRA, Northumbrian water and the Environment Agency regarding such concerns and also a public inquiry into the current application from Northumbrian Water with the Environment Agency for variation of the permit which governs untreated sewage discharges at Whitburn. This planning application should not be decided pending responses from the above organisations on these matters.
- Land should be used for green space.
- Greater need for site to be used for employment development as opposed to housing. In this regard 5 local businesses looking for start-up units in the area, 13 businesses currently leasing units on the site who do not wish to leave the site or area, there is little employment land stock in the area and enquiries have been received by the company that have previously marketed the site from gym/leisure operators, soft play operators, vehicle repair businesses and start-up companies.

2.11 South Tyneside Tree Action Group (STAG) object on the following grounds:

- Loss of trees
- Adverse landscape impact
- Harm to ecology
- Ground contamination impacts
- Noise, light and air pollution harm

2.12 South Tyneside Environmental Protection (STEP) object on the following grounds

- Health risks from ground contamination
- Insufficient sewage capacity at present resulting in discharges of untreated sewage into North Sea and watercourses and proposed development will make matters worse.
- Increased air pollution and congestion from traffic
- Development will not contribute to mitigating impacts of climate change

- Negative impact on biodiversity as natural environment not conserved or enhanced.
- Flood risk exacerbated
- Erode gap between Cleadon and East Boldon
- The public have not been fully or lawfully consulted about this development
- Overall this is not a suitable site for housing development
- No Environmental Impact Assessment undertaken
- Inadequate assessment of impact from the proposed development on ecology including internationally designated coastal sites. A Nitrate Neutrality assessment is required concerning impact on these sites.
- Application should not be approved given the Council's recent Ocean Recovery Declaration given the discharges to untreated sewage to the sea likely to arise.
- Whitburn Neighbourhood Plan Policy relating to foul drainage should be considered in assessing this proposal.
- Drainage betterment figures supplied by applicant regarding discharges to combined sewer misleading as they will only arise in rare extreme rainfall events.
- Overall proposed development is not sustainable development.
- The precautionary principle as set out in the Government's Policy Paper 'Draft Environmental Principles Policy Statement' (May 2022) should be applied in assessment of this planning application and in this regard there is currently uncertainty about the risk of environmental harm arising from the proposed development in terms of impacts from ground contamination given the inadequate assessment that has been undertaken of ground conditions to date and in terms of impacts from foul sewage discharges due to the inadequacy of evidence provided by Northumbrian Water and the Environment Agency in response to evidence provided by local residents/groups regarding a lack of sewage treatment capacity and the impacts of this on public health and biodiversity.
- A further reason to apply the precautionary principle is that a local resident complained to the Office for Environmental Protection (OEP) that the Environment Agency had systemically and recurrently failed to regulate both the Whitburn discharge permit and the Hendon Sewage Treatment Works discharge permit over many years. The evidence of the conduct of the EA that was submitted was both current, recent and harks back to their conduct during and shortly after a public inquiry into the Sunderland and Whitburn sewage system held in Sunderland on 3rd October 2001. As such, these failures to comply with environmental law are systemic, recurrent and are causing serious harm. The OEP decided in January 2023 to take no further action but as part of their response the OEP state:

We have concluded that the information provided does indicate that there may have been a failure to comply with environmental law, and that the failure may be potentially serious. However, following the application of our prioritisation criteria, we have decided not to take enforcement action in relation to these specific sites.

[Case Officer Comment – the officer assessment of foul drainage matters can be found at paragraphs 3.151-3.175 below]

2.13 CPRE object on the following grounds:

- Health risks from ground contamination
- Pollution of the River Don
- Flood risk

- Risk of coalescence
- NPPF design matters not addressed
- Absence of detail re biodiversity net gain
- Adverse impact on internationally designated coastal ecology sites
- Inadequate evidence that proposals would be acceptable in terms of sewage discharges.

2.14 All 3 Ward Councillors for Cleadon & East Boldon ward object to the application.

2.15 Councillor Atkinson raises the following concerns

- the site has not been sufficiently marketed for employment use and should not yet be considered for housing. The case is not made robustly that the employment use should be changed
- the house numbers proposed are excessive for the size of the site allowing too few car parking spaces per house. This means the design and potential of creating a development in keeping with the villages of East Boldon and Cleadon will be very limited.
- The contamination of the site needs to be dealt with in the most environmentally sustainable way. Residents are concerned about the contaminants knowing the previous uses of the site over the last century.
- The flood risk to the location should be addressed as it is an obvious risk seen visibly.
- The impact of cars on the highway infrastructure will exacerbate the congestion we have at the pinch points in the villages.
- The assumption of 1 car per household is very questionable and it is highly unlikely to be maintained. This despite the proximity to the metro station, we know the local bus service is inadequate as an alternative method of travel.
- The house types should include properties for older residents who would like to remain in the villages and downsize from their larger properties. This in turn would free up houses for families.
- The allocation of affordable housing should be adequate for those working and supporting the local economy whose salaries are not sufficient for larger house.
- There does not seem to be a plan to allow those on foot or bike to access and exit the development sustainably. The opportunity to do so from the bridle path at the railway line could be such a location but as more sustainable travel is to be encouraged, how will any development here demonstrate this?

2.16 Councillor Forster states that his main reason for objecting to the application is the apparent inability of Northumbria water to deal with the sewerage that would be generated if the development went ahead . All of the evidence to prove this is included in the detailed report by objector Mr Steve Lavelle. How can South Tyneside Council approve planning permission when they know there is nowhere for the sewerage to go causing damage to the environment and a danger to public health . Furthermore he understands a legal report also included in Mr Lavelles report states the council can insist that Northumbria water increase the capacity and deny permission until they prove they have . To proceed at this time in his opinion is reckless , the excess waste would end up in the sea when this council is actively promoting environmental projects to protect the coast line.

2.17 He is also still not satisfied regarding the potential contamination of the land . Although some areas have been tested others have not been and won't be until the existing property is demolished, again what importance has been put on public health concerns , if this land proves to be dirty. What guarantee is there that this dirty land

will be safe for people to raise their families. The entire site should be tested prior to planning permission and clear instruction on what action is to be taken to make the land safe prior to any approval .

2.18 He states that his objections are based on evidenced reports the present sewerage system cannot cope, it's not acceptable for Northumbrian water to say they can cope and for South Tyneside council to accept that as an acceptable answer to approve planning permission . The public deserve to know the truth and for this council to protect their health and environment. He considers that adding 200+ houses to a failed section of the sewage system when a Northumbrian Water 25 year plan for foul drainage infrastructure improvements is not coming in until 2025 would be reckless. He suggests that all planned development be suspended until then when we will be clear as to the contents of the Northumbrian Water plan.

2.19 Councillor Herbert states that whilst development of a brownfield site such as this is better than developing a greenfield site, the proposal will have serious negative effects on the environment and local people as follows:

- The particular need for specialist housing for older people as identified in the South Tyneside SHMA has not been addressed by the proposed scheme despite this site being well located to meet such need;
- The increased carbon emissions from this development will add to South Tyneside's carbon footprint and add to the climate change emergency contrary to the Council's climate change objective of reducing Council emissions to net zero by 2030 and reducing emissions across our communities to net zero by 2045 and contrary to national government legislation and policy on climate change mitigation.
- High building standards relating to energy efficiency should be adhered to which surpass the requirements of the current Building Regulations and renewable energy generation should be provided for including solar panels on all suitable roofs as a minimum.
- Increased risk of flooding.
- Consideration needs to be given to the mitigation of overheating in new homes.
- Inadequate infrastructure to handle foul sewage flows from the development will add to existing problems of sewage discharges to water courses and the North Sea. An appropriate assessment must be undertaken to rule out adverse impacts on internationally designated ecology sites at the coast.
- Negative impacts of development on local roads and primary school places.
- Concerns regarding the impact of the development on air quality with Cleadon lane air pollution levels for NO₂ and PM_{2.5} particles already above WHO guideline limits.

2.20 The letters of support for the application raise the following matters:

- Supported subject to school places matter being addressed
- Provision of new housing including affordable housing to meet need
- Visual improvement compared to unsightly industrial estate
- Housing better than noisy industrial uses
- Reduction in commercial vehicles on local roads
- Good public transport accessibility given proximity to metro
- Employment creation
- Will bring extra business to the area

External Consultees

- 2.21 The following external consultees have been notified in writing by the Council as Local Planning Authority, when this planning application was made valid. These consultees have also been notified of any material changes to the application. The comments received from the external consultees regarding this development may be summarised as follows:

Tyne and Wear Fire & Rescue Service

- 2.22 No objection to the proposals but recommendations provided regarding compliance with the Building Regulations and the installation of sprinkler systems in dwellings.

Network Rail

- 2.23 Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development. Please also note that the site is in proximity to East Boldon Station on the Metro which is operated by Nexus who should also be consulted in respect of this application if they haven't been already. The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Northumbrian Water

- 2.24 In making our response 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.
- 2.25 We don't have any issues to raise regarding capacity to serve the new development, provided that the application is approved and carried out within strict accordance with the Drainage strategy version 3 document. This document highlights that the existing drainage arrangements serving the current use of this land (existing commercial units and hard standing areas) discharge both foul and surface water into the existing combined public sewerage network. As it states that it is the applicant's intention to stop any surface water discharging direct into our sewerage network if this development is approved, we consider this as betterment i.e., reduced volume of flows entering during rainfall events. Appendix C of the drainage strategy document provides the evidence that the applicant has carried out a pre-planning enquiry with ourselves to determine that foul flows can discharge into the 300mm diameter combined public sewer to the east of the site via manhole 2802.
- 2.26 We request that document "*Drainage strategy version 2*" forms part of the approved documents list as part of any planning approval and the development is implemented in accordance with this document.
- 2.27 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in

accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards.

- 2.28 Brownfield developments typically benefit the existing public sewerage network by providing the opportunity to remove surface water. Where this is achievable the additional capacity created helps to support the redevelopment. It also helps to reduce flood risk within the catchment and in turn can reduce the number of spills from storm overflows (SOs). Whilst the drainage strategy submitted by the applicant does suggest that the majority of the surface water currently discharges into the River Don via a field drain rather than entering the NWL system. This report fails to provide a defined split in the areas served by the two systems. Therefore based on our sewerage records, we can make an assumption that most of the Northern area of the red line boundary of the site (which is almost 100% impermeable), currently discharges surface water at an unrestricted rate / volume into the existing public sewerage system. If this development is granted permission, this will no longer be the case as the applicant has stated that no surface water will enter our system therefore providing betterment. The Industrial estate in its current use is still discharging foul sewage into the existing public sewer, so you could also argue a near neutral position will occur for the foul drainage when the office and industrial units are replaced with dwellings.
- 2.29 We as a company care about the environment and we understand customers concerns about storm overflow (SO) discharges. Storm overflows (SOs) are a result of Victorian sewer infrastructure, operating as safety valves built into the combined sewer system. They discharge excess sewage and rainwater to the rivers, watercourses, or the sea when the sewer system is under strain during periods of heavy rainfall. This protects properties from flooding and prevents sewage backing up into streets and homes. A growing population has increased pressure on the system along with an increase in impermeable surfaces and more frequent and heavier storms because of climate change.
- 2.30 We have 59 SOs within the South Tyneside Council area performing a function for which these were designed. All of these are regulated by the Environment Agency, who issue us with individual Permits to Discharge for each location. Our monitoring data indicated that we have one discharge in 2021 that was not compliant with the discharge permit, This was on the 9 March at Brooke Avenue, Boldon, which is on a different drainage catchment to the one that serves Cleadon Lane industrial Estate.
- 2.31 The SO arrangements at Whitburn are large and complex, but carry out the same function as any of the other SO by protecting properties from flooding. In fact where the Whitburn SO slightly differs in design from other SOs, is that the system has built in storage that will try to hold back some of the storm water from discharging into the environment before returning it back slowly into the network for treatment. Significant Investment has been carried out within this catchment to increase this storage capacity, but also to try to separate out and reduce the amount of surface water getting into the combined sewerage system in the first instance. A similar concept as the betterment that we will see from the redevelopment of brownfield sites, such as Cleadon Lane industrial Estate, where surface water will be redirected away from the sewerage network altogether.
- 2.32 Although estimates are often stated about the volume of “raw sewage” discharging from storm overflows, it is not raw sewage, it is heavily diluted mix that is mainly rainwater and studies done by ourselves and the Environment Agency have shown that what comes out can be less than 1% sewage, but also because we don't

measure volumes therefore there is no credible source for any volume figures. When figures like this are quoted [by objectors], they are based on the number and duration of spills, and a calculation is applied using an assumption that the maximum possible volume is spilled for the entire duration. Quite often, for a large amount of the spill duration, it can be a significantly reduced flow than if it were operating fully. Also, the longer the spill continues, the lower the percentage of sewage is included in what discharges. Once again Seaburn and Roker bathing waters met Defra's excellent standards, which is a really positive indicator of the water quality along these beaches.

- 2.33 In terms of difference in network capacity and treatment capacity, when we consider what the impact additional flows generated by a new development may have on our existing wastewater system, we look at two specific areas.
- 2.34 Network Capacity – This is looking at the impact the additional flows generated by the new development will have on our sewerage network, i.e. the pipes which transfer sewage from our homes / offices to the wastewater treatment works (WwTWs). We look to determine whether there is enough capacity within the pipes, so that we don't increase flood risk. Sewer flooding is when sewage or foul water leaks from the sewerage system (through pipes, drains or manholes) or floods up through toilets, sinks or showers inside a building, not where it discharges into the environment from a permitted SO. Insufficient infrastructure (lack of network capacity) should not be associated with treatment capacity (these are quite separate). We have a duty under Section 94 of the Water Industry Act to ensure that our network is maintained, improved and extended to meet growth demands. We will invest where capacity in our network is required as a consequence of growth.
- 2.35 Treatment Capacity – This is looking at the impact the additional flows generated by the new development will have on the receiving Wastewater treatment works (WwTW) . In this case Hendon WwTW. We assess this by looking at flow data when the works are operating in dry weather conditions. This dry weather flow is set against the WwTWs consent which is based on population (not the amount of storm water that falls within the catchment). This determines whether there is the available head room to accept growth within its catchment. WwTWs are not designed to accept / treat all surface water that enters the public sewer network. Similar to the function of SOs to protect properties, SOs are also used to protect the WwTW from being inundated with flows, which would ultimately cause the WwTWs to stop functioning altogether. The Environment Agency regulates WwTWs by assessing the quality of the waste water they discharge against set compliance limits. Our consultation response has confirmed that there is enough headroom to accept any addition foul flows generated from the redevelopment of Cleadon Lane Industrial Estate.
- 2.36 In terms of nutrient neutrality, Natural England (NE) has advised LPAs in relevant catchments that they should undertake Habitats Regulation assessments (HRA) of all developments proposals which may give rise to additional nutrients entering those catchments in line with the requirements of the Conservation of Habitats and Species Regulations 2017. The Law requires that planning permission can only be given for developments in these areas where a Habitats Regulations Assessment (HRA) demonstrates a neutral impact on current nutrient levels in the catchment. At the moment there have only been three special protection area (SPA) catchments identified within the North East of England. These are Teesmouth & Cleveland Coast, Lindisfarne and Roman Walls Loughs.

Nexus

- 2.37 Nexus welcomes the intention of the applicant to redevelop a site of brownfield land in an area close to green belt land in South Tyneside. The site is accessed by Cleadon Lane, close to the link with Boldon Lane B1299 that provides a corridor link to Whitburn Road and onto A1018 Sunderland Road. Development at this location would make use of proximity to existing services and amenities in East Boldon, as well as with transport connections to other services in proximity to the development site at Sunderland City Centre and in other areas of South Tyneside.
- 2.38 East Boldon Metro Station is located within 600 metres walking distance from the in/out access point of the development site. East Boldon Metro Station will provide residents with access to the Tyne and Wear Metro Green Line, and therefore access to direct regular services to Sunderland City Centre, Gateshead, and Newcastle City Centre. In addition, Metro services will also give residents access to connections to rail services at Newcastle Central Rail Station, Sunderland Rail Station, and Heworth Rail Station, and direct access to Newcastle International Airport.
- 2.39 There are two bus stops located south of the in/out access point of the development site on Cleadon Lane. These are located within 350 metres walking distance from the centre of the development site. Walking distances will be longer than this for most residents who live towards the farther boundaries of the development site. At present, these stops are traversed by an hourly Nexus secured service 558, operated by Gateshead Central Taxis, which will provide residents with connections to other areas of South Tyneside and Sunderland including Whitburn, Cleadon, Seaburn, and East Boldon, as well as Heworth Interchange. In addition, there are scholar services that traverse these stops.
- 2.40 The northbound stop in question on Cleadon Lane is a kerbside bus stop with a flagpole only, whilst the southbound bus stop has a partial layby arrangement with a brick bus shelter. Nexus recommends that both bus stops should be upgraded to meet with the increased demand of the new development, and to enhance accessibility of bus travel, with costs covered by the developer. Nexus is aware that there are space constraints on the northbound side which means it is unlikely there is scope to include a shelter at this location.
- 2.41 Nexus also recommends that a development of nature and size at this location means there is scope to include two new bus stops to the north of the in/out access point on Cleadon Lane; one northbound and one southbound. These two new stops should include flagpoles and shelters to Nexus standard. The provision of shelters at these two new stops would allow bus travel to be more accessible to all residents, including those who are not able to walk long distances.
- 2.42 Additional upgrades to the highway on Cleadon Lane with bus stop markings and accessible kerbs should also be considered by the LPA to be secured which would avoid buses being obstructed from traversing Cleadon Lane and furthermore increase accessibility for all bus users.
- 2.43 Overall, these upgrades as mentioned would promote sustainable travel via bus in the long term for residents. The aftermath and recovery from the Covid-19 pandemic has placed certain constraints on bus operations within this area of South Tyneside, with several services being removed or partially removed as commercially run services and secured by Nexus. This has increased financial pressure on Nexus to run and maintain bus services. Any developer contributions given towards the provision of transport services as secured by the LPA would be welcome to ensure

the future delivery of sustainable transport in South Tyneside, most notably the 558 service.

- 2.44 In terms of active travel there are a few traffic free cycle routes within the vicinity of the development including bridleways and shared footpaths, as described in section 3.5 of the Transport Assessment. However, there is no designated cycling ways between the development and East Boldon Metro Station. Nexus recognises that this is a relatively short distance from the development site. It is possible that some residents may opt to cycling further distance into Sunderland City Centre or to other localities across South Tyneside. Any added provision to enhancing the ability for residents to cycle associated with this development would be welcomed by Nexus.
- 2.45 Nexus welcomes any provision and consideration given by the developer to upgrade footpaths and access ways within the development site, and connections to adjacent bus stops and East Boldon Metro Station. Priority within the entirety of the development area should prioritise pedestrian and cycle movement ahead of car travel. Ensuring footpaths and access ways between dwellings and public transport access, particularly to shared footway/cycleway on Cleadon Lane, will further promote use of sustainable travel, including increasing the likelihood for residents to travel via active travel methods.
- 2.46 In terms of travel Information and ticketing, Nexus welcomes the ambitions set out within the Travel Plan to promote initiatives that support active travel and promote use of public transport, including surveys that can review requirements to promote and encourage sustainable travel.
- 2.47 As this development application exceeds the threshold of 50 dwellings, as per the Nexus Planning Liaison Policy, Nexus recommends that the developer meet the costs of two introductory travel tickets per dwelling to be provided as part of a residential welcome pack. The ticket in question is two Pop Pay As You Go Cards with £50 of credit preloaded onto each of them, subject to the residents applying for the cards. Use of introductory ticket provision will encourage a greater take up of public transport in the long term. Moreover, this proximity to Metro suggests that provision of introductory tickets will encourage a greater take up of traveling sustainably by Metro in the long term. Therefore, Nexus recommends that the LPA mandate this as condition of granted permission.
- 2.48 Nexus is in support of an amended Traffic Regulation Order to reduce the speed limit from 40mph to 30mph on Cleadon Lane, adjacent to the in/out access point of the development site. This amendment is not likely to have an adverse impact on bus frequency. Nexus would also recommend amendments to the TRO to implement parking restrictions close to the Cleadon Lane junction with the B1299. This would reduce the impact of congestion and parked cars on this section of Cleadon Lane impacting the access and frequency of bus services at this location.
- 2.49 The location of this development site borders the railway line, used by the Tyne and Wear Metro. This railway line is owned and maintained by Network Rail. Nexus recommends that the LPA should consult Network Rail on this application to ensure that the safety and security of an operational railway line is maintained.
- 2.50 On receipt of a Transport Technical Report and Transport Assessment Addendum Report, Nexus has further comments to make as follows:
- 2.51 Nexus welcomes the provision of a new kerbside bus stop to be provided at both northbound and southbound on Cleadon Lane, inclusive of bus shelters. Nexus has

agreed to these locations in consultation with the LPA and consultants. In addition, Nexus welcomes the commitment to upgrade the existing bus stops on Cleadon Lane which will make bus travel safer, more accessible, and more desirable at this location.

- 2.52 Nexus welcomes and is grateful for the commitment to provide introductory ticketing in line with the Nexus Planning Liaison Policy.
- 2.53 Nexus welcomes the upgrade to the footway on the west side of Cleadon Lane to be upgraded to a shared cycleway/footway. This will enhance the overall appeal and safety of active travel to and from the development site.
- 2.54 In summary, Nexus views that this development site is well served by sustainable transport modes with slight mitigations needed to be made to ensure it is accessible as possible for all potential residents. The location of East Boldon Metro Station within 600 metres of the development site means there is a high potential for residents to travel sustainably via Metro on a regular basis. Yet Nexus recommends that the developer and the LPA be mindful of residents who will be unable to traverse longer distances from the development site, and therefore ensuring that bus stops close to the development are as accessible as possible would further promote sustainable travel in the longer term.

Northern Gas Networks

- 2.55 No objections but standard documentation provided regarding development in close proximity to their assets.

Northern Powergrid

- 2.56 No objections but standard documentation provided regarding development in close proximity to their assets.

Tyne and Wear Archaeology Service

- 2.57 They have checked the revised site boundary and the proposed development area against the Historic Environment Record and historic maps. They do not consider that the amended proposals and altered red line boundary will cause additional impacts other than those considered within the archaeological desk-based assessment that was produced for the proposed development area by Archaeological Services Durham University. In the report no direct evidence for prehistoric and or Roman activity was identified within the proposed development area or vicinity of the site. In the medieval period the site is likely to have been part of the common fields of East Boldon and remnants of these field systems can be observed in the immediate vicinity of the site. Reservoirs were constructed over the southern part of the site in addition to industrial developments from the mid-20th century. The structures located in the western part of the site were subsequently demolished and this part of the site was then landscaped. In the report the remaining 20th century industrial and commercial units are considered not to be archaeologically significant. In the report it is recommended that no further archaeological work is required in association with the proposed works. Based on the findings outlined in the archaeological desk-based assessment, it is considered that the proposed development area and area within the amended redline boundary, have low archaeological potential and no further archaeological investigation is recommended if the proposed works are approved.

National Highways

- 2.58 We have reviewed the Transport Assessment Addendum Report (August 2022) and Transport Technical Note (August 2022) and would offer the following comments.
- 2.59 In January 2022, National Highways reviewed a Transport Assessment for this planning application and concluded that *“this planning application’s impact at the SRN is not considered to be severe and consequently, we would offer no objection to this planning application. We would, however, reiterate our concerns regarding the cumulative impacts of development impacting the A184/A194(M) Whitemare Pool junction”*.
- 2.60 At the time, the proposals comprised 245 dwellings. National Highways understands that the planning application has been amended to propose 196 dwellings. This represents a reduction of 58 dwellings from that previously assessed and agreed upon.
- 2.61 Further, National Highways received a re-consultation request in June 2022 and noting the reduction in the quantum, it was our view that it would have no influence on our previous recommendation and that this remained withstanding.
- 2.62 Considering our previous position and the reduced quantum of development that is proposed, it is National Highways’ view that this re-consultation does not influence our initial recommendation dated 11 January 2022 and is, therefore, withstanding.
- 2.63 Furthermore, given the cumulative impacts of development at the A184/A194(M) Whitemare Pool junction, and as a result of your decision not to bid for levelling up funding for the major improvement scheme at this junction, we would welcome a meeting to discuss the future approach to managing planning applications that may impact upon this junction.

Northumbria Police

- 2.64 This is a strong proposal which contains features we would welcome in a development in this locality, the layout is predominantly back to back (i.e. private to private) wherever possible and the boundary treatments are appropriate throughout. In the execution of those elements therefore it satisfies Policy ST2 requirement to design out crime and eliminate the fear of crime, what is confusing to us is that the developer doesn’t follow through and complete the requirement.
- 2.65 In the Design Access Statement the applicant outlines a Design Policy Objective that the development should provide a safe, inclusive, accessible development through promoting health and well-being, ensuring a high standard of amenity for existing and future users, and reducing the fear of crime and encouraging a strong sense of community (NPPF para 130, policy ST2 of the Core Strategy), but only partly discharges that in their response, and whilst we welcome natural surveillance we are sceptical that reducing the level of intrusive industrial use and maximising a right of way is sufficient to satisfy Policy ST2 in respect of crime.
- 2.66 Security is a package of measures and the provision of good boundary treatments and the orientation of homes are part of such a package, but without a commitment to security for the homes themselves it’s like having most, but not all, of a jigsaw. Approved Document Q can fill in most of the missing detail but it still feels like it comes up slightly short of what the Core Strategy Policy ST2 aspires to. We would welcome an Application from the developer in respect of Secured By Design

accreditation for this development. Brownfield development, especially on a site with a history of intrusive industrial use. Over time that feeling of being on an old industrial site tucked away at the back of the village will surely recede, but in the meantime it seems to us that SBD accreditation would underline the quality of development.

Environment Agency

- 2.67 We have no objections to the proposal development as submitted. However, we have the following comment/advice to offer: The Environment Agency has undertaken a review of the hydraulic model, reports, and outputs as part of additional information submitted by the Applicant to support this application. This modelling review has concluded that the model is fit for purpose and can be used to support the Flood Risk Assessment. The updated hydraulic model shows the site to no longer be in flood zones 2 or 3 and the Flood Map for Planning will be updated over the coming months.
- 2.68 With respect to sewage capacity issues, if the customer has any concerns regarding the capacity of the sewage network they should raise those concerns with the Local Authority and the Water Company. The Local Authority have the authority and legal responsibility alongside the water company to determine whether or not there is sufficient capacity within the existing sewerage network to allow for additional development. The Environment Agency are responsible for the operation of the system in respect of discharges to the environment. With regard to Combined Sewer Overflows (CSO) spillages, CSO's are designed to operate under specific circumstances i.e. during rainfall events. I would advise that if sewage spilling from the CSO's are observed when it is not raining or not immediately after a rainfall event, they should be reported to the Environment Agency (0800 807060). Once logged the report will be passed to a member of the Land and Water team for further investigation and the appropriate enforcement action will be taken, if necessary. There is no limit to the number of times a CSO can spill but rather the circumstances under which they operate i.e. as long as it's raining, the spill is likely to be permitted.
- 2.69 The Environment Agency has received an application from Northumbrian Water (NWL) to vary the Whitburn permit on Friday 23 September. The application is currently sat with our National Permitting Service (NPS) and awaiting allocation to a Permitting officer who will progress the application. At present NPS has a significant backlog in processing applications, with an average waiting time of 170 days for an application to be allocated to a Permitting Officer. Once allocated to an officer, the actual determination timescales are typically good however timeframes will depend on the type and complexity of the application.
- 2.70 With regard to sewerage system capacity, it is the responsibility of the local Authority and Water company to determine whether there is sufficient capacity in the existing system to support additional development.
- 2.71 To aid your decision making, the Environment Agency has seen no evidence that indicates that the combined sewer overflows (CSOs) are spilling in a way that breach permit conditions. The Environment Agency have questioned NWL about daily return volumes and NWL informed the Environment Agency that there is some groundwater ingress into the tunnel. After receiving this information, the Environment Agency has, on regular occasions, monitored manholes and CSOs at locations that lead into the main tunnel, and has not observed any spills into the tunnel during dry weather. Permit (245/1207) allows for surface waters entering the tunnel, as well as the return of surface water/groundwater to the combined sewer. The Environment Agency has

seen no evidence that indicates any breach of the permit conditions relating to discharges into the tunnel, or returned flows back into the combined sewer.

- 2.72 The Environment Agency is currently investigating a number of Water Companies as part of a National Investigation into Flow to Full treatment. I'm sure you will appreciate that until the investigation is concluded we are unable to comment further. If this investigation uncovers information which contradicts our current thinking, it will be considered and where appropriate reflected in any enforcement action we may choose to take.
- 2.73 In terms of the Whitburn system we have provided spill data to a number of residents and all spills have been assessed and investigated and have either been attributed to groundwater / sea water ingress or attributed to rainfall events as some of the spills recorded occurred during or after a rainfall event. Ongoing regulation and the monitoring of manholes has supported our view that spills are only occurring under permitted conditions. When we have inspected manholes and channels as part of our investigations we found no evidence that the spills highlighted to date have been sewage. As a regulator we are bound by evidential rules which means we require evidence to take enforcement action not assumptions. If any further evidence comes to light we will investigate and take enforcement action where appropriate.
- 2.74 Our records show that we have not received any reports direct to our hotline number for a significant period. Any reports received via complaints have been investigated and either been attributed to groundwater/ sea water ingress or attributed to rainfall events as spills occurred during or after rainfall event. Monitoring of manholes have supported our view that spills are only occurring under permitted conditions.
- 2.75 For clarification; the permit covers the circumstances surrounding the spill not how much is spilled. There is no volumetric limit specified in the permit but rather a requirement that spills occur under specific conditions. Provided spills occur in line with permit requirements, the volume of those spills is outside of our regulatory framework. The system has been designed so that spills which occur under the conditions specified in the permit will be highly diluted and discharged over a kilometre out to sea and as such, will have a negligible impact on the environment due to additional dilution. We can confirm that we have supplied spill data to a number of external parties including Mr Latimer. This data included the date, time of spills and volume discharged however it should be noted that the volumes presented are calculated on run time so present the worst case scenario. We would therefore agree with NWLs comment regarding assumptions made regarding volumes. Our incident reporting system has no record of any pollution incident reports being received in relation to sewerage litter in the Whitburn area since 2012. The Bathing water results for the area have also been excellent for a number of years. Given the local interest in this issue, we would expect that if these spills had been non compliant with the permit, we would have seen evidence of sewerage litter on the surrounding beaches and we would have received a large number of reports informing us of an issue. The absence of any physical evidence and / or pollution reports support our view that the spills are in line with permit conditions and are not sewage but groundwater / sea water ingress.
- 2.76 The European Court of Justice (ECJ) found the UK was in breach of the UWWTD directive in 2012 and required the UK to reduce the number of spills at the Whitburn LSO. The UK did this by initiating the improvement scheme which was completed by NWL in Dec 2017. We are now monitoring the performance of the scheme and reporting this to the European Commission via Defra. The UK and EC are in discussion at the moment as to whether the new scheme meets the ECJ

requirement, we have stated that we will need 10 years of data to statistically show whether the design standard of 20 spills per year on average has been achieved. Our understanding is that the UK believe that the improvement scheme meets the requirement of the European Court Judgement however it is Defra not the Environment Agency who lead on this. We only provide technical advice and report performance to Defra. We would suggest any further queries relating to this matter should be directed to DEFRA directly as they hold more information.

- 2.77 We would expect that NWL as owner and operator of the sewerage network would have sufficient information and plans regarding the current capacity within the system and should be able to inform you as to whether there is sufficient capacity to be able to cope with the addition input from any new development.
- 2.78 NWL submitted information to the Environment Agency on 23 September 2022 to allow us to update the existing permit to include a requirement for Event Duration Monitoring. Event Duration Monitoring is already in place and the variation simply formalises the requirement within the permit to use Event Duration Monitoring to record spills into the environment. We will also take the opportunity to include additional clarification regarding a bifurcation connection to remove any ambiguity regarding how the permit is interpreted. This bifurcation connection was added to prevent internal flooding to 2-3 properties and means that excess storm flows now enter the interceptor tunnel directly at 1 location, rather than indirectly via numerous road gullies.
- 2.79 As owner and operator of the sewerage system, NWL will have all the information they need to understand current capacity. NWL carry the risk that if they accept additional input into the system, this may reduce the existing capacity and in doing so, potentially increase the frequency of spills. If those spills are not in line with the permitted requirements, they will be in breach of their permit and risk enforcement action. STC as the planning Authority will be in receipt of the necessary planning information needed to determine likely inputs from any proposed development. We are confident that as the two organisations legally responsible for assessing whether there is sufficient capacity to cope with additional development, you will factor in the impacts of any additional inputs and the potential impact that these will have on frequency of spills etc when coming to your decision. Many of the concerns raised by local residents regarding capacity of the system fall outside of the remit of the Environment Agency and as a result we have no legal framework with which to add anything else to these discussions.

Natural England

- 2.80 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10 January 2022 (ref. 379022). The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal subject to appropriate mitigation being secured.
- 2.81 We consider that without appropriate mitigation the application would: have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA), Northumbria Coast Ramsar site and Durham Coast Special Area of Conservation (SAC) damage or destroy the interest features for which Durham Coast Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required and should be secured: An agreed and appropriate financial contribution to South Tyneside Council Mitigation Strategy for European Sites (Recreational Pressure from Residential Development). We advise that an appropriate planning

condition or obligation is attached to any planning permission to secure these measures.

- 2.82 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 2.83 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Sunderland City Council

- 2.84 No observations.

Department for Transport

- 2.85 No response received

Marine Management Organisation (MMO)

- 2.86 Information supplied regarding the role of the MMO but no comments provided on application proposals.

East Boldon Neighbourhood Forum

- 2.87 The Forum's comments on the latest amended plans for the 202 dwelling scheme are as follows:
- 2.88 In terms of the inclusion of curved stone wall entrance features either side of the two vehicular entrances to the site from Cleadon Lane, we welcome this amendment but note that no changes are proposed to incorporate seating or semi mature trees in the two gateways to the site.
- 2.89 Regarding *Inclusion of a pedestrian route from the turning head in front of Plots 159/160 to the turning head in front of Plot 163*, we welcome the provision of a direct footpath connection to the North West cul-de-sac. It is stated that the maintenance track is to be shared in part to accommodate this. As touched upon in our earlier comments, in order to utilise this area of the site and provide an acceptable level of useable public space, a footpath should be provided around the full circumference of the basin. The further addition of a short length of footpath from this to the highway adjacent to plot 10 would allow a direct route to be created from the North West Corner to the North East Corner of the site, giving good pedestrian permeability and access to Cleadon Lane and the Tiledshed area beyond. Without well planned pedestrian routes, it is clear that 'desire lines' will no doubt occur in this area, resulting in damage to planting and the grassed areas.
- 2.90 In terms of the inclusion of a 450mm high knee rail around the top of the SuDS basin the applicant confirms that Health and Safety requirements will be met through the detailed SuDS basin designs. The Forum welcome this comment, but wish to understand the analysis of the risk and the mitigations that will be incorporated. The typical suds detail drawing D201 gives three possible scenarios, one of which indicates standing water. What is the actual proposal/detail, and if there is to be standing water, has this been taken into account in relation to H&S concerns? In our previous comments we requested a section through this area of the site and the

adjacent houses so that their relationship was clear and any potential H&S issues identified. This has not been provided.

- 2.91 Concerning inclusion of an area allocated for a natural features play area to the south east of the pumping station, we welcome the inclusion of a small play area into the proposals. It is noted that it is to be located immediately next to the proposed pumping station and very close to the open water course. This location will require careful design to ensure safe access and use of the play area. The applicants state that it will be "natural features play area and that the design of this area is covered by a proposed draft planning condition." EBNF requests full consultation on the design, equipment to be used, funding and maintenance arrangements. The pumping station itself is a large building that could dominate the site and surrounding houses. We have asked for elevations so its relationship with the site and adjacent houses can be understood (and now the playground) can be understood. This has not been provided.
- 2.92 In terms of amendments to respond to highways comments including in respect of the traffic calming in areas of the site and the provision of visitor parking (increased from 51 to 57 spaces and a broader distribution) we note this minor improvement to the parking provision but would reference the comments made in our substantive submission: Visitor Parking falls short of the Council's own policy and that set out in the Neighbourhood Plan. With reference to the highway design, The revised Site Layout plan (SL 01 Rev. E) indicates a semi-circular line in the road outside plot no. 3 & opposite plot no. 81 - what does this marking represent ?
- 2.93 Concerning, the change from one-bed Askham and Denbrough house types to the Askern and Denby two-bed house types and providing the majority of these with two parking spaces, we note the change to utilise the office area as a bedroom and provide the additional car parking space required.
- 2.94 In terms of updates to the gable elevations of the Maltby and Netherton house type to include WC windows at the ground floor we note these minor changes and have no objections.
- 2.95 Concerning updates to the gable elevations of the one-bed apartment blocks to include windows to the bedrooms, we note this change but do not feel that this addresses the issue of security and the need for the footpath in the South West Corner of the site to be overlooked by dwellings. This is a vulnerable area of the site and the provision of a bedroom window in the gable wall does not deal with the concern adequately. Our earlier comments request sections through this area of the site so that the relationship with the railway embankment and variation in levels between the site and the bridleway is made clear. This has not been provided.
- 2.96 In terms of updates to the example bricks on the 'Character Plan' which are consistent with the mix of brown/light red/red bricks previously submitted and the distribution between Character Areas, the revised plan does not indicate any further variation for bricks & roof tiles as requested - only 1 type/colour of brick & roof tile profile/colour is indicated for the Rural Edge & Urban Edge Character Areas. The street elevations provided are unrendered and are not sufficiently clear to convey how the differences in the character areas will appear. Suitable drawings should be provided so that the community can understand what is to be provided and how it will look in reality.

- 2.97 Concerning the update to the Noise Assessment to reflect the changes to the one-bed apartment blocks and minor changes made to plot locations to accommodate traffic calming measures, we have a number of queries and concerns in relation to this:
- i) 2.4m high acoustic fence between south west boundary & the bridleway - the reasons for this fence are understood, but have the safety / security / surveillance issues of pedestrians & cyclists using this bridleway access into / from the estate (particularly during the hours of darkness) been taken into consideration ?
 - ii) Full details of the upgrading of the bridleway from the estate access path to Station Approach, will be required in due course, including surfacing, lighting & levels. Who will be responsible for maintenance of this link?
 - iii) Why is there a need for 2m acoustic fencing adjacent to plot numbers 1, 90, 104, 107.
 - iv) Re the 3m high acoustic fence along south east boundary of site - the very long lengths of fencing will be subject to significant wind loading during adverse weather conditions & will require specialist structural design. Who is responsible for the ongoing maintenance of the long section of fencing (which has no residential boundaries)?
 - v) It is noted that all of the properties situated along the east, south & west boundaries of the site will include some form of acoustic glazing, with many properties having specialist ventilation requirements - will this involve the need for mechanical ventilation in lieu of opening windows?
 - vi) Why do the following plot numbers, which are not around the perimeter of the site, require acoustic glazing? : 3-5, 15, 16, 74-77, 131-134, 153-155.
- 2.98 In terms of the update to the Arboricultural Impact Assessment/Arboricultural Method Statement/Tree Protection Plan to reflect the latest layout including the need to remove further trees on the Cleadon Lane frontage to accommodate the relocation of the footpath/cycle connection in the south east corner of the site away from the existing access to the south, the Forum is concerned at the need to remove further trees from the Cleadon Lane frontage to accommodate the relocation of the footpath/ cycle connection in the south east corner of the site. We understand the request from the Highways Officer to provide further separation from the existing access to the industrial estate and it is noted that both standard and extra heavy standard replacement trees are to be planted adjoining the footpath/cycle path. However, EBNF requests that the Council requires further additional tree replacements around the site to mitigate the loss in this area.
- 2.99 Concerning updates to engineering details including s.104 drainage details, proposed levels details and mdx drainage calculation files, we note that the earlier Flood Routing Plan (RWO D202 Rev.1) indicates the need for 6 underground surface water flood attenuation tanks. The new S104 Details plan (RWO 801 Rev.3) only indicates 2 of these tanks. How has it been possible to achieve this reduction & has this been justified/approved by NWL & EA ? The revised Typical Suds Details plan (RWO D201 Rev. 9) no longer indicates the 2 underground surface water attenuation tanks adjacent to the Suds basin. Is this correct?
- 2.100 In terms of amendments previously requested by the Forum which have not been made they would comment as follows:
- 2.101 The applicant has advised that following internal discussions it is not proposed to fence off the watercourse within the central open space. EBNF would support the view that a 450mm trip rail fence should be provided if this is a H&S issue.

- 2.102 The applicant has investigated the potential to incorporate further trees on the stretch of road serving Plots 1-21 and the opportunities are limited. However, they have managed to accommodate further feature shrub planting in the front of Plot 20. EBNF support the view that additional trees should be provided to this area of the site, but also trees should be provided to the highways across the whole of the site in line with the EBNP's Design Code.
- 2.103 The applicant is not proposing any additional crossing points such as central refuges on Cleadon Lane as these have not been identified as required from a highway's perspective. Notwithstanding this the applicant advises that the speed limit on Cleadon Lane is proposed to be reduced to 30mph and with the raised tables at the site entrances will further slow traffic and assist the ability to cross the road. EBNF believe this issue should be referred back to the Road Traffic Engineer for further scrutiny. This issue affects a wide section of the community; the young, the old, people with disabilities, wheel chair users and those pushing buggies.
- 2.104 The applicant advises that elevation details for the pumping/sub-stations and apartment cycle/bin stores could be satisfactorily covered by appropriately worded planning conditions. EBNF have requested details of this large building and how it sits in relation to the adjacent houses. Elevations and site sections should be provided in order to understand its impact on the site, the nearby houses and the newly proposed playground. We do not believe that this issue can be adequately dealt with by leaving it to a planning condition.
- 2.105 The applicant advises that they have consulted with their arboricultural consultant and unfortunately it is not considered feasible to protect and retain further trees on the site due to their location, condition, and the work on-site required in proximity to them. EBNF appreciate that it is not possible to retain every mature tree that currently exists on the site. However, where it is necessary to remove mature trees, we believe that there should be adequate reinstatement and compensation. Where possible, this should include the provision of semi mature specimens. We have commented that the landscaping provision for the site as a whole is inadequate. Failure to fully address the removal of mature trees adds to this concern.
- 2.106 We can confirm that EBNF has not been contacted by the applicant/developer prior the submission of the latest amendments or the previous and current application, nor has there been any contact with the wider community. The need to work with the community through Master Planning to develop proposals for this particular site was a key requirement of the Neighbourhood Plan. This has not happened and residents will be saddened by this approach which seems to be opportunistic and to undermine their chance to influence the type of development in the area.
- 2.107 This is the third scheme put forward for the site. The number of dwellings now proposed has increased from 196 to 202 units. The current scheme is now altered by the amendments set out above. Although two of the amendments proposed, the provision of a play area, and improvements to the footpath connections in the North West corner of the site, addresses some of the objections previous raised by the EBNF, many, many issues raised by the Forum remain unaddressed and it is important that our previous submission is taken into account in considering whether planning permission is granted.
- 2.108 Among the issues set out in our previous comments below we would highlight the following:

- The Housing Mix fails to address local need
- There is insufficient useable Public Open Space when the extent and design of the SUDS basin is taken into account and it is difficult not to conclude that too many dwellings of the wrong sort have been proposed.
- Landscaping and tree planting is insufficient, and concerns around ecology have not been adequately addressed.
- The location of Affordable Housing is non-compliant with NPPF.
- The design of the flats is not suitable for young families or old people.
- There continues to be major concerns over the effect of sewage and the dependency of pumping stations.
- Visitor car parking does not comply with the Council's parking standard or the policy set out in the Neighbourhood Plan.
- The numbers of cars/trips generated may have been underestimated, and the effect of this on queueing, noise and air quality is a major issue in a village such as East Boldon .
- As mentioned above, there is an absence of Community Engagement as envisaged by the NPPF and set out in the Neighbourhood Plan.
- Streets are not designed with the trees and grass verges as envisaged by the Neighbourhood Plan's Design Code and planning guidance. Again, it would seem that this is to reduce public space so that more houses can be developed on the site.
- There is a lack of information in terms of the drawings provided. EBNF have requested key drawings so that the public can understand how the design addresses the site and its topography. These have not been provided.

2.109 The effect of the number of houses proposed: on school places and services; on queuing, air pollution and noise; and, on the environment remains a major issue and concern for EBNF. The applicants state that a draft of the Section 106 legal agreement is to be circulated, EBNF requests access to this draft agreement as soon as possible. The agreement will contain important details relating to the impact of this development on the local community and EBNF wishes to be satisfied that the agreement will cover all elements that we have requested.

2.110 The Forum's previous comments on the application are set out below including their comments on the first iteration of the current 202 dwelling scheme which are outlined in bold.

2.111 The scheme that has now come forward is significantly changed from the previous submission and East Boldon Neighbourhood Forum (EBNF) acknowledge that improvements have been made. The reduction in the number of dwellings has afforded the opportunity for greater open space/landscaping. The landscaped area which now runs from the Suds basin through the centre of the site is particularly welcomed, as is the 5m buffer which now abuts the green belt to the North. The layout also responds more positively to Cleadon Lane, and the separation that is now provided between the dwellings and the remaining, noisy, industrial premises is a positive revision. Access to the bridleway (Public Right of Way) which runs parallel to the railway line from the South West corner of the site, allows greater pedestrian connectivity, and is also a positive step forward.

2.112 There are, however, many issues that remain problematic. East Boldon Forum hope that these can be addressed in a positive way so that further improvements can be made resulting in an acceptable solution that both reflects NPPF and the policies set out in the East Boldon Neighbourhood Plan. These issues are dealt with in turn below:

- 2.113 **In the current planning submission for 202 dwellings, the applicant hardens the argument with regard the Council's current failure of the Housing Delivery Test, referring to a Committee Report on an application for 127 dwellings on employment land at Lukes Lane, Hebburn (ST/0882/221/FUL). Once again, they argue that as a result, weight given to the South Tyneside Local Development Framework (LDF) policies should be reduced. However, they also go on to argue that the East Boldon Neighbourhood Plan should be afforded no weight in the determination of the application, but go on to say that 'Avant Homes has sought to comply with and reflect the policies and principles of the EBNP wherever possible in revising the proposals....'.**
- 2.114 **EBNF acknowledged that further refinements have been introduced, most notably in respect to a more varied palate of materials and detailing. These improve the scheme still further. There are, however, many issues that remain problematic and these are touched upon below. EBNF contend that the Neighbourhood plan (NP) is an up-to-date policy document, entirely consistent with the NPPF, and overwhelmingly supported in a referendum in 2021. We urge the Council to continue to take into account the policies and design guides within the NP when assessing this revised submission. We urge the applicant to engage with the community and provide a housing mix that reflects local need.**
- 2.115 In terms of **community engagement** and clarity of information provided, following a request from Lichfield Consultants, representatives of East Boldon Neighbourhood Forum met Avant Homes in May to discuss the amended scheme that has now come forward. We highlighted a number of issues in relation to the Neighbourhood Plan and asked about Community Engagement. We were told that the public would have the opportunity to comment on the proposal by way of the Planning Application process and no other engagement was planned.
- 2.116 Great weight is given in the NPPF to collaborative working throughout the evolution of a proposal especially in relation to design. Para 132 calls for early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes and the need for clarifying expectations and reconciling local and commercial interests. It states that 'applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community'. Policy EB10 seeks to do just that by involving the community in a Masterplan process.
- 2.117 Many of the issues that continue to adversely affect the amended scheme would have been resolved had this approach been adopted. Scrutiny of the scheme is made more difficult by the absence of a number of important documents and drawings, not least a revised Design and Access statement. In many respects the statutory consultation process seems premature and hurried without this information.
- 2.118 **The current application again fails to be based on any community engagement as envisaged by the NP or the NPPF. There has been no further discussion with the Neighbourhood Forum or the community since the first scheme was submitted. Although a Design and Access Statement has now been submitted and some street elevations provided, there continues to be issues concerning how the scheme will look when built out. For instance, it is extremely difficult to understand how the area of the SUDS Basin and the Pumping Stations will look.**

- 2.119 **EBNF requests that the Council continues to encourage the Applicant to engage with EBNF and the local community so that the views of local residents are taken into account. In addition to Para 132 of the NPPF, the National Model Design Code part 1 states in point 19: The National Planning Policy Framework is clear that design policies should be developed with local communities, so they reflect local aspirations.**
- 2.120 **Loss of employment land;** The East Boldon Neighbourhood Plan (EBNP) recognised the need to support the continued use of the estate for main employment uses. (Paras 7.11 -7.14) This position was supported by the Independent Examiner, who stated that if a housing scheme was brought forward in advance of the Local Plan, it was reasonable for the EBNP to seek justification for the loss of employment land. Policy EB10 of the approved EBNP states that: “The applicant must also demonstrate that there is no need or demand for the existing employment related uses. Evidence should include details of the comprehensive marketing exercise undertaken.”
- 2.121 As requested, the applicants have provided more information on the need and demand for the existing employment uses on the site. They state that the site has two active short term leases. The first is the sawmill business in the south west corner operated by North East Machinery Services. The second is to Vertu Motors in the south west portion for the storage of motor vehicles. They also state that the phasing of the housing development will allow these businesses to continue operating until their lease comes to an end. It is assumed that the remaining active uses on the site for container storage and aggregate storage are under the control of the site owners.
- 2.122 The applicant also refers to the intention of the Council to de-allocate the site for employment purposes and allocation of the remaining part of the industrial estate for general economic development as part of the emerging Local Plan. It is noted that consultation has only just commenced (June 2022) on the draft plan and no decision has been made, or will be made for some considerable time. 3.4 The applicant has also confirmed that the landowner has actively marketed the site for a significant period of time and provided links to the marketing website. They state that no interest has been reported. EBNF requests that this statement is verified and checked by the Planning Authority.
- 2.123 **The applicants provide further information about the marketing of the site for employment uses and update on the two current users, Vertu Motors and North East Machine Services. The latter employs 6 people and will leave the site in 3 years and is aware of the need to relocate.**
- 2.124 **EBNF requests that the Council considers Policy EB10 carefully when considering the loss of employment land and jobs.**
- 2.125 **Housing position;** the applicants refer to the 2021 Housing Delivery Test results published in January 2022 and argue that the consequences of Government actions place more prominence on releasing the site for housing development. They argue that for short housing supply needs (The Borough only has a housing land supply of 2.05 years) and for avoiding Green Belt release, their site provides a valuable opportunity to the Council. They also compare the site to one south of Argyle Street, Hebburn which the Council has approved as part of its brown field first policy.
- 2.126 The applicants have reduced the number of housing units from 245 to 196 in this revised application. While the Forum welcomes this reduction, it is noted that the

proposed numbers will take up the vast majority of the assessed housing need for the village, and this will be in the early part of the Neighbourhood Plan period (the plan was informed by a Housing Needs Assessment which was endorsed by the Examiner. The HNA determined a figure of 12 dwellings per year for East Boldon and this equates to 192 dwellings over the 16-year period 2020-2036.)

- 2.127 Although Policy EB12 supports the delivery of new housing within the plan's settlement boundary (and Cleadon Lane Industrial Estate is within this boundary), the impact on the infrastructure of the village by this proposal remains a strong concern of the Forum and we set out further details later in our response.
- 2.128 **The applicant has hardened the argument that the Council's Development Plan Policies should be afforded little weight and the NP should be disregarded because of the Authority's failure to meet the Government's targets in terms of housing numbers and an adequate three-year supply of housing land.**
- 2.129 **EBNF contend that the Neighbourhood plan (NP) is an up-to-date policy document, entirely consistent with the NPPF, and overwhelmingly supported in a referendum in 2021. We urge the Council to 1) continue to take into account the policies and design guides within the NP when assessing this revised submission, and 2) encourage the applicant to genuinely engage with the principles of good design as set in the NPPF documents.**
- 2.130 **Policy EB12 does support the delivery of new housing within the plan's settlement area but the impact on the infrastructure of the village remains a strong concern of the Forum. The applicant and the Planning Authority will be aware of the worries of residents expressed in the initial feedback information which accompanies the application. Congestion, Road Safety, Air Pollution, Effect on Schools and Services have all been highlighted and continue to cause concern.**
- 2.131 **Phasing**; the Forum notes the proposed phasing plan. The applicants informed us that their build out rate would be around 40 houses per year. In view of the importance of completion numbers in both meeting the three year housing requirement and the local housing needs, the Forum requests a detailed estimate of the build out rate.
- 2.132 **EBNF is grateful to receive confirmation of phasing and build out rates.**
- 2.133 **Avant Homes confirms that it anticipates that the build out rate for the site is anticipated to be between 30 no. and 35 no. dwellings per annum subject to prevailing market conditions. This would result in an anticipated overall build programme of 6.5 years and 7.5 years allowing for lead in periods for site works before first occupations at the site.**
- 2.134 **EBNF notes that phase one will contain a significant majority of the houses to be built (120 out of the 202), and will rely on one vehicular entrance to the North of the site until phase 3 is completed. Also, the pedestrian route to the bridleway will not be available to residents until phase 2 is complete, perhaps some 5 years into the project. Pedestrian access to the site will, therefore, be limited to a route along Cleadon Lane, entering the site via the access road at the Northern end of the site. Until the very end of the scheme the footpath on the Western side of Cleadon Lane is likely to be affected by site traffic and construction work.**

- 2.135 **EBNF requests that the Council and its Highways Section, in considering this application, gives careful thought to how the scheme would operate for pedestrians and cyclists during the construction phase, and how and when the improvements to Cleadon Lane will be carried out. EBNF has concerns over this issue and how Cleadon Lane will operate for residents. For instance, if pedestrians are required to use the footpath along the Eastern side of Cleadon Lane it may be necessary to provide crossing points in order to achieve an acceptable level of road safety.**
- 2.136 **In addition, there needs to be clarity and agreement on how site traffic will be directed to the site so as to avoid major disruption, noise and pollution to an already congested village which has existing houses, shops and schools built alongside the highway.**
- 2.137 In terms of **implications on the weight of the East Boldon Neighbourhood Plan**, the National Planning Policy framework (NPPF) sets out a series of conditions that follow the situation of a failure of the Housing Delivery Test. We are currently in a conflicting situation. On the one hand, we have a very up to date Neighbourhood Plan which contains policies to meet its identified housing needs. On the other hand, the local planning authority does not have at least a three year supply of deliverable housing sites. This is an extremely frustrating position for the Forum, as the lack of a three year supply is not in our control.
- 2.138 The applicants argue that a reduced weight needs to be taken account of the policies in the Neighbourhood Plan when considering the merits of the planning application. Indeed, rather than seeking the best outcome, the Applicant seems to rely on this argument.
- 2.139 The Forum would respectfully remind the Council that the East Boldon Neighbourhood Plan was supported at referendum by 95% of those residents who voted and that the turnout was very strong at 42%, and is underpinned by rigorous community involvement, the robustness of which was recognised by the Independent Examiner.
- 2.140 The Forum also would point out that the policies within the Neighbourhood Plan and its Design Code are based on NPPF and National Design Guide documents. The background papers that sit behind the Plan are a testament to this, as is the fact that the plan was scrutinised very recently by an Independent Examiner. In terms of best practice, the plan invokes recognised guidance such as Building for a Healthy Life, The Manual for Streets etc.
- 2.141 In view of this the Forum would urge the Council to continue to take into account the policies and design guides within the Neighbourhood Plan when assessing this revised submission.
- 2.142 **Although the applicant claims that no weight should be afforded to the NP, the response document which accompanies the application states that notwithstanding this, 'Avant Homes has sought to comply with and reflect the policies and principles of the EBNP wherever possible in revising the proposals for the redevelopment of the site. This aims to demonstrate a willingness to accommodate the provisions of the EBNP where appropriate and feasible given the time and effort that the EBNF has put into its preparation...'. NBNF acknowledges that in part, the current and third application does go some way toward addressing a number, but not all of the policies set out in the NP and its Design Code. We are grateful for this, and for**

the endeavours of the Planning Authority to engage with Neighbourhood Planning as envisaged in the NPPF and Guidance.

- 2.143 **Housing mix**; this does not meet the required mix identified in the East Boldon Housing Needs Assessment (2019) (HNA). This indicated a substantial portion of residents over the age of 65, a lower proportion of one person households compared to South Tyneside as a whole, and that the current provision of specialist accommodation for the elderly was not sufficient to meet the projected need. The Forum's HNA identified a housing split for new houses as: 26% 1 bedroom; 42% 2 bedroom; 32% 3 bedroom; and, 0% 4 bedroom properties. The proposed scheme offers 0% 1 bedroom; 18 % 2 bedroom; 43% 3 bedroom; 35 % 4 bedroom; and, 4% 5 bedroom properties, and no provision is made for specialist elderly accommodation. Once again, the applicants argue that this should be seen in the context of the Council's current housing position and the severe 5-year housing land supply shortfall. They argue that the policies on housing delivery and housing mix in the East Boldon Neighbourhood Plan should be afforded limited weight. The Forum would point out that the EBNP contains the most up to date assessment of housing needs and has recently been approved by referendum.
- 2.144 **It is noted that the current application has now been amended so that the housing mix proposed is: 14.4% 1 bedroom, 25.2% 2 bedroom, 33.7% 3 bedroom and 26.7% 4 bedroom. Although more smaller properties are now included in the current application, over a quarter of the houses proposed are to be 4-bedroom properties. The housing mix continues to be both out of step with the Neighbourhood Plan (NP) and the needs of people who live in South Tyneside. The housing offer will be unaffordable for many and inappropriate for most local people.**
- 2.145 **Paragraph 8.7 of the East Boldon Neighbourhood Plan refers to the housing mix and the identified need in the Forum Area and states: A key role for the Neighbourhood Plan is to provide a policy framework to support the provision of a mix of homes to meet local needs. The East Boldon Housing Need Assessment provides evidence to illustrate the required mix of new homes across the plan area and identifies:**
- **Home ownership is the most common tenure in the plan area, whilst privately rented homes have increased their share significantly between 2001 and 2011 – this suggests a rising demand for rented properties and also that there should be a greater emphasis on delivering homes for private rent and shared ownership;**
 - **There is a lower proportion of one person households compared to South Tyneside as a whole and of these, a substantial proportion are aged 65 and over. The recommended housing split for new dwellings is: 1 bedroom – 26%; 2 bedrooms – 42%; 3 bedrooms – 32%; 4+ bedrooms – 0%.**
 - **The current provision of specialist accommodation for the elderly is not sufficient to meet the needs of the projected elderly population. There is a need to deliver an additional 64 bed spaces to 2031.**
- 2.146 **The NP identified a need in terms of an aging population. The emerging local plan has also identified this issue and the particular needs of an aging population across the Borough. Para 2.13 of the draft Local Plan states; 'Key conclusions of the Strategic Housing Market Assessment (SHMA) (2021) are that there needs to be a broader housing offer for older people across South Tyneside and there is a significant need for more affordable housing'.**

- 2.147 This issue is also highlighted by the Census information issued in June 2022 by The Office for National Statistics. This indicates that In South Tyneside there has been an increase of 15.1% in people aged 65 years and over, a decrease of 5.4% in people aged 15 to 64 years, and an increase of 3.9% in children aged under 15 years.
- 2.148 The proposed housing mix does not include any bungalows or 'retirement apartments. However, the applicant states: *'that the proposals do include a proportion of 1-bedroom properties in the form of houses and flats which would meet the need for one person households, of which a substantial proportion are currently for over 65s in East Boldon, as identified in Table 8.1 of the EBHNA. These will offer the opportunity for older residents who would like to remain in East Boldon to downsize from their larger properties. These will include market and affordable tenures, including some ground floor flats.*
- 2.149 Where the applicant puts forward proposals which offer properties for the elderly, it is essential these are suitable and to an accessible standard. For example, the applicant puts forward the suggestion that Ground Floor Flats of the 3-storey apartment blocks could be used for elderly people. This may not be suitable for many elderly residents where the floors above are occupied by young families and they are required to share a common entrance.
- 2.150 EBNF urges the Council to give particular attention to the housing mix so that it meets the needs of residents. It is important that each phase of the development is representative (in terms of housing mix). Phase 1 contains 120 houses: only 13 of these are linked to an 'affordable' category, and a large proportion seem to be 3- and 4-bedroom dwellings, many of which will have additional 'home work' rooms.
- 2.151 **Affordable housing**; the applicants are exercising their ability to reduce their affordable housing requirements by using Vacant Buildings Credits, which they calculate reduces their requirement from 25% to 16.4%. This results in proposals for 33 affordable units. These are distributed in small clusters as they say this is a preferred arrangement for Registered Providers for management and maintenance reasons. EBNF is particularly concerned that there is a high concentration of affordable dwellings in the South West corner of the site creating a separate enclave. The Forum does not think that this distribution contributes to a varied community arrangement and seems to be contrary to National guidelines. The Local Authority is requested to give further consideration to this aspect. It is noted that in the main, the affordable properties put forward do not seem to comply with Nationally Described Space Standard.
- 2.152 EBNF note the increase in this provision from the previous application, which is welcomed. We continue to have concerns however, over the distribution of these properties. 17 of the Affordable Rent properties are located in close proximity to one another within the 32 houses that make up phase 2 of the proposal. Of these, 12 are located in two, 3 storey blocks of flats which sit next to one another. Would it be possible to split these blocks up? For instance, could the two bedroom block flats be located in the area occupied by plots 95 to 99? This would give good surveillance to the cycle route without the need to rely on 'rear entry properties' with private space only on one side.
- 2.153 Currently we make the following assessment: Phase 1: 5 number Affordable Rent, 5 number First Home, 5 number DMV Homes. This equates to 15 out of

120 properties, or 12.5% of the properties in phase 1 being of an affordable category.

- 2.154 **Phase 2: 15 number Affordable Rent and 2 number DMV Homes. This equates to 17 out of 32 properties, or 53%. of the properties in phase 2 being of an affordable category.**
- 2.155 **Phase 3: 6 Affordable Rent, 3 First Home, 5 DMV Homes. This equates to 14 out of 50 properties, or 28%. of the properties in phase 3 being of an affordable category.**
- 2.156 **As can be seen, the distribution is skewed so that the majority of the affordable properties are provided in the later phases of the project and a significant majority will not be available for 5 or 6 years after commencement at the projected build out rate. EBNF request the Planning Authority to look at this issue in the context of the advice set out in the NPPF and Guidance.**
- 2.157 **Nationally Described Space Standards (NDSS);** this requirement seems to be brushed over by the applicant, but has consequences especially for the affordable properties included. As stated, most of the house types put forward for this element do not seem to comply. NDSS state double bedrooms should have a floor area of at least 11.5 sq. m. and single bedroom 7.5 sq. m. A minimum width dimension for bedrooms is set out, as is the minimum gross floor area of a dwelling, depending its height, number of bedrooms and occupancy.
- 2.158 For instance, the Eastburn (7 affordable dwellings), is a 2.5 storey dwelling where the second-floor area is affected by the constraint of the roof slope. NDSS is area prescriptive in relation how floor areas and heights are assessed and measured where room-in -the-roof areas are put forward as bedrooms. Two double bedrooms are shown indicating a 4 person house type. It has a gross floor area of 74.7 sq. m. To comply this should be 79 sq. m. Its first floor double bedroom also does not comply having a floor area of 11.1 sq. m. (should be 11.5 sq. m.). The first floor live/work room has a floor area of 6.65 sq. m. (against 7.5 sq. m.), for a single bedroom space and its dimensions and layout make it non-compliant as a bedroom. The house type has no effective built-in storage other than a cupboard at second floor level. The vast majority of the under eaves storage at second floor level that is indicated is below 900mm and is not counted as gross floor area.
- 2.159 The Thirsk (8 affordable dwellings) is a two storey, two bedroom dwelling. One bedroom is shown as a double room the other has no bedroom furniture shown. This second bedroom is 8.5 sq. m and is non-compliant as a double bedroom. The bedroom shown with furniture has a floor area of 9.5 sq. m and is also non-compliant as a bedroom (should be 11.5 sq. m). The gross floor area of the dwelling is 52 sq. m. If this is put forward as a 4 person property, the floor area should be 79 sq. m, and if it is put forward as a 3 person property then the floor area should be 70 sq. m. In both cases the gross floor area is non-compliant. The bedrooms do not comply with the area required for double sized rooms and the house type does not offer any built-in storage.
- 2.160 The remaining affordable properties are provided by two bedroom, 4 person apartments arranged in three storey blocks. Each block has 12 properties and there are three blocks, a total of 18 dwellings. Each floor level has two different house types. a Fairford and a Burford. The Burford has a floor area of 70.3 sq. m. and is compliant in terms of gross floor area. The Fairford has a gross floor area of 66.8 sq. m. and is non-compliant (should be 70 sq. m.). All bedrooms are compliant. The

dwelling, however, do not offer storage or practical space for pushchairs, kiddies' paraphernalia or cycle storage. As apartments, they are inflexible and do not offer practical and well designed accommodation for young families. Nor do the upper apartments offer suitable accommodation for elderly residents, having no lift. Clarification is needed concerning how refuse and bin storage is to be dealt with in connection with the apartment blocks.

- 2.161 Regarding house types generally, the applicant should be required to clarify on the layout drawing schedule, the number of persons each house type is intended for, not just the number of bedrooms, and to highlight the gross floor area of each dwelling (as they have for the Fairford and Burford house types). Bedroom spaces that are counted as such should be clearly indicated with furniture on the house type drawings. If live/work rooms area also counted as bedrooms, this should be made clear. For instance, house types Askern, Fernlee, Ripon, Saltaire and Thornton appear also to count live/work areas as bedrooms (but bedroom furniture is not shown). This is important for several reasons, but especially in relation to NDSS.
- 2.162 The issue of NDSS non compliance is not limited to affordable properties. For instance, the Askern house type (10 properties) has a gross floor area of 65.6 sq. m. This should be 79 sq. m. if it is intended to be a 4 person house, and 70 sq. m. if it is to be a 3 person house. As referred to in the paragraph above, the second room at first floor is called a live/work space but in the layout schedule it is counted as a bedroom. The live/work space, or bedroom is 10.2 sq. m., and is non compliant as a double bedroom. The applicant should be required to state which other house types do not comply with NDSS.
- 2.163 As with the Burford and Fairford house types clarification is needed concerning how refuse and bin storage is to be dealt with in connection with all properties across the site, in particular how bins are to be collected/dealt with where there are private drives.
- 2.164 **The applicant states: ‘We recognise that there have questions about the compliance of the proposals with NDSS. Whilst it is considered that no weight can be attributed to the EBNP requirement for dwellings to be NDSS compliant under Policy EB12 Avant Homes has committed to providing all the proposed dwellings on the site being NDSS compliant’.**
- 2.165 **EBNF welcome this commitment to comply with NDSS as a minimum standard. EBNF request that this is ratified by the Planning Authority.**
- 2.166 **The applicant puts forward eight house types/properties that include a Live/Work (LW) area. A total of 87 dwellings are now provided with a L/W area. The applicant puts forward the case that L/W areas should not be classified as bedrooms and therefore not counted in order to identify the parking requirement for each house. EBNF is not unsympathetic to this approach as to some extent it reflects EB9, which in part states: ‘Where planning permission is required development proposals that support homeworking, such as the creation of workspace for home-run businesses will be supported where it can be achieved without significant impact on the built and natural environment and residential amenity’. Most of the rooms put forward for L/A spaces fall well below the area required for a bedroom space in terms of National Described Space Standards (NDSS) and therefore should not be classified as a bedroom. However, Denborough (3 number) and Askham (14 number) house types include L/W spaces that are sized 9.3 sq. m. and 10.1 sq. m. respectively. It is difficult to see how a case can be made that these rooms will not be used as**

bedrooms and EBNF believes they should be counted as such. This does not only affect the car parking provision required, but also amends the 'housing mix' that is put forward.

- 2.167 **EBNF requests that the Planning Authority seek clarity over this issue and agree with the applicant a proposal which reflects our concerns over this aspect.**
- 2.168 **We would also point out our continuing concerns over the practicalities of apartments for both young families and older people. Storage and practical space for pushchairs and kiddies' paraphernalia such as bikes and scooters are essential. Ground floor provision for these things should be made where there is no lift. The apartments seem inflexible and do not offer practical and well-designed accommodation for young families. In the absence of a lift, the upper apartments do not offer suitable accommodation for elderly residents, while the ground floor flats could also be problematic for reasons touched upon above**
- 2.169 **Flood risk and drainage;** the applicants have submitted a new version of the Flood Risk Assessment prepared by RWO. This assessment includes a Flood Zone Review report prepared by Envireau Water. This proposes to re-zone the site as Flood Zone 1. This requires agreement by the Environment Agency and so the Forum requests confirmation of this as soon as possible.
- 2.170 **Transport;** the applicants have made available the response from their consultants, SAJ to a response commissioned by the Council from SYSTRA. The Forum welcomes the clarifications sought by SYSTRA on behalf of the Council relating to vehicle trip generation, the impact on current traffic queues at East Boldon metro station. It is noted that there is reference to reducing the speed limit on Cleadon Lane to 30 MPH. It is also noted that the applicant's consultants refer to a lower build out rate of 30-35 houses per year, making it a six year development. We would refer to our earlier request for clarity on this.
- 2.171 It is also noted that the impact of IAMP 2 on the local road network has been raised and that dialogue between both sets of consultants could continue. The Forum requests that it receives an update from the Council on the issues raised in these responses as soon as possible.
- 2.172 The issue of traffic, its impact on air quality and queuing at the Tilesheds and East Boldon rail crossings remains a major concern to our members and the wider community. The volume of traffic on the B1299 is already excessive at peak times and the addition of significant numbers of additional cars will only exacerbate that.
- 2.173 **EBNF remain extremely concerned over this issue. We are sceptical of the number of vehicles identified that will use the site, and the number of trips generated. The Ward has one of the highest car ownerships in the North East and with over 26% of properties proposed being 4 bedroom, we believe the trend of high car ownership will be replicated on this site. The original scheme seemed to be assessed on one vehicle per dwelling; however, the applicants have not presented a definitive figure on the number of vehicles which this revised scheme will generate. The issue of car ownership and a realistic assessment of numbers generated by the site and the housing mix must be the basis for understanding the impact of motor vehicles on the road infrastructure and the community. As stated, East Boldon has developed alongside, and in many places hard up against the road network. Houses, shops, churches and**

schools are located next to the highway. Additional cars will have a significant effect on people, including noise and air pollution. A realistic assessment of this aspect is essential to the well being of residents. We are also concerned over the issue of queueing and remain unconvinced that the analysis set out in the application is accurate or representative. We believe that the Local Authority needs to look more closely at this issue.

- 2.174 In terms of **layout design, pedestrian connectivity and active travel** the Forum raise a number of comments as set out below.
- 2.175 **South west corner of the site**; a key feature of the revised layout is the introduction of a pedestrian connection in the southwest of the site to the existing Public Right of Way (PROW) which runs parallel to the railway line. The current change in level between the PROW and the site suggests that an access ramp will be necessary at the transition. There is no doubt that this will become a major pedestrian route into the site at all times of the day, leading as it does to the shops, metro railway and bus stop for the No 30 service. Surface treatment and street lighting from the site up to the point of the highway must be given due consideration as part of the proposal. These aspects should form part of any planning permission.
- 2.176 The houses that are located in the South West corner of the site are extremely close to the railway line that carries the Metro Railway, the diesel-powered Northern Trains passenger service from and to Middlesbrough, and heavy freight trains. The verification by the Local Authority of the information provided by the applicant in respect to noise attenuation etc. is of critical importance, as is the need to understand the impact of vibrations on the dwellings from these separate sources. The visual impact of the 3.m and 2.5 m high acoustic fences in this area of the site is important to understand in assessing the suitability of the proposal. Sections and elevations that show the fences in relation to the houses should be required. This is especially important in relation to the properties that are adjacent to the railway line where there is a difference in level between the PROW and the site. For instance, is the 2.5 m fence to be placed at the higher level in order for it to be an effective barrier?
- 2.177 **EBNF welcomes the improvements to provide street lighting and re-surfacing to the major pedestrian and cycle route in the South West corner the site. There is poor surveillance of the route as it enters the site and users may feel vulnerable and be at risk, especially late at night. It is not overlooked by dwellings for a stretch of 35m from the boundary of the site. Each of the three storey blocks present gable ends to the footpath in this zone. It would be beneficial if one, or both of the three storey blocks could be re-orientated and turned through 90 degrees so that a frontage overlooks the pedestrian route. An additional benefit would be that the gables of the blocks would then be presented to the railway line, helping to mitigate the problem of noise.**
- 2.178 **We ask the Planning Authority to check again the noise aspect in respect of the three-storey block in this location. We believe the blocks in the previous scheme did present their gable to the railway line. The current scheme changes this relationship, and the height of the three storey blocks may render any sound barrier less effective compared to a two storey dwelling.**
- 2.179 **Road and footpath design (cul-de-sacs)**, the revised scheme now incorporates footpaths for significant areas of the development, is less reliant on cul-de-sacs and has a better connected road network. This is an improvement on the original scheme. However, two of the remaining cul-de-sacs offer poor access for pedestrians. Firstly,

the cul-de-sac in the North West Corner that abuts the Suds Basin: This seems to deny pedestrians a direct route to Cleadon Lane and requires them to walk in the opposite direction along a much longer route that follows the road network. A footpath connection from the end of the cul-de sac to the adjacent hammer-head (next to the pumping station) would alleviate this. Secondly, the central cul-de-sac in the Eastern half of the site adjacent to Cleadon Lane: Similarly, pedestrians requiring access to Cleadon Lane are required to walk in the opposite direction along a much longer route that follows the road network. This could be overcome by providing footpath connection from the cul-de-sac across the landscape area into Cleadon Lane. In both of these instances, if the footpath connections are not provided, in all probability some people will follow a desire line and create their own unauthorised access, creating damage and conflict.

- 2.180 **EBNF welcomes the improvements giving greater accessibility to pedestrians and cyclists and notes the new access points onto Cleadon Lane.**
- 2.181 **We welcome in particular the 3m wide footpath/cycleway that gives the opportunity for pedestrians and cyclists to leave the highway and enjoy some 'open space' free from vehicles for a short section of the site. For the area around the SUDS basin to work as Public Space it requires access, and extending the 3m footpath/cycleway into this area would have been a very good way of doing just that. At the same time the cul-de-sac in the North West corner could have been given a direct pedestrian route toward Cleadon Lane. However, the detail layout showing the extent of the basin and the levels involved reveal that none of these things are possible**
- 2.182 **Pedestrian Connectivity adjacent to the site;** As touched upon in our response to the original scheme, consideration and clarity is needed in relation to a number of issues outside of the site boundary that affect movement. Crossing Station Road, east of the rail level crossing is problematic for pedestrians, especially for those in wheelchairs. The new pedestrian route for the South West corner of the site increases the need for this to be addressed. The proposed treatment of the footpath along Cleadon Lane is not made clear. This path will need to be extended and possibly resurfaced. Is this to be included? In order to address the need of pedestrians who wish to cross the busy Cleadon Lane, for example to reach the bus stop, it seems necessary to provide a crossing point/island between the footpath on either side. Is this addressed or included?
- 2.183 **EBNF welcome the additional measures now proposed for Cleadon Lane, including a 3m shared pedestrian footway/cycleway to be provided along the West side of Cleadon Lane, and raised junction tables provided at both proposed junctions with Cleadon Lane to reduce vehicle speeds.**
- 2.184 **Although it is proposed to reduce the speed limit, EBNF continue to have concerns over the safety of pedestrians crossing from one side of Cleadon Lane to the other. As touched upon above, it would seem that for most of the construction phase pedestrians will be obliged to use the East side of Cleadon Lane. For most of that time, which could be 6 or 7 years, access to the site will be confined to the entrance at the North end of Cleadon Lane. It would seem sensible, therefore, to provide a pedestrian island near to the Northern site entrance. This issue is of particular concern to residents with disabilities, the elderly who might have mobility problems, and younger children.**
- 2.185 **The issue of how residents are able to cross Station Road, East of the Railway line is highlighted in the blue text above.**

- 2.186 **EBNF requests that the Council and its Highways Section, in considering this application, gives careful thought to how the scheme would operate for pedestrians and cyclists during the construction phase and beyond, and how and when the improvements to Cleadon Lane will be carried out.**
- 2.187 **Shared surface area and private drives without footpaths;** The incorporation of footpaths generally is welcomed. There remains however a section of shared surface centre/west of the site. Could this be looked at so at least an uninterrupted footpath on the West side of the street is provided? The Manual for Roads in Section 7.2.12 states: Consultation with the community and users, particularly with disability groups and access officers, is essential when any shared surface scheme is developed. Early indications are that, in many instances, a protected space, with appropriate physical demarcation, will need to be provided, so that those pedestrians who may be unable or unwilling to negotiate priority with vehicles can use the street safely and comfortably. The other concern is that the shortage of visitor parking space may mean that these areas (including private drives) will facilitate indiscriminate parking causing a hazard. There seem to be a considerable number of private drives. How will maintenance and street lighting be addressed? If lighting is not provided by the Authority will this cause a security issue ('secured by design') and be a risk to pedestrians?
- 2.188 **EBNF welcomes the provision of designated footpath throughout the latest submission. It also welcomes the statement that the applicant will work with the Authority to ensure that the needs of those with disabilities are met in full. EBNF continue to be concerned over the potential for indiscriminate parking and how this may impact pedestrians and cyclists. Will private drives be lit?**
- 2.189 **Landscaping and Open Space;** The Forum welcomes the Council's recommendations to the applicants to make improvements in line with the East Boldon Design Code. The 5 m buffer zone to the northern boundary is an improvement to the original scheme and will provide a soft transition into the Green Belt. The Forum also welcomes a further landscape buffer to Cleadon Lane. A landscape strategy is submitted to show the species of trees, shrubs and other plants to be planted in the different areas. The Forum requests the views of the Council on their suitability for the site. The site adjoins the Tiledsheds Burn Local Wildlife Site to the North West and is within the Green Infrastructure Corridor under Development Plan Supplementary Planning Document SPD 3. The applicants state that a Local Wildlife Site Assessment, dated, February 2022, prepared by OS Ecology is to follow. The Forum requests a copy of this report as soon as it is available.
- 2.190 **The Council commented on the lack of POS on the original layout and the applicant claims that a '*linear open space area/corridor through the site*' is now provided. The detailed plan of the SUDS area, which makes up most of the open space area, has now come forward and indicates the true extent of the basin. This casts doubt on the amount of useable public open space being provided. The response document explains that a footpath connection from the North West cul-de-sac can't be provided because of the levels involved in the SUDS basin area. It would seem that falls into the SUDS basin start almost immediately from the near-by highway and reach a depth of around 2.75 m. This means that there is no useable area around the basin for public enjoyment or robust tree planting/landscape. There are no sections/elevations provided to illustrate this aspect of the proposal, or the adjacent pumping station, but in effect most of the areas is taken up with a large hole and mechanical plant.**

- 2.191 **The landscape proposals that have come forward seem to offer little to respond positively to the point made above concerning the adjacent Local Wildlife Site and Green Infrastructure Corridor. The ecology report seems not to take account of a number of factors. This aspect is discussed in the Ecology section.**
- 2.192 **We have concerns over the detail of the fence design proposed for the Northern boundary (described as a stock proof fence). The detail appears to use a small square mesh, possibly plastic. This seems at odds with the recommendations elsewhere in the submission which identifies the provision of 130mm holes to give permeability for small mammals etc. The detail and the material used should be scrutinised by the Planning Authority.**
- 2.193 **Trees;** The revised layout still requires the removal of 10 mature trees, two tree groups and a section of another group. The area of tree group 4 to be removed has been clarified, however the remaining part of this group remains outside the application site. The Forum considers that our request to reconsider the impact on mature trees within the site has not been acted upon. Tree lined streets - The Forum notes that no attempt has been made to create tree lined streets or incorporate grass verges. The reliance of trees planted within curtilage as a substitute is unsatisfactory. The suggested legal arrangement to safeguard the trees is not considered a sustainable alternative and will undoubtedly result in conflict between the Local Authority and house owners in the future.
- 2.194 **The applicant confirms that tree lined streets and grass verges will not be provided, arguing the need for *'balancing the efficient use of land with securing well-designed, attractive and healthy places, as set out in the NPPF (paragraph 124)'*. This argument flies in the face of design advice contained in the NPPF, Guidance and National Codes which recognises the importance of creating beautiful places and the part that can be played by incorporates trees and planting as part of a well-designed highway.**
- 2.195 **Avant Homes proposes to utilise a combination of trees planted in public areas adjacent to roads and trees planted in the front gardens of plots to create green frontages through the redevelopment. The trees in public areas would be maintained by a private management company and the trees in front gardens would be covenanted for retention in sales documents for the relevant plots.**
- 2.196 **EBNF believe a greater level of tree planting is necessary throughout the site and considers that the proposal put forward needs to be improved for it to reach an acceptable standard in terms of visual amenity, and for it to contribute effectively to the habitat and ecology gain. For instance the tree planting around the SUDS basin lacks any ambition and seems a missed opportunity.**
- 2.197 **Green Belt Boundary to the North of the Site;** With regard to the 5m landscaped area has been introduced along the whole of the Northern boundary: For the Western section of this, a back-to-back arrangement of dwellings has been utilised allowing the properties to front onto the Green Belt and the landscaped area. This arrangement works very well as it allows the landscape area to contribute positively to the open space within the site as well as providing a transition between the site and the green belt. The landscape area also allows the opportunity for some visitor parking and facilitates view from within the site toward the green belt and beyond.
19.2 The applicant states that for the Eastern section of the Northern boundary this arrangement is considered to be a problematic in design terms. Properties along this

section are placed between the landscape area and the access road, turning their frontages away from the green belt. As a consequence, the landscaped strip is concealed and isolated by the properties that back onto this section of the Northern boundary. The landscape area therefore makes no contribution to the amenity of the site as a whole and runs the risk of being poorly maintained or subsumed into the rear gardens of the dwelling at a future date. In addition, views toward the green belt from inside the site are obstructed. The potential of the landscape area to make a significant contribution to design of what is a major gateway into the site is also lost. Currently, the design of the site entrance at this point is considered to be poorly designed. The inclusion of the landscape area immediately behind the entrance road would give every opportunity for a more acceptable solution. Whilst acknowledging that also adopting a back-to-back arrangement along the whole of the Northern boundary and allowing all dwellings to present a frontage to the green belt may result in the need for some compromises elsewhere, the Forum requests that this issue is given further consideration by the Planning Authority.

2.198 The latest scheme does not address this issue.

2.199 Central Open Space; EBNF welcomes the increased open space within the centre of the site. The area around the SUDS basin has potential to provide space which the community could enjoy. The current proposal does not seem exploit this opportunity and it is impossible to appreciate how this area will work. Simplistically, it would benefit from a circular footpath around its perimeter with connections to the footpath network. This would allow improved pedestrian connectivity from the North West cul-de-sac. It is recognised, however, that there may be a safety issue with the SUDS basin itself which requires it to be isolated from the landscape area around it. As part of this area, the plan indicates an area of 14m x 14m for a pumping station, including a hardstanding for a tanker. The arrangement for the pumping station could be obtrusive and unsightly if not sympathetically designed and detailed. The applicant should be required to provide further information and details of how this area will be designed, including a proposal which allows the area to be enjoyed by the public, prior to planning permission being granted.

2.200 The applicant has now provided further details of the SUDS basin which gives an indication of the extent of the basin and the levels involved. No sectional or elevational information is provided, though an explanation is now given concerning how the SUDS basin will operate (all surface water will be discharged to a water course via a pumping station and the SUDS basin).

2.201 The landscape strategy drawing needs to be scrutinised against the true extent of the basin as there may be a discrepancy between it and the SUDS basin layout drawing that might prevent the tree planting, limited though that is.

2.202 EBNF have serious concerns about this aspect of the design. It would seem that because of the extent and the levels involved with the SUDS basin, there is little opportunity for it to be used for public amenity. Indeed, it would seem that there may be serious Health and Safety issues associated with the proposal. The depth indicted appears to be in the order of 2.75-3.00 meters, with sloping sides that terminate close to the road network and footpaths. We also believe that the basin will retain water for some or all of the time. At times of prolonged and excessive heavy rain, we assume the SUDS basin may be full or near to capacity as there is a limitation to the proposed discharge rate. See section 26 Sewage below.

- 2.203 **The fact that the so-called ‘open space’ can’t be used or effectively enjoyed by the public, and may indeed represent a health and safety risk, undermines the credibility of the scheme put forward. The extensive area of the basin is to be planted with meadow mix and there will be little visual attraction, especially as there is insufficient space for adequate tree planting. Useable public space which can be enjoyed by those who live there is not provided by this area. Instead, we are presented with a hole in the ground that is devoid of trees, that does not offer any visual amenity, containing a little or a lot of water in it, representing a possible risk to young children.**
- 2.204 **EBNF ask that the Planning Authority 1) require further information in connection with the SUDS basin and how it will operate in different conditions, 2) require the applicant to provide sections/elevations through the SUDS and pumping station areas to show how they relate to public areas and houses, and 3) investigates the potential of any Health and Safety issues that might cause harm to the public.**
- 2.205 **Gateways into the site;** The site entrance from the South East has been afforded more generous landscaping and there is good potential to create an inviting gate way into the site at this point by the inclusion of well-designed signage, semi mature trees and shrub planting. Within this area, perhaps on the northern corner of the entrance, there is scope to incorporate some seating for the community use (a place where people could rest, sit and chat). Details of this gateway, including how it responds to people’s needs, should be required as part of the planning permission.
- 2.206 The North East entrance to the site is afforded less landscaping. Views to the green belt area obstructed by the dwelling that are located along the Northern boundary (see 2.2 above). The entrance is dominated by the proximity of the dwellings and their (unadopted?) driveways on either side. No opportunity has been taken to create ‘a sense of place’ or an area that offers something to the community. Pedestrians are given little consideration and ‘desire lines’, which will cut across the landscape along Cleadon Lane, will, no doubt, accrue. EBNF request that further thought should be given to this area.
- 2.207 The Gateway entrances to the site are fundamental feature to achieve ‘good design’. Planning permission should be subject to further refinement of these areas.
- 2.208 **EBNF recognises that the applicant has responded to comments concerning the two gateways into the site, and a curved planted hedge with a tree at each side of the entrance road is now provided. However, the hedge itself does little to emphasis or signpost either entrance as it merely replicates an extensive use of hedging elsewhere on the site, and may well look unkempt unless it is maintained to a very high standard. EBNF request that instead of hedging, the curved feature is executed in a limestone boundary wall detail and a seat is provided at each gateway. We are unsure of the tree specification (an ornamental street tree EHSTD) specified, but it is important that the trees in question are of a size and species that will contribute to the visual amenity from the outset. We ask that the Planning Authority discuss these requests with the Applicant.**
- 2.209 **Ecology;** Once again, the applicants state that an Ecological Assessment, dated May 2022, prepared by OS Ecology will follow. The Forum requests a copy of this report as soon as it is available. This also applies to the Habitats Regulations Assessment and the Biodiversity Net Gain Calculation also prepared by OS Ecology.

We will submit a full response to these aspects as soon as more information is made available.

- 2.210 **EBNF is concerned that the Ecological Impact Assessment: 1) fails to take account of wider picture and admits that *'further work is required to assess the impact of development on the nearby sites'*, and 2) fails to demonstrate an understanding of the effect of development of Wildlife Corridors. For instance, there is no reference to the Wildlife Corridors Review produced by Burton Reid Associates for the Local Authorities of Gateshead, South Tyneside and Sunderland released on 11 December 2020 which names Boldon Flats LWS, Tiledsheds LNR and all waterways including the waterway on site as 'Core Sites'. The report emphasises the railway embankment's importance as a Secondary Feature within the wider landscape, highlighting the importance of providing connectivity and permeability between core sites of Boldon Flats and Tiledsheds LNR. Nor does it refer the Ornithological Desk-Based Assessment 2016 which highlights the status of Boldon Flats as one of the best birding sites in the entire region.**
- 2.211 **Permanent human occupancy will have a major impact on the wildlife corridors and there must be a meaningful attempt to address this that goes beyond token ecological gain. The Biodiversity Net Gain Assessment itself states: *The trading rules have not been met in this instance as there are losses in woodland habitats of 0.32 units. Within the proposals, there are a number of urban trees proposed, as well as woodland edge planting equating to a total of 16.55 units. Given the nature of the habitats being lost, which are largely thin belts of woodland rather than habitats of significant size, complexity or diversity, it is considered that the extent of replacement trees and scrub on site addresses the small loss of woodland to the proposals. Hardly an ambitious statement which aims to address a very complex picture!***
- 2.212 **The railway embankment currently plays a major part in connectivity and this will be weakened with permanent 24/7 human occupancy of the site. To compensate, the new landscape provided must be planned in a way that maximises connectivity, and be of a sufficient standard so that it works asap, not in fifteen years hence, when it has matured to some extent. It is extremely disappointing that the applicant refuses to provide tree lined streets interspersed with grass verges.**
- 2.213 **The Ecological Impact Assessment also fails to discuss 1) the impact of all surface water from the site being discharged into the water course, either in terms of benefits or risk from pollutants affecting Tiledshed Nature reserve or entering the river Don, further down-stream, or 2) Foul sewage entering the water course in the event of the pumping station ceasing to function.**
- 2.214 **With regard to the Neighbourhood Plan, a vast amount of up-to-date local detail and environmental information sit behind its policies. The Ecological Impact Assessment also fails to demonstrate that it has reviewed any of this information. It is difficult not to conclude from the above that the Ecological Impact Assessment may not be fit for purpose.**
- 2.215 **Architecture and Materials;** The amended scheme fails to respond to the points made by EBNF in relation to the repetitive, bland architecture of the previous scheme. The failure to provide a revised Design and Access statement that explains how the current proposal responds to NPPF and the EBNP, and the comments made

in respect of the original scheme, indicates an unacceptable lack of ambition to achieve good architecture and create a beautiful place where people are put first.

- 2.216 The explanation in the applicants covering letter, that hipped roofs are provided in response to the Council's concerns; while the justification for unvarying materials and monotonous detailing is the referencing of the properties immediately on the West side of the railway line, noting that they have grey tiles and are predominantly red brick. This is an inadequate response. In reality only 9 properties are provided with hipped roofs in the amended scheme, and for clarity, the properties to the west of the Railway line have grey slated roofs, not tiles. The properties to the west of the railway line, although the closest, do certainly do not represent the extent of the built environment in East Boldon.
- 2.217 The use of standard house types employing the same detailing and the same materials across the whole of the site is at odds with the East Boldon Neighbourhood Plan. Policy EB3: Design, calls for development to conserve local distinctiveness by demonstrating high quality design which both respects the existing character of the area and responds to the distinctive character of the village. Development will be supported where it 'Reflects the incremental and phased development of the village including its diverse range of architectural styles and avoids repetitive development proposals'. This amended scheme does not achieve any of these requirements.
- 2.218 The phasing of the development gives an ideal opportunity to reflect different architectural interpretations and materials, and in so doing would allow a more distinctive and incremental design solution. A more imaginative approach to the use of different materials in order to create small areas of interest, or recognisable reference points to aid navigation, would also be easy to achieve and help enhance the proposal.
- 2.219 EBNF believes that currently this aspect is a major obstacle in achieving an acceptable solution. The proposal does not respond to the distinctiveness of the village and offers architecture that is uninteresting and monotonous.
- 2.220 **EBNF recognise that the applicant has rethought the architectural solution and the scheme that is now put forward is a significant improvement. Three separate zones are proposed: A Rural Edge, Village Green, and Urban Edge. These will have different elevational features and material treatments to house types. EBNF welcomes these changes but consider that with regard to elevation treatment, additional variation should be provided in two of these character areas. In the Rural Edge and Urban Edge character areas, only one colour of brick and one type & colour of roof tile is specified (reference drawing SL07 Rev A).**
- 2.221 **There is also a greater use of hipped roofs which will add further interest. Although there are some concerns about where the zones start and finish, EBNF welcome these changes which are more in keeping with the NP and its design code.**
- 2.222 **We continue to have concerns, however over the street scene and how this will be adversely affected by inappropriate parking and the absence well planned visitor parking interspersed with trees and grass verges.**
- 2.223 **The relentless proliferation and sole use of hedge planting as a boundary treatment also gives cause for concern. The maintenance of this feature will be costly. Is the specification suitable? Who is responsible for the hedging and is**

it covered by the maintenance agreement referred to in the application? How long will the maintenance agreement last and what happens when it ends? From a design view point, the appearance of the scheme would be vastly improved by the use of low height limestone boundary walls in some strategic locations such as the intersections of streets, especially given the heights and limited maturity of the hedge planting specified, and its inability to prevent pedestrians may 'cutting corner'.

- 2.224 **We ask the Planning Authority to give further consideration to this aspect.**
- 2.225 **Vehicular Parking;** The applicant states that the parking levels across the site broadly meets requirements for on-plot parking but fails to deliver the 1 visitor parking space per 2 dwellings as set out in the NP. The applicant also acknowledges that the visitor parking standard do not accord with the Council's SPD6 Parking Standards which require 1 space per 3 dwellings. Only 35 visitor parking spaces are provided. This equates to just more than one space for every 6 dwellings. For clarity the Councils own standard would require 65 visitor spaces and the NP would require 98 spaces. The main justification put forward by the applicant for the under provision of visitor parking is the imperative to deliver housing numbers. EBNF have explained the rationale behind their policy, and the need for adequate parking is set out in guidance referred to in the NPPF and the Manual for Streets. Without a sensible provision the proposal will undoubtedly be adversely affected by unplanned parking, the street scene will be blighted and may become unsafe for cyclists and pedestrians alike. The point made by the applicant that if the requirement for visitor parking was to be met, then the streetscape would be unattractive ('have significant and detrimental impacts on visual amenity'), is a moot one. The inclusion of visitor parking within a grass verge interspersed with trees is a recognised solution to this very issue. The Manual for Streets in Section 8.3.12 refers to this approach: 'An arrangement of discrete parking bays adjacent to the running lanes is often the preferred way of providing on-street parking. It has little effect on passing traffic and minimises obstructions to the view of pedestrians crossing the street', and is referred to in the NP and design guide.
- 2.226 **The applicant states: '*...the Applicant has sought to provide all plots with parking that is consistent with the standards set out in Policy EB23 of the EBNP to demonstrate a willingness to provide an appropriate level of car parking for residents. This approach discounts integral garages counting as parking spaces due to their internal dimensions being below those specified in Policy EB23, although detached garages are included*'.**
- 2.227 **EBNF welcomes this commitment. However, is seems nonsensical to discount garages because of their, as yet, un-fixed size. The effect of this seems to push garages deeper into the plot using up valuable garden space. Is it not possible merely to increase the depth of the garage so that it can accommodate a car and a bike?**
- 2.228 **The applicant also states: '*The on-plot parking proposed for dwellings will be a mix of side, rear, and front parking, with some grouped parking in courtyards for the apartments. Electric vehicle charging will be provided for dwellings as part of the redevelopment in accordance with Part L of the relevant Building Regulations*'.**
- 2.229 **EBNF notes that rear parking, for example plot 134 and others, results in the parking remote from the dwelling and the main entrance to the house. This is**

inconsistent with EBNP and results in an inconvenient and poorly overlooked parking provision.

- 2.230 **Visitor parking:** We note the number now proposed. This does not comply with the Council's standard or the NP. As previously stated, without a sensible provision the proposal will undoubtedly be adversely affected by unplanned parking, the street scene will be blighted and may become unsafe for cyclists and pedestrians alike. The point made by the applicant that if the requirement for visitor parking was to be met, then the streetscape would be unattractive, is a moot one. The inclusion of visitor parking within a grass verge interspersed with trees is a recognised solution to this very issue. The Manual for Streets in Section 8.3.12 refers to this approach: 'An arrangement of discrete parking bays adjacent to the running lanes is often the preferred way of providing on-street parking. It has little effect on passing traffic and minimises obstructions to the view of pedestrians crossing the street', and is referred to in the NP and design guide.
- 2.231 The main justification put forward by the applicant for the under provision of visitor parking is the imperative to deliver housing numbers. This should not be done at the expense of road safety and good design.
- 2.232 There is also a concern that Metro users may park within the development, when the station car park is at capacity. This already happens in the parking bays on Cleadon Lane which serves the industrial estate.
- 2.233 **Cycle Storage;** The requirements for this are clearly set out in the Neighbourhood Plan. It is difficult to understand how this is to be met. Will garages, where they are provided, be used. If so, will the size comply in each case with the NP? What is to be provided where garages are not provided? The Forum requests confirmation of this aspect.
- 2.234 The applicant states: *'With regards to cycle parking provision, integral garages which have been discounted as car parking spaces provide cycle storage and therefore external sheds are not required for these plots'*. EBNF acknowledge that the security afforded by a garage structure and the ability to charge E bikes is welcomed. However, as stated in our comment above, it seems nonsensical to discount garages because of their, as yet, un-fixed size and a better solution would be to increase the depth of the garage so that it can accommodate both a car and a bike?
- 2.235 The applicant goes on to state: *'Where plots would have detached garages or no garages, they will be provided with external secure 2.5m x 1.5m sheds in the rear garden. The size of these sheds has been discussed with the Council's Highways team andthe size of the sheds to be an acceptable form of secure cycle storage provision as part of the redevelopment. If the sheds were increased in size they would become overly dominant within the rear gardens of the proposed dwellings'*. Where detached garages are provided EBNF suggest that the best solution would be for the garages to be increased in size so they can accommodate both bikes and a car, thereby providing secure storage and the charging facility for E bikes.
- 2.236 Transport assessment now relies on the assumption that people will, and should, use cycles as a means of transport. Without adequate and secure provision for bike storage this is unlikely to happen. The NP provides an up-to-

date policy in this matter and we request that the Planning Authority reflect Government Policy in considering this aspect.

- 2.237 **Sewage;** We have been informed by the Planning Authority that Northumbria Water has confirmed that capacity is available for foul sewage. However, a storage tank, pumping station and parking arrangements for tankers to visit the site is deemed necessary. In addition, a SUDS Basin is provided which will see surface water diverted to a local water course. Forum members and the wider community are concerned about this aspect and seek clarity on how the system will work and what will happen if the pumping station fails. They want to know who will maintain it and who will be responsible for its going forward. We are concerned over how any additional sewage may contribute to the problems of discharge elsewhere in the Borough. We are also concerned if there is a chance that foul sewage may be discharge into the stream (watercourse) if there is a mechanical or electrical failure. The applicant must be required to give assurances to the community in respect of these concerns.
- 2.238 **We note the applicant's response to community concerns over this issue and their statement that '*...NWL has commented that there is sufficient capacity within their network for the proposal to connect to in terms of foul water drainage*', and '*...In terms of potential discharges into the sea and watercourse from the wider sewer network outwith the site, NWL is satisfied with the proposals*. Assurances from NWL will not be sufficient to satisfy the concerns of many people over this issue while there continues to be sewage discharges at the coast.**
- 2.239 **The issue of untreated sewage discharge into the sea at times of prolonged heavy rainfall, when the drainage system as a whole cannot cope, is self-evident and it is an inevitable conclusion that further development without commensurate investment in new infrastructure can only make matters worse. The applicant claims that there will be '*betterment*' because all future surface water from the site will be discharged into the watercourse, and not into the combined sewer, which is the present arrangement. The case is made that this will compensate for the additional foul sewage produced by the 202 new houses and which will enter the existing combined sewer. EBNF believe that this claim must be scrutinised and substantiated based on actual site survey information and not desk top analysis.**
- 2.240 **The applicant also states: *The site will have a foul pumping station located in the central area of open space. The foul pumping station is being provided solely to ensure that foul sewerage can reach the connection point to the wider foul sewerage network that has been agreed with NWL. It does not affect the flows of foul sewerage entering the network. Once the pumping station is complete this will be adopted and operated by NWL which will also maintain it.***
- 2.241 **It follows from this statement that the foul sewage system is not gravity fed at the connection point into the combined sewer and relies on the operation of the pumping station to achieve this for approximately half of the proposed dwellings.**
- 2.242 **We note that the revised Flood Risk Assessment and Drainage Strategy is still being finalised but residents will be concerned to understand the consequences of a mechanical or electrical failure. To what extent is there storage for foul drainage on site and if there is a catastrophic event, what happens if the system can't cope.**

- 2.243 **As stated above, we note that surface water will discharge to the watercourse onsite, via a SuDS network, and then surface water pumping station. The surface water pumping station is only proposed due to levels on the site. It will limit the discharge rate into the watercourse, and will not treat or affect water quality before it is discharged into the water course. Is this the case? If it is, could contaminants from the site leak into the water-way? The basin is extensive, there is little space around it and appears to have a depth of 2.75 m. Whilst we understand that there will be underground tanks, will there be constant standing water in the basin? Has a risk assessment been carried out? Is there a danger to young children? Will the basin be fenced in? EBNF seeks confirmation and clarification on the operation of this. For instance, how many times will the basin be flooded and to what depth? What will be the consequences of a mechanical or electrical failure? We note the highways are designed to hold flood water, when will this happens. What are the consequences if the highways reach capacity? How will the inclusion of filter drains on private drives and provided elsewhere operate, what is their purpose and who will be responsible for maintenance.**
- 2.244 **As stated elsewhere, the supporting documents do not provide sections through the SUDS basin or elevations of the pumping station. It is almost impossible to visualise the appearance of these elements and how they relate to the surrounding area or houses. EBNF believe that further information should be requested before the proposal can be properly evaluated.**
- 2.245 **EBNF continue to have major concerns over this aspect and while we accept that there may be issues beyond its control, we believe the Local Authority has a duty on behalf of current and future residents to consider this application in a wider context and look closely at the issues raised above. The absence of a revised Flood Risk Assessment and Drainage Strategy does little to reassure us.**
- 2.246 **Postscript: We are grateful now to receive a revised Flood Risk Assessment (received 7/12/2022). Unfortunately, this has come too late to allow consultation with members of the Forum and a response will be sent separately asap.**
- 2.247 **Ground Conditions;** We understand that further information has just come forward giving a clearer picture of the whole of the site. We hope that this can be made available asap. We continue to be troubled by the fact that contaminants will be retained on the site, especially given that the SUDS basin is now included, and the open watercourse is adopted.
- 2.248 **EBNF welcomes the fact that the Council's Environmental Health team has asked for application of planning conditions requiring further investigative survey work, the submission a detailed Remediation Strategy based on this updated survey work, and a verification report to demonstrate the effectiveness of the remediation, and a requirement to notify the Council of any contamination found during redevelopment and plan to deal with it. Given that contaminants will remain on the site, we welcome this requirement and the Applicants agreement to it.**
- 2.249 **We remain concerned however, over the risks identified to the Tiledsheds Nature Reserve, and to wildlife, from pollutants entering the water course from the site. While we note the applicant's statement that these can be mitigated,**

we ask South Tyneside Council to require that the testing of the water entering the stream is commenced immediately at the start of the construction phase and not delayed until any permanent facility is commissioned.

- 2.250 **Conclusion;** Although improvements have been made, the proposal still requires further work in order for it to become acceptable, even in terms of NPPF and the best practice design guides it contains. In addition, we contend that the proposal should reflect the Neighbourhood Plan and demonstrate how it does that (a Design and Access Statement is necessary). The imperative to address the Council's Housing Delivery Test failure should not be at the expense of good design. The Neighbourhood Plan is an up to date document, well supported by the community, and should not be overlooked. Paragraph 134 of the NPPF states: 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.' Paragraph 134 goes on to state: 'Conversely significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'
- 2.251 **As stated above, EBNF acknowledged that further refinements have been introduced, most notably in respect to a more varied palate of materials and detailing. These improve the scheme still further. There are, however, many issues that remain problematic, not least is the impact of the SUDS basin and how this diminishes useable Public Space, or the concern we have over the housing mix.**
- 2.252 **EBNF contend that the Neighbourhood plan (NP) is an up-to-date policy document, entirely consistent with the NPPF, and overwhelmingly supported in a referendum in 2021. We urge the Council to continue to take into account the policies and design guides within the NP when assessing this revised submission, and we urge the applicant to work constructively with the Planning Authority to achieve the best design outcome for the site and the residents of East Boldon.**
- 2.253 **In terms of the Built Environment and Energy EBNF acknowledge that, in accordance with STC planning policy, Avant Homes will achieve a further 10% reduction in CO2 emissions on this development, over & above statutory requirements. This will be achieved by enhancements to the building fabric & services, & by the addition of photovoltaic panels to a portion of the development. We request that further information is provided about the number, size & location / distribution of the photovoltaic panels, throughout the site."**
- 2.254 **We note that the changes to the Building Regulations introduced in June 2022 will affect the development, but these are interim measures moving toward the government's Future Homes Standard planned for 2025. A key part of this is that all new builds are capable of being net zero in terms of operational carbon when the grid decarbonises. The Future Home Standard will have a significant effect on the development and the design of the dwellings proposed. Does the current proposal anticipate these further changes and are the current house future proofed so that they could achieve net zero?**

- 2.255 **Regarding loss of the Green Belt Para 4.29 of the Response document indicates that the SUDS work will take place within the Green Belt. We seek clarity over this as we are unsure of what this refers to. There appears to be no change to the original boundary that identified the site as 'brown field'.**
- 2.256 **The applicant states that the telecommunications mast which is to be removed has technology which is now redundant and so its removal will not impact on reception in the local area. Has this been verified by the Local Authority?**

Internal Consultees

Traffic and Road Safety

- 2.257 **Amended plans and/or additional information required:** Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted.
- 2.258 The latest amended submission has been reviewed. Whilst overall the scheme layout is now considered to be generally acceptable, there are minor matters remaining with the development layout. These will need to be addressed either prior to planning permission being granted or added as conditions for the necessary details to be discharged thereafter. The matters are as follows:
- Provide section of footway around the western junction radii opposite the gable end of plot 55 to provide a segregated footway connection to the newly proposed children's play park area for residents living to the north. Extend footway a minimum of 10m west from the radius tangent point.
 - Due to the lack of public utility service margin width around the perimeter of plots 38 & 39, this may impact on utility companies getting apparatus connections to plots 39-43 inclusive. Please note that utility services cannot be laid longitudinally along any adoptable carriageways and where this is proposed, it will result in that section of the estate road remaining private and will not be adopted by the Highway Authority.
 - Extend adoptable service margin at end of adoptable highway (turning areas) to 2m minimum at plots 39; 154 and gable end of plot 163 (SuDS maintenance access).
 - Plot 152 - Widen driveway by to double width (plus allowance for fence) to assist shortfall of visitor car parking provision in the area (potential obstruction of adjacent turning head).
 - Plots 14 & 29 – Driveway widths adjacent fences require increasing (allowing vehicle occupants to step out onto paved area)
 - No visitor parking provision for plots 3-5; 13-17; 92-94; 95-99.
 - Plots 134-152 (plus houses opposite) - Poor visitor parking provision.
 - Plots 170-181 – Poor visitor parking provision.
 - Plots 59, 60 166, 167 & 181 - Lack of wheelie bin routes from rear of properties to front due to narrow driveways or lack of paved footway areas adjacent to driveways (numerous across site).N.B. - All plots other than plot 181 can be accommodated by widening the driveway across the remaining slither of grassed area between adjacent driveways.
 - Show 2.4 x 25m visibility splays at junction between plots 116 and 133.
 - The detail of the 0.6m high low stone wall proposed adjacent to the highway / adoptable highway land, as shown on drawing 5206/BT/01, shall be amended to

exclude any encroachment of the wall foundation onto highway / adoptable highway land.

- Some changes are required to plots 114 and 115 as these in part currently impinge upon adopted highway areas that would be retained for use by occupiers of the remainder of the industrial estate to the south of the site.

2.259 In addition to the above, the following notes are considered relevant to the scheme, although the planning authority may not require them to be covered by planning condition.

- N.B. - The exact arrangement of traffic calming fronting plots 3 and 81 to be approved as part of the s38 Agreement technical approval process.
- N.B. - Some transition ramps onto raised traffic calming tables are shown too long and will need to be shortened. This can be dealt with at the s38 technical approval process.
- N.B. - Surface materials on the adoptable estate road areas are not agreed at this stage and will require full technical review at the subsequent s38 Agreement drawing submission.
- N.B. - Additional areas of s38 adoption will be required to ensure utility cabinets are not installed in the footway or shared footway/cycleway routes. Additional areas of adoption will also be required to necessitate street lighting and signage adjacent to the shared cycleway/footway routes. It is appreciated that the necessary utility information may not be available at this time to establish the additional areas.

2.260 In terms of car parking SPD6 parking standards require 2 spaces per dwelling maximum, with 1 in 3 visitor parking provision. The SPD6 is considered outdated in modern parking standards terms and is a maximum standard, which is contrary to NPPF (2021).

2.261 East Boldon Neighbourhood Plan residential car parking standards (EB23) require: 1 off-street parking space for 1 bed dwelling; 2 off-street parking spaces for 2/3 bed; and 3 off-street parking spaces for 4+ beds. Visitor parking provision would be 1 space per 2 dwellings, to be distributed evenly across the site (on or off street). For apartments – reduction in spaces by 1 space per 4 residential units but include VP spaces.

2.262 Whilst the Neighbourhood Plan in-plot curtilage parking requirements are considered reasonable, the visitor parking space provision is too generous and would impact severely on the street scene due to the frequency of required VP spaces and the unlikely ability to accommodate them on the site frontages along the estate roads between plot accesses. If the visitor parking spaces could be accommodated at that ratio, then it would likely result in an almost continuous line of vehicles parked along the plot frontages, interfering with visibility for drivers emerging from driveways, and vehicles being parked regularly in front of lounge windows, which is to be avoided, as it results in annoyance and dispute between neighbours and residents parking their own vehicles in the visitor spaces (avoiding strangers or neighbours parking in front of their window, hence resulting in the unnecessary loss of effective visitor parking spaces.

2.263 Notwithstanding the specific points mentioned below on car parking matters, the site is conveniently located close to the East Boldon metro station with Non-Motorised User (NMU) links being improved to the station as requested previously by the Highway Authority. Additional bus stops, with associated shelters, benefitting from

the existing hourly service, are being provided on Cleadon Lane to the frontage of the site, as well as improvements to the existing east-bound bus stop on the B1299 (west of the level crossing) by way of level access, accessible compliant kerbing, together with other improvements to encourage sustainable trips associated with the development.

- 2.264 On balance, the visitor parking ratio proposed is considered reasonable providing those spaces are distributed evenly across the site. This will require further design work by the developer to amend the current layout. There will also be a requirement to increase parking at certain sensitive locations on the layout where potential carriageway or footway parking will interfere with highway safety or the manoeuvring of service vehicles, such as near junctions, bends and at turning heads. It may be possible to increase in-curtilage parking to overcome issues at certain locations.
- 2.265 Cycle parking provision appears to be generally acceptable in terms of shed provision where no garage exists on the plot, or as added provision where garages are minimum standards.
- 2.266 Where garages are available on plots, they will be required to accommodate cycle parking provision and the garages will need to be of insufficient size to accommodate cycles. East Boldon Neighbourhood Plan stipulates a minimum cycle parking provision of 1 x bike storage space (BSS) for one-bedroom dwellings; 2 x BSS for two and three bedroom dwellings; and 3 BSS for four or more-bedroom dwellings.

2.267 Off-Site Highway Works Requirements;

- Construction of new estate road junctions with Cleadon Lane, laid out as a raised table format across Cleadon Lane;
- Construction of 3m wide shared cycleway/footway along Cleadon lane development frontage (LTN1/20 compliant), leading southward toward junction of B1299, including tie-ins to carriageway at each end, together with associated works (to enhance segregated off-carriageway cycleway provision and further encourage sustainable trips);
- Gateway feature on Cleadon Lane (north of the northern most estate road junction) required to calm vehicles entering the village (exact location to be agreed).
- Review, upgrade, provision of new street Lighting on Cleadon Lane, between junction of Tile Shed Lane leading southward to junction with B1299.
- Amend Traffic Regulation Order (TRO), reducing speed limit from 40mph to 30mph on Cleadon Lane carriageway (Extending the residential limits of the village and therefore 30mph limit for the safety of pedestrians crossing the road and other road users travelling the route).
- Amendment of TRO in respect of parking restrictions on Cleadon Lane relative to new junction positions, closure or redundant accesses and provision of bus stop.
- Closure of existing redundant vehicular accesses and reinstatement of kerb lines, footway, verge areas, boundary treatments, lining, etc.
- Resurfacing works to carriageways/footways, where impacted by proposed off-site highway works.
- Inclusive mobility connectivity between site and local facilities, metro station and bus stops (Cleadon Lane and B1299), including dropped kerbs (0-6mm face), tactile paving etc at accesses/junctions along the routes.

- Connectivity to Bridleway running along south-western boundary of site (adjacent railway line) and upgrade bridleway, including lighting, to provide suitably surfaced sustainable connection to metro station.
- Provision of new bus stops on Cleadon Lane (including shelters) fronting the development site and improvement of existing bus stops on the B1299, providing level access kerbing / clearway plates / markings, together with associated works.

- 2.268 **Transport Technical Note – Nexus (15/08/2022); Access to Bus;** Whilst the locations of the two new bus stops on Cleadon Lane have been agreed with Nexus, the locations and design of the works, including other off-site highway works, will be subject to a Road Safety Audit (RSA) process, which may alter the design, depending on the findings of the RSA at that time. It is assumed that reference to Appendix 'D' in this section was meant to be Appendix 'B'
- 2.269 Appendix 'B' is considered generally acceptable at this time, notwithstanding possible additional RSA requirements. The footways around the junction to be a minimum 3m width to avoid cyclists and pedestrian conflicts when cyclists enter and exit the estate road from the route (raised as issue in a RSA for another site recently). The shared 3m route is also required to extend to the frontage limit of the development area to the north-east corner of the site, with dropped kerbs for cyclists to get to/from the carriageway.
- 2.270 STC Highways previously mentioned that the bus services on Cleadon Lane are infrequent, being only hourly. It was therefore requested that the level access kerbing be provided at the bus stop on the B1299, just west of the level crossing, where bus services are of greater frequency. STC still require the upgrade at this location and prefer it to the upgrade of one of the existing bus stops on Cleadon Lane (northbound), which may not be able to be improved due to potential impact on DPC level of adjacent building.
- 2.271 **Active Travel;** Whilst the footway on the west side of Cleadon Lane is to be widened to 3m shared route width and is shown generally in Appendix 'B', it will require amendments. At a meeting on 13th July 2022 between STC Highways and the developer, the developer indicated a willingness to contribute to the upgrade of the existing PRoW route adjacent to the railway line, including surfacing and lighting works, to improve NMU connectivity associated with the site. This would be acceptable to the Highway Authority.
- 2.272 STC Highways mentioned in a previous response that there was a lack of inclusive mobility dropped kerb provision between the development site and local facilities, including connections to bus stops and metro station. It is expected that such works would form part of the off-site s278 highway works, so as not to disadvantage residents of the estate requiring such facilities.
- 2.273 **Travel Information and Ticketing;** Points noted and accepted.
- 2.274 **TRO;** Indiscriminate parking occurs along Cleadon Lane immediately south of the northbound bus stop preventing a bus stopping at the kerb edge and in lane (2 cars were observed on 21/09/2022, as well as on other site visit dates previous). These cars are partially parked on the footway also impeding pedestrians on the footway. Extending the TRO remains a requirement for the Highway Authority as part of this scheme to facilitate buses adequately negotiating the bus stop, as well as avoiding obstructions of the footway for residents of the new residential estate.

- 2.275 The Council's traffic consultants Systra have assessed a Transport Assessment Addendum received in August 2022 regarding wider off-site highway network impacts arising from the developments and which sought to respond to queries concerning such matters raised previously by them. Following their review of this document Systra advise it is now considered that applicants traffic consultants have addressed all outstanding highways comments and Systra have no additional comments to add.

Public Rights of Way Officer

- 2.276 There are no public rights of way within the application site. They ask however if the link footpath from the proposed estate to bridleway S17 near to plots 122-127 will be adopted.

Waste

- 2.277 No response received.

Environmental Health/Protection – Ground Contamination

- 2.278 Combined phase 1 and phase 2 Geo-environmental site investigation prepared by Robert Environmental Ltd on behalf of G O'Brian & Sons Limited for site at O'Brian, Boldon Yard. Date February 2020, ref: 200102.R.002 and Updated Ground Gas risk assessment – O'Brians Group, Boldon Yard, East Boldon. 25th March 2021, ref:200102.L.002;
- 2.279 From a review of historical information within the reports we understand that the site has previously been used for industrial uses – many of which have the potential to contaminate the ground/present risk to human or environmental health. Part of the site was developed as a paint and bitumen works with associated tanks and the LNER railway line. A gravel pit is noted as being on site in the 1950's but disappears by the 1970's so presumably infilled. The site was cleared around the 1970's with the tanks and railway removed. The site was then redeveloped by the 80's with the current site layout as it is today. It also notes that the stream has been culverted and diverted as it originally ran across the site. The site is part of an industrial area so in its current occupation, could include activities which may introduce contamination. Around the area were a brick works and 2 clay pits, infilled around the late 1950's as well as a reservoir – also assumed to have been infilled.
- 2.280 The phase 2 site investigation found hot spots of visual and olfactory contamination within some of the made ground which was found across the site. 12 samples were taken and exceedances were found for in some locations/trial pits for lead, arsenic, a wide range of PAH's and some total and speciated TPH's. Asbestos bundles (chrysotile) were also found in 2 samples. Leachate sampling was also undertaken which also exceeded for a number of PAH's, total and speciated TPH's as well as sulphates. Surface water samples also showed an exceedance for sulphate, some PAH's and again some TPH's.
- 2.281 The conceptual site model identifies the site as being of 'medium' risk and in its current status, (without remediation) is considered not suitable for residential redevelopment. The sampling that has been done to date does not include any sampling beneath the building footprints. Due to the industrial nature of the site, I would suggest additional sampling is done once these buildings have been demolished. The report suggests that additional investigation should also be carried out at greater depths to assess any impact the contamination has had on the principle aquifer which lies beneath the site and how this may impact the

watercourse. We do understand that hydrocarbons found on the site such as VOC's, Benzene and Napthalene have been identified as potentially mobile and volatile. This may impact on any future drainage of the site therefore should be considered further at this stage.

- 2.282 Gas monitoring has been undertaken and been assessed as CS2 – requiring gas protection. This is due to detected levels of CO2 and depleted oxygen as well as the known presence of vapour releasing contaminants on the site. The ground gas addendum report states that the full ground gas assessment of all boreholes could not be carried out due to some boreholes being flooded and or removed. The results that were available were assessed and as a worse case scenario, the site was classified as CS2. As many of the gas monitoring results were not available, given the nature of the site and what has been found to date, I would suggest that additional gas monitoring is undertaken to ensure that the worst case scenario is sufficient.
- 2.283 The report submitted however does not cover the full red line boundary of the application therefore a site investigation is required for the southern part of the site as well.
- 2.284 A remediation strategy for the northern part of the site has been produced and suggests a combination of removal of contaminated soils, cover systems and a barrier along the river to prevent any contamination entering the watercourse as some of the PAH's are mobile. However, this should be reassessed when the further site investigation work has been completed. There is also a risk to any site workers during the redevelopment of the site therefore this must be considered as part of a risk assessment.
- 2.285 Following on from the above a Phase 1 Geo-environmental risk assessment for Land at Cleadon Lane Industrial Estate (southern site) prepared by Roberts Environmental on behalf of Avant Homes. July 2021, Ref: 210627.R.001 was submitted.
- 2.286 A review of the historical information for the site shows that this area of the site has been subject to a number of historical uses over the years and into present day. The historic maps also show reservoirs on the site which later disappear from maps indicating that they have been infilled. The current uses of the site are of an industrial nature and during the site walkover there was evidence of waste without segregation as well as above ground oil and fuel storage containers. Both the historic and current day uses of the site have the potential to contaminate the ground and provide unsuitable ground conditions for residential end use.
- 2.287 In addition to this, the units noted on the site are have been identified as potentially containing asbestos. Historic ware and tare of the fabric of the building as well as any demolition during redevelopment can mean fibres of asbestos can enter the ground. An asbestos survey should be carried out before the buildings are demolished to reduce the risk to site workers and potentially to the ground.
- 2.288 The area also shows some historical streams which have been lost over time. In addition, some parts of the site were flooded at the time of the site visit indicating issues with surface water. This should be noted as some contaminants can be mobile in water therefore can assist in moving contamination. At the adjacent site, it was also noted that during a site investigation, some of the boreholes where ground gas were being monitored were flooded meaning readings could not be taken. A ground investigation on this part of the site is required and therefore this information should be taken into consideration when locating boreholes.

- 2.289 Should the application proceed, I would suggest conditions along the lines of:
- 2.290 An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed) and (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management'.
- 2.291 A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved by the Local Planning Authority prior to commencing remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Where remediation of gas has been identified as necessary by the site investigation a gas verification plan shall be submitted for the proposed gas protection measures.
- 2.292 Following completion of measures identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the site being occupied.
- 2.293 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

Environmental Health/Protection – Air Quality

- 2.294 I have considered the air quality assessment that has been provided in support of the planning application for residential development at Cleadon Lane industrial estate. The air quality assessment is required as the proposed number of properties reaches the criteria set out in the Tyne and Wear planning validation statement. The purpose of an air quality assessment is two-fold. To consider the air quality impacts during the construction phase from airborne dust, and also predict the impact on local air quality of the residential development when it is completed and properties are inhabited.
- 2.295 Construction phase; The air quality consultant has considered the dust impacts as a result of the construction phase using the appropriate methodology which is set out in the Institute of Air Quality Managements guidance on the assessment of dust from demolition and construction. Using this methodology, the consultant has concluded that the impact from dust soiling as a result of the construction phase can be classified as "not significant" in accordance with the matrix provided by the IAQM guidance. This is acceptable, but as the consultant states, a dust management plan, which may be stand alone or form part of a Construction Environment Management plan should be provided by way of condition to confirm that the applicant has

considered the best practice methodology required to ensure that the possibility of dust escape is mitigated appropriately.

- 2.296 Operational phase; I have assumed references to Bolden Lane should refer to Boldon Lane. The purpose of the assessment of the operational phase is to determine the impact of the proposed development on the air quality in the local area. The assessment identifies the two Air Quality Management areas in the borough, which are some distance from the development site and the operational use will have a less than negligible impact on levels within the AQMA's. The consultant has used traffic data to identify the receptors in the vicinity of the development site who live close to roads that will see increases in traffic as a result of the development. The consultant has then used a screening tool found in the Design Manual for Roads and Bridges (DMRB) to calculate emissions of PM2.5 and NO2 at the chosen existing sensitive receptors, and also a location indicative of the proposed residential properties at the application site. To be able to compare the contribution of the application site to the overall air quality levels, the consultant has chosen a "with development" or "without development" year of 2031. The consultant has concluded that the calculated "do something" air quality level, that is the level that is predicted with the development in place, will be well below the current guidelines provided in the national Air Quality standards, this is for both NO2 and PM2.5. Additionally, using the screening matrix provided in the IAQM document, the consultant has concluded that the impact of the development on local Air Quality levels is "not significant" as defined in the appropriate planning guidance.
- 2.297 I am aware that the World Health Organisation have recently revised their guideline levels for air quality targets, however this has not yet impacted on the planning guidance that is available and therefore the responsibility of the consultant is to ensure that existing planning guidance is adhered to.
- 2.298 I would like to request further clarification on one receptor that has been chosen by the consultant. ESR5 is located next to the level crossing at East Boldon metro station. It would be useful to know if the data that has been used in modelling the concentration at this point takes into account the standing traffic that is caused by the level crossing, which I am aware is a point of interest due to the length of time the crossing is closed for rail traffic to pass through. I would like to consultant to comment on this please, and it may be that additional modelling is required to take into account the behaviour of traffic at this receptor point. It must be noted that we currently measure air quality levels at a point very close to this, opposite the village shopping centre in accordance with Local Air Quality management guidance, and levels are constantly well below the Air Quality standard level, however further comment on modelling results at ESR6 would be appreciated.
- 2.299 In conclusion, consideration should be given to a condition requiring a dust management plan, which should likely be incorporated into a Construction Environment Management Plan, and further information on the modelling parameters for the receptor ESR5 located near to the level crossing which serves East Boldon metro station is required.
- 2.300 CASE OFFICER NOTE: Further clarification has been provided by the applicant's air quality consultant and the Council's Environmental health Officer now raises no objections on air quality grounds.

Environmental Health/Protection - Vibration

- 2.301 A vibration assessment has been provided in support of the application. The assessment was requested to ensure that there would be no impact at residential properties as a result of the operational rail line in close proximity to the proposed houses. The methodology is acceptable and the appropriate guidelines have been used, the assessment concluded that vibration as a result of train passes is minimal and will not breach the standards set out. I have no objection or further comment to make on this and vibration is not a prohibitive factor in this application.

Environmental Health/Protection - Noise

- 2.302 No objections subject to conditions to secure mitigation measures outlined in latest Noise Assessment, to ensure that construction in phase 1 takes place from north to south to safeguard against noise from the existing sawmill on site if that remains operational during the first phase of development and to ensure appropriate safeguards are provided for at construction stage through a Construction Environment Management Plan (CEMP).

Environmental Health/Protection – Lead Local Flood Authority

- 2.303 I have the following observations to make: The risk of groundwater flooding within the development is considered low, the risk of sewer flooding within the development is considered low, the risk of reservoir flooding is not considered to be at risk from reservoir failure, the risk of surface water flooding is considered to be low/manageable, proposal is now 202 houses, have identified the Main Field Drain as the main point of discharge for all surface water, in accordance with Building Regs hierarchy of discharge with a proposed greenfield rate of 16.1 l/s. Applicant has revised greenfield runoff rate from 15.8 l/s to 16.1 l/s having included 10% urban creep in accordance with the LLFA local standards - this is acceptable.
- 2.304 Revised layout including SuDS measures include 2 no offline attenuation to accommodate 100yr + 40%CC + 10% urban creep storm events, with SuDS basin (including 150mm deep grassed low flow channel) prior to discharge to Main Field Drain to accommodate the 2 and 30 year storm events.
- 2.305 Provision of Water Quality prior to discharge to main field drain by – ‘source control of pollutants in high risk areas will be provided by filter drains at shared driveways, pre-treatment by road gullies, suds basin with low weather flow channel’. No connections shown for filter drains. All road gullies are trapped, all traditional rainwater pipe downcomers to discharge to trapped gullies - all surface water is routed throughout site prior to collection in SuDS basin and finally discharge into Main Field Drain via pumping station.
- 2.306 Have provided exceedance routes - any blockages in the vicinity of the SuDS basin (to the South East) are directed to this location by the fall/gradient – Any exceedance flows to the North East of the development and the main field drain are directed into the main field drain - where this is not the case highways are used as storage. As peak flow of pollutants occurs during the early stages of the storm, risk from a pollution perspective with exceedance flows into Main Field drain should be reduced.
- 2.307 Suds Basin – appropriately designed with clay liner, geomembranes to improve drainage. Riprap protection identified at point of discharge to prevent scour with appropriate specification - Discharge invert set at 21.2mAOD.

- 2.308 Supporting information demonstrates there is a very low risk of flooding from backing up in the main field drain and towards the proposed development. (ST110921FUL AMENDED Flood Risk Assessment Version 2 060622.pdf – Appendix 1 – Envireau Water technical note - P19-294 O'Briens Flood Map Review \ TN Quantitative Flood Map Review.docx)
- 2.309 No further comments on the proposal from a drainage perspective – The applicant has adhered to the hierarchy of discharge (in accordance with Building Regs approved document H) and provided a suitable SuDS proposal throughout the development with the arrangement of permeable paving, filter drains draining to SuDs basin prior to discharge, providing water quality and suitable flood protection within the boundary and protection for communities downstream through a greenfield runoff rate.
- 2.310 A named maintenance company will be required for those drainage elements not put forward for NWL adoption within 21036-D801-SECTION_104_PLAN-REV3.pdf
- 2.311 Noted there is the likelihood of 150mm of standing water within the low flow channel of the basin, with a max depth of 300mm around the outlet.
- 2.312 With the concern and level of queries around some aspects of the drainage element, particularly around the SuDS basin, it may be worth requesting a risk assessment (in accordance with C753 SuDS manual : Appendix B SuDS Health and Safety Risk Assessment) as an addition to the drainage condition.

Landscape

- 2.313 The landscape team have reviewed revised landscape information submitted as part of planning application ref ST/1109/21/FUL and make the following comments.
- 2.314 The revised layout is a considerable improvement to the original scheme previously commented on and is generally considered to be acceptable. We note however that details have been provided for a range of acoustic fence heights although it is still unclear on the plan where these and other boundaries are proposed. A clear proposed boundary plan should be submitted.
- 2.315 We also note that an area for a play area is proposed within the central open space. We have concerns that this is located close to the existing drainage ditch on the site as well as a large proposed substation. The design of this space needs to be carefully considered and we would recommend that this is controlled through condition.
- 2.316 If planning permission is granted we would also recommend conditions requiring the following - Detailed planting information including details on sizes, densities etc, detailed information on proposed hard surfaces and information on proposed landscape maintenance confirming who would be responsible for this and what would be required

Countryside Team

- 2.317 **Habitats;** The proposed development site is approximately 6.3ha of predominantly bare ground with some remaining industrial buildings and hardstanding (0.56ha of sealed surface & buildings) with some fragmented habitats. The habitats on site are limited to small areas of:
- plantation broadleaved woodland

- semi-improved neutral grassland
- tall ruderal vegetation
- swamp / watercourse
- scrub
- hedgerow
- ephemeral / short perennial vegetation

- 2.318 The watercourse is culverted in places through the site and as such provides only limited connectivity. The proposed development will result in the loss of all of the habitats on site with the exception of the watercourse. There are no priority habitats on site and the habitats present have been evaluated as being of local value only. Given the limited extent and value of the habitats onsite, the losses are not considered significant from an ecological perspective. The EclA recommends a sympathetic landscaping scheme including buffering to the watercourse to compensate for the loss of habitats.
- 2.319 Japanese knotweed has been recorded on site, this is a non-native invasive species listed on schedule 9 of the Wildlife and Countryside Act 1981 making it an offence to cause this plant to grow in the wild. Without controls, there is a risk of spreading this plant particularly during the construction phase. This can be controlled through appropriate working methods as recommended in the EclA Report, this could be included in a Construction Environmental Management Plan (CEMP).
- 2.320 **Species:** The PEA concluded that the site was sub-optimal for badger, otter, water vole, great crested newt, dingy skipper butterfly and reptiles and that no further survey work was required for these species groups. The site may provide opportunities for toad and hedgehog which are both listed under S41 of the NERC Act as species of principal importance for conservation and in the Durham Biodiversity Action Plan and therefore a material consideration for planning. There are low risks of disturbance / harm to protected and priority species during construction and potential barriers to movement around the site due to fencing etc once operational, primarily for hedgehog and toad. The risks during construction can be controlled by appropriate working methods which could be set out in the CEMP. The site permeability issue can be alleviated by ensuring all boundary and internal fences and features include an access point of ~13cm x 13cm which is small enough to prevent pet movement but will allow passage for hedgehogs and other species such as toads, as recommended in the EclA report.
- 2.321 The site offers some opportunities for nesting and foraging birds, though it is considered likely to support primarily common and widespread species. There are risks of harm to nesting birds should site clearance and demolitions take place during the bird breeding season and a loss of nesting opportunities. The risk of harm can be controlled by appropriate timing of works and/or checking surveys. The loss of nesting opportunities can be compensated for by integrating bird nesting features into some of the new buildings onsite, 10% is proposed by the EclA report although The Royal Institute of British Architects (RIBA) in their book *Designing for Biodiversity* (2nd Edition) recommends: *“As a guideline, the number of built-in provisions of nest or roost sites per development should be approximately the same as the number of residential units.”* On that basis, a more generous supply than 10% is sought and ideally they should be included on all buildings.
- 2.322 The buildings and trees on site were assessed on 24th May 2021 for their potential to support roosting bats. In keeping with the good practise guidelines, the buildings assessed as having low suitability for roosting bats were subject to dusk bat activity

surveys. These took place on 10th June, 5th and 6th August 2021. The active bat surveys did not record any bat roosts and overall the bat activity on the site was low suggesting that the site has limited value for foraging bats. There remains a residual risk of harm to bats during demolition and a loss of potential roosting sites. The risk of harm can be controlled by appropriate demolition methods, the loss of roosting sites can be compensated for by integrating bat roost features into some of the new buildings onsite, 10% is proposed by the EclA report and this is considered adequate.

- 2.323 The bat surveys did not cover the bridleway which runs adjacent to the south west of the site, however it has been proposed that improvements are made to a section of the bridleway which may include the addition of lighting. The bridleway may provide a commuting and foraging resource to bats as it is a linear tree lined feature in the landscape linking higher quality bat habitats. As such the addition of lighting has the potential to have an adverse impact on bats. Any lighting scheme must be informed by appropriate bat surveys and/or designed to minimise impacts. If the lighting is designed only to come on when the bridleway is in active use, the need for surveys may be waived. The approach must be agreed with the Councils Ecologist.
- 2.324 **Designated Sites;** The proposed development site is immediately adjacent to Tilesheds Burn Local Wildlife Site (LWS) which lies to the northwest of the site. The sites are hydrologically linked by the ditches / watercourse which runs across both sites, flowing from the development site into the LWS. Changes to the flow and water quality have the potential to have a direct impact on the priority habitats in the LWS given that Tilesheds Burn qualifies as a LWS primarily because of the watercourse and associated fen along with grassland which in places comprises a type of rare and endangered fen meadow that is particularly characteristic of lowland County Durham and has affinities to a vegetation type protected under European legislation (MG4 meadow foxtail – great burnet grassland). The Local Wildlife Site (LWS) Assessment report acknowledges a risk to Tilesheds Burn LWS through pathways such as pollution events during the construction phase, and from an alteration to the hydrological regime during the operations phase. The former can be controlled through appropriate construction methods to be set out in a Construction Environmental Management Plan (CEMP), the latter through the drainage strategy to achieve greenfield runoff rates.
- 2.325 The report acknowledges that a robust boundary treatment and/or buffer is required between the development site and Tilesheds Burn LWS to prevent informal, unauthorised recreational use of the site. The report states that *“This should include both a physical fence line as well as increased planting to this boundary to aim to minimise impacts to this LWS from recreational use.”*
- 2.326 The Site Layout Plan, Drawing number 5206/SL/01 by Avant Homes labels this boundary as having a stock proof fence and the Landscape Strategy drawing No D311.L.001, Rev L by TGP Landscape Architects shows a native hedgerow planted along the boundary for the majority of its length. Details of the proposed stock proof fence will need to be submitted and approved. The specification should be of a design that will prevent cats from being able to climb over or pass through the fence to reduce cat roaming and predation on the neighbouring LWS. This can be agreed through a condition
- 2.327 The Drainage report highlights the potential for the drainage scheme to have a direct impact on Tilesheds Burn LWS as it states:

“Taking into account the site layout and the attenuation will most likely be below ground. Based on this consideration to the discharge point is required as the Main Field Drain is shallow either a pumping station will be required or the watercourse chased downstream to get a gravity connection if this is feasible.”

- 2.328 If the drainage scheme ultimately requires the watercourse to be chased downstream, it is not yet clear how much of the watercourse would be affected and the potential impacts on the land around in order to carry out the works. Should this work become necessary, no drainage works offsite (outwith the red line boundary) should be permitted without appropriate survey and assessment work to inform the works and minimise ecological impacts. This should be controlled via an appropriately worded condition.
- 2.329 Boldon Flats North LWS is within 200m of the proposed development site and is regionally important for its diversity and abundance of waterbirds. Although the LWS does not have any public access, the site is well within the recorded roaming ranges for domestic cats. The proposed development will likely increase the domestic cat population which may have an adverse impact on the birds through disturbance, fear response and predation. The LWS Assessment report argues that the distance and presence of two roads will limit cats accessing the site, though this is not evidenced. The report also argues that the types of birds primarily attracted to Boldon Flats (waders & wildfowl) are not especially vulnerable to cat predation and cites a Mammal Society study on domestic cat prey species. Having considered this and the comments of a local naturalist who monitors Boldon Flats, I am satisfied that domestic cats are less likely to be a major issue for the wildfowl and waders at the LWS, though small bird species associated with the hedgerows on the LWS and in the wider vicinity around the development site may still be impacted.
- 2.330 **Habitats Regulations Assessment;** The Conservation of Habitats and Species Regulations (2017) transposes the Habitats and Birds Directives into English Law and is commonly referred to as the ‘Habitats Regulations.’ This proposed development is within 6km of the following relevant European sites: Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area and Ramsar Site.
- 2.331 Studies have shown that recreation pressure on the European sites is likely to increase with new residential growth. Recreational pressure affecting the European Sites is predominantly from residents within a 6km ‘zone of influence’ and it is therefore concluded that additional residential development within this zone will contribute to further recreation pressure if not mitigated for. This is set out in detail in the Council’s Supplementary Planning Document (SPD) 23 and supporting documents.
- 2.332 The SPD advises that residential developments within the 6km zone are likely to have a significant effect on the European sites and draws on the strategic HRA and mitigation strategy work to conclude that adverse effects on site integrity can be ruled out where developments of 10 or more dwellings make a proportionate contribution to a carefully designed package of mitigation measures.
- 2.333 The applicant has submitted an updated document entitled ‘Report to Inform a Habitats Regulations Assessment, Cleadon Lane Industrial Estate’ version V3 dated September 2022 by OS Ecology Ltd.
- 2.334 The updated document revises the number of dwellings to 202 from the previous 196. I consider the document to be a robust assessment and agree with its

conclusions. I recommend that the LPA adopts the submitted HRA as its own HRA of the proposed development. The report states that applicant is willing to make a proportionate contribution towards the strategic mitigation scheme as the mechanism by which they will mitigate the likely significant effects of this proposed development. The LPA will therefore be able to conclude that the development will be in accordance with the requirements of the Habitats Regulations. This approach has already been approved by Natural England, obviating the need for consultation with them.

- 2.335 The Case Officer will need to ensure that the HRA process is recorded and the contribution of £403 per dwelling is secured by a section 106 agreement as per the terms set out in SPD23.
- 2.336 **Biodiversity Net Gain;**
- 2.337 The applicant has submitted a biodiversity metric calculation and accompanying document entitled Biodiversity Net Gain Assessment, Cleadon Lane Industrial Estate, Version V5b, dated January 2023 by OS Ecology Ltd.
- 2.338 The baseline metric calculation of the site, pre-development generates: 8.55 habitat units – most of which will be lost with only 0.11 units retained (small areas of woodland and 2 x trees); 0.71 hedgerow units – all of which will be lost; 0.54 river units – all of which will be retained and enhanced, predominantly by reducing the amount of built development encroachment close to the watercourse.
- 2.339 The Landscape Strategy drawing (revision L) sets out the proposed habitats and landscape features to be created as part of the development which includes areas of scrub and shrubs, grassland, trees, native and ornamental hedgerow and the SUDS features along with the vegetated gardens of the residential dwellings. This is predicted to generate a substantial increase in biodiversity value, providing the target conditions of each habitat type as set out in the metric are met.
- 2.340 However, the trading rules of the biodiversity metric have not been satisfied. This is the rule stating that higher distinctiveness habitats losses may not be compensated for with lower distinctiveness habitats. This discrepancy is acknowledged and explained within paragraph 5.2 of the BNG report:
- “The trading rules have not been met in this instance as there are losses in woodland habitats. Within the proposals, there are a number of urban trees proposed, as well as woodland edge planting equating to a total of 16.78 units. Given the nature of the habitats being lost, which are largely thin belts of woodland rather than habitats of significant size, complexity or diversity, it is considered that the extent of replacement trees and scrub on site addresses the small loss of woodland to the proposals.”*
- 2.341 I accept this analysis and am prepared to accept the scheme as proposed, despite the departure from the trading rules. This is partly due to the volume and location of habitats proposed within the new development and partly due to the fragmented and poor quality habitats on the site at the moment. There are also additional features of benefit to biodiversity proposed such as the permeable fencing and bird and bat boxes which further enhance the site for wildlife.
- 2.342 The pre and post development calculations are summarised in table below taken from the Biodiversity Net Gain report:

Table 4.1: Net Gain Assessment		
Phase	Element	Biodiversity Units
Onsite baseline	Habitat Units	8.55
	Hedgerow Units	0.71
	River Units	0.54
Habitat Enhancement	River Units	0.8
Habitat Creation	Habitat Units	20.63
	Hedgerow Units	4.03
Post development intervention	Habitat Units	+12.08
	Hedgerow Units	+3.33
	River Units	+0.26
Post development intervention % change	Habitat Units	141.38%
	Hedgerow Units	472.30%
	River Units	48.69%

- 2.343 The applicant has demonstrated a biodiversity net gain within the development site and therefore the proposed development is compliant with the NPPF requirement to achieve a measurable net gain.
- 2.344 The delivery of the proposed Landscape Strategy (Revision L) should be secured by condition. The appropriate management and long term retention of the landscape features should also be secured by condition, as per the Biodiversity Net Gain report paragraph 3.12. *“For the purposes of the metric, it is assumed that a detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions.”*
- 2.345 The habitats proposed to be delivered onsite should be secured by condition and will require long term management and monitoring. A British Standard ‘BS 8683:2021 - Process for designing and implementing Biodiversity Net Gain — Specification’ has been produced and includes guidance on what should be included in the Habitat Creation, Management and Monitoring Plan required to be submitted by the applicant regarding how the habitats onsite will be created, enhanced, managed and monitored for the period of 30 years. The following excerpts set out the pertinent points and should form the basis of a condition (this is not exhaustive):
- 2.346 “The BNG MMP shall include:
- 1) the project’s biodiversity baseline assessment against which BNG outcomes are assessed and monitored;
 - 2) the project’s BNG targets;
 - 3) the number of years to achieve and then maintain the BNG targets;
 - 4) a programme detailing the long-term phases of the management and monitoring activities;
 - 5) a monitoring plan to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets; and
 - 6) the roles, responsibilities and required competencies of those involved with implementing and monitoring the BNG design during the implementation and post-implementation stages.
- NOTE 6 Good practice is for net gain to be secured and maintained in perpetuity (with an expectation that this is as least as long as the lifetime of the development) or as a minimum at least 30 years for both development and land management projects.*

NOTE 7 The BNG targets could be delivered by a third party.”

“The project shall employ adaptive management, informed by periodic monitoring and evaluation of results. Monitoring activity shall evidence assessments of whether site management has delivered, or is on target to deliver, the planned habitat outcomes.

NOTE 1 Maintaining and referring to records of management regimes applied can help explain how habitat development is progressing and inform ongoing management.

NOTE 2 Adaptive management is not just about habitat type and condition, also about whether the BNG outcomes are related to ecological functions of habitat, and whether a habitat is functioning as intended. If management is not delivering the biodiversity outcomes, or is deemed unlikely to (on the basis of trajectory of change in condition and known time to target condition), changes in the management regime shall be implemented to deliver a successful outcome.”

2.347 Summary of impacts is as per the below table:

Impact	Avoidance / Mitigation / Compensation Measures proposed	Notes
Loss of habitats of local value.	Landscape Scheme to include hedgerows, trees, grassland and watercourse buffer area.	To be secured by condition including long term management plan. BNG calculation shows net gain of biodiversity but there are discrepancies in the information submitted – this will need to be addressed.
Risk of damage to retained trees during construction works	Retained trees will be protected from damage in line with the recommendations in BS5837:2012.	To be secured by condition
Potential risk of spreading Japanese knotweed during the construction phase	Works to remove Japanese knotweed will be completed to a method statement.	To be secured by condition – could form part of the CEMP.
Potential disturbance / harm to nesting birds during construction & demolition works	Vegetation clearance and demolition works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.	To be secured by condition – could form part of the CEMP.
Low risk of disturbance/harm to protected and priority species during construction	Pre commencement checking survey for protected & priority species. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.	To be secured by condition – could form part of the CEMP.

works (toad, hedgehog)		
Potential impact on the watercourse and habitats downstream during construction works through pathways such as pollution incidents	All works on site will follow a Construction Environmental Management Plan (CEMP) in order to protect key ecological receptors such as the watercourse running through the site.	To be secured by condition
Loss of nesting opportunities for breeding birds.	Integrated bird nesting features to be included in as many buildings as possible. The applicant has proposed 20% - this is acceptable.	To be secured by condition
Loss of potential roosting opportunities for bats.	Integrated bat roost features to be included in 10% of buildings in suitable locations	To be secured by condition
Loss of habitat for protected and priority species (primarily toad & hedgehog) due to lower site permeability.	All close boarded fences on the perimeter and within the site to have ground level 13cm x 13cm access holes.	To be secured by condition
Risk of adverse impacts on Tiledsheds Burn LWS from unauthorised access and cat predation	Stock proof fence and hedge planting on boundary to prevent access. Fence design must deter cat access through or over.	To be secured by condition
Risk of adverse impacts on Tiledsheds Burn LWS and beyond if the drainage scheme requires chasing the watercourse.	Appropriate ecological survey and assessment must be carried out to inform any such works and the final works agreed with the LPA	To be secured by condition.
Lighting of bridleway	Appropriate ecological survey and assessment must be carried out to inform any such works and the final works agreed with the LPA	To be secured by condition.

Community Safety Team

2.348 No issues with this development from a Community Safety/Crime and Disorder perspective.

Economic Growth Team

- 2.349 Cleadon Lane Industrial Estate provides accommodation for a mix of employment uses (from car related to industrial salvage and from roofers to diving centre) in a varied size range of industrial units, many of which have outside storage. The estate appears to be very well occupied and we have concerns that businesses would struggle to be relocated elsewhere in the borough. As the planning application makes no mention of the businesses in situ, we would like to raise a number of questions - How many businesses will be impacted?, How many are people are employed across the estate?, Have businesses been consulted?, Has any work into relocating these businesses taken place?
- 2.350 Having looked at the updated information provided for the above Cleadon Lane Industrial Estate application, the new covering letter from Lichfields mentions that only two short-term leases are in place on the land in question and only North East Machining Services and Vertu Motors will be affected by the proposals. Can the applicant confirm that no other businesses will be impacted (e.g. any businesses perhaps sub-leasing premises/ land on the proposed site) by the development, otherwise the above comments on the originally submitted proposals still stand.

Historic Environment Officer

- 2.351 No objections.

Housing Strategy

- 2.352 No objections.

Spatial Planning

- 2.353 **Adopted Development Plan; *The East Boldon Neighbourhood Plan (2021)***; Policy EB3: Design states that development should conserve local distinctiveness by demonstrating high quality design which respects existing character & responds to the distinctive character of the area.
- 2.354 Policy EB10: Cleadon Lane Industrial Estate states that proposals for the redevelopment of the site must demonstrate that there is no need or demand for the existing employment uses. Evidence should include details of the comprehensive marketing exercise undertaken. The policy also requires that proposals for housing must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum, the local community and other key stakeholders. The policy then sets out the points that the masterplan should include.
- 2.355 Policy EB14: Affordable Housing includes the provision that the level, type and mix of affordable housing to be delivered on each site will have regard to up to date evidence of affordable housing needs, including the current East Boldon Housing Needs Assessment (2019) and South Tyneside Strategic Housing Market Assessment (2015) and any subsequent updates.
- 2.356 Policy EB18 – Sustainable transport and new development states that development will be supported where it maximises the use of sustainable modes of transport. Included within the framework of the policy is that development should support sustainable transport choices such as, incorporating or creating new pedestrian and cycle routes or improvements to existing routes to serve the development that

integrate into wider networks and provide safe and effective routes to services and facilities, including East Boldon Metro Station.

- 2.357 *South Tyneside Development Management Policies (2011)*; Policy DM2 – Safeguarding Employment Uses states that existing industrial land will be safeguarded for employment use, as opposed to development for alternative uses, where this is sustainable and viable, to ensure a sufficient supply of employment land. The B1 (now effectively replaced by the new use class E[g]), B2 and B8 use classes are referenced in the policy as to be protected. The policy also states that proposals for non-employment uses in industrial areas will only be approved where it can be demonstrated that the employment uses of the site or premises is no longer viable.
- 2.358 *Site-Specific Allocations Development Plan Document (2012)*; The site is allocated as a Predominantly Industrial Area
- 2.359 **Housing Land Supply**; The Borough underperformed the Housing Delivery Test in 2021. Performance was 74% of the target. The latest five year housing land supply (5yr HLS) calculation uses a base date of 31st March 2021. It shows that for the period 1st April to 31st March 2026, the Borough has a housing land supply of 2.05 years when assessed against a requirement that is inclusive of a 20% buffer. Therefore the local planning authority is not able to demonstrate a 5yr HLS and, with reference to paragraph 14 of the NPPF, it is not able to demonstrate a 3yr HLS.
- 2.360 **The relationship between the housing land supply and planning decision-making**; Para 11 NPPF contains the national policy presumption in favour of sustainable development. As this application involves the delivery of housing, as per footnote 8 NPPF, STC local plan policies are deemed out of date under Para 11 due to the absence of a 5yr HLS and failure of HDT. Para 12 NPPF confirms that the Para 11 policy presumption does not change the statutory status of the development plan (S.38(6)) as a starting point for decision-making. However, in the absence of up-to-date development plan policies, the policy presumption at Para 11 is considered a significant material consideration.
- 2.361 With reference to paragraph 11d of the NPPF, this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Para 11d does not apply if any of the (exhaustive list of) policies specified at footnote 7 of the NPPF are engaged by the application. However, none of the footnote 7 policies are engaged in this instance.
- 2.362 The application site falls within the remit of the East Boldon Neighbourhood Plan. This means that paragraph 14 of the NPPF is initially engaged. Regarding applications involving the provision of housing, paragraph 14 states that the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of a) to d) in Para 14 apply. Sub-para c) is:
- 'The local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer set out in paragraph 74)'*
- 2.363 As stated above, the local planning authority is not able to demonstrate a 3yr HLS. This means that paragraph 14 of the NPPF is disengaged and paragraph 11d of the NPPF is re-engaged. Key to determining the application will therefore be whether

adverse the adverse impacts of approving the application would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole.

- 2.364 **Affordable Housing;** Policy SC4 in the adopted Core Strategy requires that a minimum of 25% of all new dwellings to be genuinely affordable. National Planning Practice Guidance requires 25% of all affordable housing units to be First Homes if determined after 28 March 2022 or before that if there is no significant pre-app engagement (Paragraph: 020 Reference ID: 70-020-20210524).
- 2.365 **Employment Land Supply;** The site forms part of the Borough's portfolio of general employment land. The most published assessment of employment sites in the Borough is Appendix3: Site Assessment Matrix of the 2019 Employment Land Review (ELR). The ELR was prepared by Lichfields in partnership with Lambert Smith Hampton (LSH). LSH led on the site appraisal work. LSH assessed the available supply as 10.61ha. The application site was not included in this calculation because it was not regarded as available for employment purposes i.e. it was already in employment use and because Council officers had indicated that the site was likely to be allocated in the draft Regulation 18 Local Plan being prepared at that time as a housing-led mixed-use allocation.
- 2.366 **The employment land Demand/Supply balance;** The ELR assessed employment land against three scenarios – baseline labour demand, policy-on labour demand and past completions. The requirements range from 4.8ha (past completions) to 30.76ha (policy-on labour demand). The Spatial Planning and Business Investment teams consider that the baseline labour demand and policy-on labour demand scenarios are the most relevant.
- 2.367 In contrast, the applicant's Planning Statement states '*Taking into account the significant impact of Covid-19 on demand through drops in real GDP, could mean the authority should be planning towards the lower bound of the aforementioned range (4.80ha)*'. Whilst it is fully accepted that Covid-19 has had a significant and profound effect economically and that the 2019 ELR was undertaken prior to the pandemic and could not possibly have foreseen such an event, the Spatial Planning Team would respectfully disagree with the assertion that this should be used to benchmark the employment needs of the Borough. On the contrary, the Spatial Planning Team consider that positive planning is planning for recovery and growth. This is also understood to be the view corporately as evidenced by the South Tyneside Economic Recovery Plan – (September 2020)
- 2.368 There is a clear quantitative undersupply of land for general employment in the Borough against both the middle and the upper bound of the range identified in the 2019 ELR for both of these scenarios and this accords with the experience of the Business Investment Team – that there are regular queries for well-located serviced business space that they are unable to meet because of the shortage of industrial space in locations where there is market demand and that this is acting as a major constraint on growth and investment in South Tyneside.
- 2.369 However, 2019 ELR clearly identified that the principal demand for employment is a qualitative one i.e. it is focused on areas that are well-served by the strategic road network. This is evidenced by the popularity of both Boldon and Monkton business parks. This does not apply to the application site. The ELR does make reference to Boldon being an area with an undersupply of employment land but, although this is not made clear in the text, it was clearly understood in discussions between Council officers and LSH during the preparation of the ELR that this was with reference to

Boldon Business Park as a strategically well-located area of employment land. It was made clear that this is not applicable to Cleadon Lane Industrial Estate and this is referenced in the text as follows:

'... the estate is not high quality and it is not well situated in relation to the strategic highway network' (paragraph 7.83)

- 2.370 The Spatial Planning Team concur with this assessment. The relevance of the site to the undersupply of general employment land is therefore considered to be limited at a strategic level. This is notwithstanding that the estate does provide some local employment opportunities and does so for businesses which would be difficult to relocate.
- 2.371 **Marketing for employment;** No evidence that the site has been marketed appears to have been submitted with the application.
- 2.372 **Flood risk;** It is understood that the applicant has submitted a flood zone challenge to the Environment Agency. The Spatial Planning Team await the outcome of this challenge with interest. Pending its outcome no comment is made other than to observe that there is a conflict between the proposal and the current Environment Agency flood zones.
- 2.373 **Green Infrastructure;** The application site is situated within the Green Belt green infrastructure corridor as identified in Supplementary Planning Document: 3 Green Infrastructure. One of the priorities of the Green Belt green infrastructure corridor identified in the SPD is to 'preserve the separate characters of the Urban Fringe villages'. Furthermore, Development Management Policy DM1 (d) states:
- 'new development provides well-designed external spaces including streets, squares and parks, where possible linked to the wider green infrastructure network, with hard and soft landscaping to provide a high quality setting for buildings, improve visual amenity, enhance community activity and support the provision of priority natural habitats and species;'*
- 2.374 The development site should consider the above SPD principle and Policy DM1 (d) in providing green infrastructure through the site which links to the wider GI network.
- 2.375 **Open Space Provision;** Core Strategy Policy SC6: Providing for Recreational Open Space, Sport and Leisure, seeks to promote high quality open space provision within South Tyneside. Supplementary Planning Document 5: Planning Obligations and Agreements states that for major planning applications for 10 dwellings or more the Council may also seek to negotiate a contribution towards the provision and enhancement of playing pitches and the provision of public open space.
- 2.376 The Open Space Study (2015) and Open Space Update Addendum (2019) provide the most up to date open space evidence and standards for South Tyneside and should be considered in the negotiation for any developer contributions towards open space provision.
- 2.377 The application site falls within the South analysis area. The 2019 Addendum shows that this analysis area has higher than the Borough average provision for all open space typologies with the exception of formal parks and gardens.
- 2.378 In terms of accessibility, the Open Space Study Standards Paper (2015) identifies locally specific standards relating to how far individuals will travel to access different

types of open space. These standards are as follows: Parks and gardens – 10-minute walk / 800m; Natural and semi-natural – 15-minute walk / 1200m; Amenity greenspace – 5-minute walk time / 400m; Provision for children and young people – 10-minute walk time/ 800m

- 2.379 The 2015 Standards paper identifies that the South analysis area does not have any open space deficiencies in terms of accessibility. The application site falls within the catchment of the following areas of open space (quality and value ratings are from the Open Space Study 2015): Grange Park (including children play area) -formal park - low quality/ high value – approx. 500m from application site; Tiledshed LNR – Natural and semi-natural open space - high quality/ high value – approx. 500m from application site; Tiledshed Piggery – Natural and semi-natural open space - low quality/ high value – approx. 500m from application site; Glencourse – amenity open space - low quality/ low value – approx. 200m from application site
- 2.380 It is noted that the nearest amenity open space and park/ children’s play area are situated on the opposite site of the Metro line to the application site. This may act as a perceived barrier to access to some potential residents. The nearest area of open space to the east of the application site is Coulthard Park which is a distance of 1.1km away.
- 2.381 **Commentary;** Key to determining the application will therefore be whether adverse impacts of approving the application would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole. In this context, the importance that can be attached to strategic matters such as the allocation of the site as employment land and the requirement for it to be marketed as such is reduced. The Spatial Planning Team consider that the focus of assessing the application needs to be on the actual outcome of granting approval in a place-making context and would this be positive or not when assessed against the Framework as a whole. The section in the NPPF on achieving well-designed places is particularly relevant. National planning policy clearly places great emphasis on design quality. Also relevant is the NPPF emphasis on sustainable travel. The case officer will need to consider whether the proposal promotes walking, cycling and public transport. The NPPF includes a section on planning and flood risk. Clearly the outcome of the flood zone challenge submitted by the applicant will be material to how the proposal is viewed in this context. Paragraph 81 of the NPPF states: ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt’. However the Spatial Planning Team consider the importance of the site in a strategic economic context to be relatively limited.
- 2.382 The proposal would provide housing on an urban-brownfield non-Green Belt land. This is clearly an important benefit of the proposal, particularly in the light of the Borough’s very constrained supply of potential development sites.
- 2.383 It is considered that contributions towards onsite open space provision would increase accessible open space in the area and could contribute towards green infrastructure provision on-site. Notwithstanding the above, contributions towards quality improvements at existing open space sites within the catchment could also be considered to be compliant with planning policy.
- 2.384 **Summary;** Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is clearly a very important material consideration. In the view of the Spatial Planning Team, paragraph 11d of the NPPF has clearly been engaged by this application for the reasons already set out. Therefore although the absence of evidence that the site

has been marketed for employment uses creates a conflict between the development plan and the proposal, the weight that can be given to this is reduced. In assessing the proposal against the Framework as a whole, it will be particularly relevant for the case-officer to consider the proposal in a place-making context and with regards to whether it promotes sustainable travel. The local planning authority is unable to demonstrate a 5yr HLS and has failed the Housing Delivery Test. The proposal would provide market and affordable homes. Boosting the supply of home is a priority in national planning policy. This is clearly an important material consideration in favour of the proposal.

Education

- 2.385 Section 106 contribution of £1,025,605 sought comprising £616,405 for primary school places and £409,200 for secondary school places.

3.0 Planning Assessment

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.
- 3.2 The statutory development plan comprises the East Boldon Neighbourhood Plan (EBNP) and the Council's adopted Local Development Framework (LDF) development plan documents. These are in **bold** text below. Adopted supplementary planning documents are capable of being material considerations in planning decisions. These are in *italic* text below.
- 3.3 As a consequence of the Council not having a 5 year housing land supply and the Council's Housing Delivery Test results showing that the delivery of housing was substantially below the housing requirement over the previous three years the tilted balance in NPPF paragraph 11d) applies which states that relevant development plan policies in such circumstances are considered out-of-date and that planning permission should be granted unless:
- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.4 NPPF paragraph 14 advises that in situations where the tilted balance applies, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided certain specified criteria are satisfied. These criteria are not satisfied in respect of this application because the EBNP does not contain allocations to meet its identified housing requirement and the Council does not have a 3 year housing land supply.
- 3.5 Overall, this means that greater weight should be given to the NPPF as a material consideration in deciding this application than the development plan.
- 3.6 The Council are in the process of preparing a new Local Plan. Consultation has taken place on a Pre-Publication Draft (Regulation 18) Plan published in June 2022. As such the new Local Plan remains at an early stage and therefore can be afforded only negligible weight in decision making on planning applications.

- 3.7 In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.
- 3.8 In terms of the Environmental Impact Assessment Regulations the Council has adopted a Screening Opinion on the 18 January 2023 that concludes that Environmental Impact Assessment is not required in respect of the proposed development. That Opinion has been agreed by the applicant.
- 3.9 To assist in the assessment of the application, development plan policies have been grouped together having regard to the main themes of the LDF.

Those aspects of Strategic Policies and policies for Delivering Economic Growth and Prosperity and Delivering Sustainable Communities of relevance with regard to the acceptability or otherwise of the principle of development

EBNP EB1 Sustainable development – states that proposals should make efficient & effective use of land, re-use previously developed land/buildings; provide for climate change mitigations, not increase flood risk, make use of SUDS, supports health & well-being of local community, maintain & enhance biodiversity and natural environment quality, accord with design principles in East Boldon Design Code, Building for a Healthy Life & National Design Guide and address contamination/land instability issues

EBNP EB2 General location of new development - Focus of new development will be within the East Boldon Settlement Boundary

EBNP EB10 Cleadon Lane Ind Estate - Proposals which allow the continued use of the Cleadon Lane Industrial Estate, for employment uses, including ancillary uses, will be supported subject to highways, access, design and amenity considerations. Proposals for the redevelopment of the site for a wider mix of uses, including housing, must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum, the local community and other key stakeholders. The applicant must also demonstrate that there is no need or demand for the existing employment related uses. Evidence should include details of the comprehensive marketing exercise undertaken.

EBNP EB12 The delivery of new housing - Local Housing Needs Assessment undertaken 2019 which suggests a need for 146 dwellings for the Plan Period 2019-2031 (12 per annum); Only 6 dwellings completed in Plan area since 2011/12; The delivery of new market and affordable housing will be supported where it is located within the settlement boundary on sites that are not allocated for other uses and where it complies with the relevant policies within the development plan.

LDF ST1 Spatial Strategy for South Tyneside (LDF Core Strategy) – sets out the spatial strategy for the development of South Tyneside and that the use of planning obligations is essential to the delivery of the overall strategy.

LDF E1 Delivering Economic Growth and Prosperity (LDF Core Strategy) - Explains that 40 ha of land will be allocated to meet economic development requirements, employment sites will be safeguarded and new enterprise promoted in accessible locations, particularly within key Regeneration Areas.

LDF DM2 Safeguarding Employment Uses (LDF Development Management Policies) - safeguards existing Predominantly Industrial Areas and other employment land allocations for employment use and provides guidance on the location of office uses; provides criteria for use of employment land for non-employment uses.

LDF SC1 Creating Sustainable Urban Areas (LDF Core Strategy) – says that to deliver sustainable communities, development proposals will be focused and promoted within the built up area.

LDF SC3 Sustainable Housing Provision (LDF Core Strategy) – promotes the renovation of existing housing stock where viable and managed redevelopment in order to create sustainable residential communities and manages the phased release of land for new housing developments.

SPD5 Planning Obligations and Agreements - provides guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough.

Planning obligations and agreements

- 3.10 There are five proposed planning obligations in relation to this planning application and that in summary relate to the following:
- 23% affordable housing (46 units) comprising a mix of 18 x 1 and 2 bed apartments and 28 x 2 and 3 bed dwellings with a mix of tenures proposed – First Homes, affordable rented and Discount Market Value (DMV) sale units.
 - £1,025,605 education contribution comprising £616,405 for primary school places and £409,200 for secondary school places.
 - Ecology coastal mitigation contribution of £81,406.
 - Arrangements to offer two travel cards (up to a value of £50 each) to the first occupier of each approved dwelling to encourage public transport usage;
 - A contribution to cover the full cost of the Council progressing and implementing new Traffic Regulation Orders in respect of the roads within the development to limit vehicle speeds to 20mph and, if deemed necessary post occupation of the development, discourage commuter car parking associated with those using the nearby East Boldon Metro Station and amendment of an existing TRO in respect of the speed limit and parking restrictions on Cleadon Lane in the vicinity of the site - speed limit reduction from 40mph to 30mph and amendment of on-street parking restrictions to reflect the proposed development – e.g. new access & bus stop locations and closure of existing redundant accesses to site.
 - Arrangements to facilitate implementation of off-site improvement works to the existing bridleway to the south west of the application site as detailed in condition 8 below
- 3.11 In terms of any Section 106 Agreement, Planning Committee should note that, in connection with the obligations to provide the affordable housing units, the Agreement wording is likely to include a mortgage protection clause. Such a clause is generally accepted by local authorities in Section 106 Agreements and its effect is to release the dwellings from the affordable housing use restrictions set out in the Agreement (subject to certain requirements being met), in the unlikely event that the property owner defaults on the mortgage that they had obtained to carry out the development and the mortgagee looks to sell the property or the property owner enters administration and the administrator looks to sell the property. Although the inclusion of the mortgage

protection clause creates a technical risk that the units will be lost as affordable housing, the risk of default/administration is considered low. The benefit of the clause is that it increases the level of funding that registered providers are able to secure against the relevant affordable housing units, which in turn allows the provider to fund the provision of additional affordable housing elsewhere in the country (including in South Tyneside). For these reasons, South Tyneside generally accept inclusion of a mortgagee protection clause. It should also be recognised affordable dwellings can be lost as affordable if the individual tenant exercises a statutory right to acquire or (in the case of any intermediate tenure) staircases to 100% ownership.

- 3.12 Committee should also note that a conversion mechanism may be included in the Section 106 Agreement which allows for affordable rented units to be sold as affordable home ownership units if despite extensive marketing these cannot be disposed of to registered providers and also if affordable home ownership units cannot be sold or re-sold to eligible individuals despite extensive marketing, Agreement clauses may allow for the purchase of such units by the Council or the unrestricted sale of such units at full market value subject to payment by the developer to the Council of financial contributions for the provision of off-site affordable housing.
- 3.13 Finally, the Section 106 Agreement may contain clauses to ensure that monetary contribution amounts are index linked so that these increase in line with inflation and that certain contributions are payable to the Council in instalments as the development progresses and clauses may also be included in Agreements requiring the repayment of contributions to developers if these have not been spent by the Council within a specified period of time and for Agreements to apply to any subsequent variations of the planning permissions to which they relate.
- 3.14 Concern has been expressed by some objectors regarding increased pressure on GP and dental services arising from the proposed development. Section 106 contributions for primary healthcare infrastructure have to date not been sought in respect of major developments in South Tyneside as there is no planning policy basis in either the Council's LDF or in the EBNP for seeking such contributions nor does the Council have a formal arrangement with the local Clinical Commissioning Group (CCG) regarding the evidence to justify the need for contributions and if such evidence existed the formula for calculating the level of contributions required. In the absence of the above, primary healthcare contributions have not been sought.

The principle of development

- 3.15 The proposal accords with EBNP Policies EB2 and EB12 in that the vast majority of the application site lies within the settlement boundary of East Boldon.
- 3.16 The small northern element of the site outwith the settlement boundary and within the Green Belt and Tiledsheds Burn LWS (as shown on the Council's LDF Proposals Map 2012) would be soft landscaped and is proposed to form part of the open space area serving the development, which is considered acceptable in principle subject to detailed considerations. It is considered that the engineering operations to lay out this open space area would constitute appropriate development in the Green Belt as such works would preserve the openness of the Green Belt and would not conflict with Green Belt purposes. As such they would accord with the requirements of NPPF paragraph 150. Notwithstanding the above, evidence supplied by the Council's ecologist shows that this land was not part of the LWS when the LWS was surveyed in 2010 and as such the boundary as shown on the LDF Proposals Map would appear to constitute a mapping error. In addition, if such an extension of the industrial estate into the Green Belt and LWS took place more than 10 years ago, as such evidence

indicates, then even if planning permission had been required when this took place for a material change of use, any such planning breach would now be immune from planning enforcement action. It is further outlined later in this report that the proposals are considered acceptable in terms of their impact on Habitats sites. Given all of the above, it is not considered in terms of NPPF paragraph 11 that the application of policies in the NPPF that protect areas or assets of particular importance (i.e. in this instance Green Belt and Habitats sites) provides a clear reason for refusing the development proposed.

- 3.17 With respect to the acceptability or otherwise in principle of housing development LDF Core Strategy Policy SC1 states that to deliver sustainable communities, development proposals will be focused within the built-up areas, in accordance with the spatial strategy for South Tyneside and the Regional Spatial Strategy's sequential approach to development. The Regional Spatial Strategy has been abolished since this policy was written and is no longer part of the development plan and the sequential approach it advocated with redevelopment of previously developed land being preferred over the development of Greenfield sites is not an approach adopted by the NPPF.
- 3.18 In terms of EBNP Policy EB10 the application site occupies the northern half of the Cleadon Lane Industrial Estate site as defined on the neighbourhood plan policies map. Policy EB10 allows for a wider mix of uses including housing on the site subject to certain criteria being satisfied concerning master planning and demonstration of no need or demand for the existing employment related uses.
- 3.19 The vast majority of the site lies within a Predominantly Industrial Area (PIA) on the LDF Site-Specific Allocations DPD Proposals Map.
- 3.20 However the site does not comprise part of the LDF Core Strategy Policy E1 40 hectares of land allocated to meet economic development requirements, although this Policy does also state that viable employment sites, and other employment sites with special attributes will be safeguarded for employment uses only.
- 3.21 LDF Development Management Policies DPD Policy DM2 states that proposals for non-employment uses in PIA's will only be approved where it is demonstrated that the employment use of the site is no longer viable and the site would not make a significant contribution to the Borough's employment land supply over the next 10-15 years in meeting RSS employment land requirements; or the proposal provides long-term benefits that would significantly outweigh the loss of land for employment use.
- 3.22 However, the site is no longer proposed for employment use in the Council's emerging new Local Plan but is rather allocated as a housing site with a capacity of 212 dwellings. This reflects in part the findings of a recent Employment Land Review undertaken for the Council which at paragraph 7.83 states:
- It is also understood that the Council is considering the allocation of Cleadon Industrial Estate as a mixed use development with a much reduced employment area. We consider that this is appropriate as the environment of the estate is not high quality and it is not well situated in relation to the strategic highway network.*
- 3.23 NPPF paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

- 3.24 Paragraph 120(d) states that planning decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 3.25 Paragraph 122 states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area
- 3.26 NPPF paragraph 60 states that it is the Government's objective to significantly boost the supply of homes and in this regard it is important that a sufficient amount and variety of land comes forward for housing where it is needed.
- 3.27 The Council's spatial planning team in their comments on the application, whilst acknowledging that there is a quantitative undersupply of employment land in the Borough, do state also that the site is not of significant value as an employment site in qualitative terms, although the industrial estate as a whole, of which the application site is a part, does provide floorspace for a number of businesses and there are concerns that it could be difficult to re-locate businesses currently operating within the site if these were required to move. However, they do not recommend refusal of the application on the grounds of loss of employment land. Rather, they acknowledge that the Council is not currently able to demonstrate a 5 year housing land supply and in this regard there is a very constrained supply of housing sites. As such boosting the supply of homes is an important material consideration in favour of the proposal subject to the proposal being acceptable having regard to other material planning considerations.
- 3.28 The Council's economic growth team also concur that the industrial estate as a whole does provide floorspace for a number of businesses and share concerns that it could be difficult to re-locate businesses currently operating within the site if these were required to move.
- 3.29 In terms of EBNP Policy EB10, some master planning has been undertaken with the various matters highlighted in the policy having been considered in formulating the application proposals. Consultation has also taken place on proposals with East Boldon Forum, the local community and other key stakeholders at both the pre and post application stages.
- 3.30 In terms of need or demand for the existing employment related uses, there are 2 existing businesses currently operating on the site – a sawmill in the south west corner of the site employing 6 full-time equivalent staff and an area in the south east corner used for car storage with up to 2 full-time equivalent staff members based on-site. Both of these businesses are on short term leases, are aware of the planning application proposals and would need to re-locate from the site once their leases expire within the next 3 years if this application was approved and implemented. The figure of 13 businesses operating on site alleged by an objector is not considered to be correct.

- 3.31 The remainder of the application site is vacant and in respect of need or demand for re-use of such land/buildings for employment purposes the applicant has made reference to a lack of interest from prospective occupiers in response to marketing undertaken.
- 3.32 The applicant has provided details regarding the marketing undertaken. They advise that such marketing has been undertaken actively from December 2020 until May 2022 with an advertising board on-site and advertisement of the site's availability on several property websites. A limited number of tentative enquiries have been received in response to such marketing but did not progress further. The majority of the enquiries were for gym/leisure uses which would conflict with the current employment allocation within the development plan or were from motor vehicle repairers and motor vehicle breakers. However, such marketing appears to relate only to 1746 square metres of vacant floorspace within the site and not the site as a whole which includes substantial external hard surfaced areas. As such it is not considered that sufficient recent marketing has been undertaken to demonstrate a lack of recent interest in developing the site for employment purposes.
- 3.33 It is accepted that there is a need for additional employment land within the Borough. However the constraints highlighted above which render the site of poor quality (i.e. poor physical condition and location away from the strategic highway network) are considered to reduce the attractiveness of the site to potential occupiers and this is reflected in the lack of firm interest to date in the site following on from the marketing that has been undertaken. Furthermore, it is acknowledged that public sector investment is being targeted at larger strategic sites and that given all of the above it may be necessary to look at bringing forward a larger employment site in the Borough through the new Local Plan in order to deliver the Council's employment land aspirations. In this regard the draft Local Plan does propose a 14.16 hectare employment allocation at the nearby former Wardley Colliery site, although as stated above very limited weight can be given to this at present given the current status of that draft plan. There is also a current planning application (ST/1172/21/FUL) under consideration for 17 hectares of land at the IAMP site in the south of the Borough capable of accommodating 168,000 square metres of employment floorspace.
- 3.34 Notwithstanding the above observations regarding the two existing businesses on site and employment land need generally, there also exists an urgent need to bring forward land for housing given the Council's very significant shortfall in relation to the 5 year housing land supply requirement and poor housing delivery over the last 3 years which is substantially below what would normally be required by Government. In this regard, a large scale major housing development such as this has the potential to contribute significantly to addressing the shortfall of 1134 dwellings that need to be provided to meet the Council's 5 year housing land supply requirement, with the 202 dwellings proposed being equivalent to 18% of that shortfall. It is acknowledged that EBNP Policy EB12 identifies a housing requirement of only 146 dwellings for the neighbourhood plan area for the plan period of 2019-2031. However, this application needs to be assessed having regard not just to the housing need of the neighbourhood plan area but also the housing need of the Borough as a whole.
- 3.35 Overall, in terms of the principle of development, having regard to all of the above matters, it is considered that in the planning balance greater weight should be given to the need to significantly boost the supply of housing and therefore in principle the loss of employment land to housing is considered acceptable subject to the proposals being acceptable in other respects as detailed in the remainder of this report and overall planning balance considerations.

Improving Accessibility, Highway Capacity, Highway Safety

EBNP EB12 The delivery of new housing - Where appropriate and relevant to the site, a masterplan should be prepared as part of the development proposals and should include details of:

- g. The provision of adequate vehicle and cycle parking provision taking account of the guidance set out in the Annex to the East Boldon Design Code;
- h. Highways access to the site and the impact of the proposals on the highway network;
- i. Pedestrian linkages through the site, including how opportunities for sustainable travel will be embedded within the development;

EBNP EB18 Sustainable transport and new development - Development will be supported where it maximises the use of sustainable modes of transport, in particular applicants must demonstrate, where appropriate and relevant to the development, how the proposal has been designed and located to:

- a. Reflect the needs of: pedestrians; cyclists; public transport; commercial and service vehicles; and private cars;
- b. Create places and streets that are user friendly and safe for cyclists and pedestrians, reflecting the requirements of the East Boldon Design Code;
- c. Support sustainable transport choices such as, incorporating or creating new pedestrian and cycle routes or improvements to existing routes to serve the development that integrate into wider networks and provide safe and effective routes to services and facilities, including East Boldon Metro Station;
- d. Ensure existing or new public transport services can accommodate development proposals, and where necessary, new accessible public transport routes and/or improvements to the existing services and facilities can be secured;
- e. Ensure that the cumulative impact on traffic flows on the highway network will not be severe or that appropriate mitigation measures can be secured and are undertaken; and
- f. Incorporate an appropriate level of parking in accordance with the parking standards set out in policies EB20, EB21 and EB22.

To achieve modal shift, major developments will be expected to provide travel plans and the application should be supported by a transport statement or transport assessment. The development should promote sustainable travel behaviour and demonstrate how it will link and support the widening of travel choices.

EBNP EB20 Cycle storage and parking - Development proposals creating additional residential units should demonstrate how secure storage for bicycles can be provided in accordance with guidance set out in the East Boldon Design Code Annex on Parking.

EBNP EB21 Residential parking standards - Residential development proposals creating additional residential units should provide an adequate level of parking for residents and visitors in accordance with guidance set out in the East Boldon Design Code Annex on Parking.

EBNP EB23 Walking and cycling network - Proposals to create, improve or extend the walking and cycling network within the plan area will be supported.

LDF A1 Improving Accessibility (LDF Core Strategy) - seeks to support public transport, cycling and walking by ensuring that new developments are easily

accessible. Requires transport assessments for major development proposals. Parking standards will apply to new development, as set out in SPD.

LDF DM1 (G, H and I) Management of Development-Highways and Access (LDF Development Management Policies) - seek to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

SPD6 Parking Standards - sets out the parking standards used in assessing proposals for new development.

SPD7 Travel Plans - provides guidance on when Travel Plans should be produced and what they should contain.

- 3.36 Moving onto national planning policy, NPPF paragraph 104 states that transport issues should be considered from the earliest stages of development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 3.37 Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 3.38 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.39 Paragraph 112 continues that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 3.40 Finally paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Impact of the Development on the Local and Strategic Highway Network

- 3.41 The application is accompanied by a Transport Assessment and a subsequent Addendum document which assesses the impact of the proposed development on the local and strategic highway network. In this regard the impact of increased traffic from the development on certain nearby junctions has been examined. These include the junctions of Cleadon Lane with the B1298 (Tile Shed Lane) and B1299 (Station Approach), the B1298 New Road/Boldon Lane/Tile Shed Lane Mini-Roundabout, the B1299 Station Road/A184 Front Street signals junction, the Hubert Street/North Road junction and the ASDA/Hubert Street roundabout. Consideration has also been given to the impact of traffic from the development on queue lengths at the nearby Station Approach level crossing with modelling showing that queue lengths on average during the busiest morning peak period would only increase by around 4 metres from 58 metres (9.7 vehicles) to 62 metres (10.3 metres) which it is submitted could be accommodated within the existing carriageway without detriment to highway safety. Finally, these documents further consider the matter of highway safety through an examination of accident records in the vicinity of the site.
- 3.42 These documents have been scrutinised by the Council's traffic consultants Systra and by National Highways. National Highways raise no objection to the application, although they request a meeting with the Council to discuss the cumulative impacts of developments on the A194/A184 White Mare Pool junction. Systra initially requested that further work was undertaken by the applicant's traffic consultant concerning the modelling of impacts on the local highway network. The applicant has undertaken such work and these consultees now raise no objections to the proposals in terms of their impact on the local and strategic highway network.
- 3.43 Overall, it is therefore considered that sufficient information has been provided to demonstrate that the proposals are acceptable in terms of their impact on the highway network.

The Proposed Accesses into the Site

- 3.44 The proposed vehicle accesses into the site as stated earlier comprise two uncontrolled priority junctions to Cleadon Lane. An amended site layout plan has been submitted which seeks to address previous comments made by the Local Highway Authority through the provision of raised tables at these junctions projecting out into Cleadon Lane and a 3 metre wide shared footway/cycleway on Cleadon Lane. A highway gateway feature would also be provided on Cleadon Lane north of the site with a TRO also proposed to reduce vehicle speeds south of this gateway feature from 40mph to 30mph.
- 3.45 To further enhance pedestrian and cyclist access, separate additional pedestrian/cyclist accesses have been provided in the south west corner of the site to an existing bridleway and in the south east corner of the site to Cleadon Lane, with a further pedestrian access to Cleadon Lane between the two priority junctions. Lighting and surfacing improvements are also proposed to the bridleway to the south west of the site with these to be funded through a Section 106 contribution.

- 3.46 Overall, the Local Highway Authority consider the proposed access arrangements to be satisfactory.

The proposed internal layout

- 3.47 The proposed internal layout has been amended in response to comments raised by the Local Highway Authority. Changes made comprise the provision of raised tables at internal junctions to calm vehicle speeds and increased visitor car parking provision.
- 3.48 SPD6 sets out the Council's maximum parking standards. For cars these are normally 2 spaces per dwelling plus 1 space per 3 dwellings for visitors. However, it may be appropriate to allow provision above these figures in the case of larger dwellings, where provision can be linked to the number of bedrooms per proposed dwelling. Cycle parking standards are 1 space per dwelling.
- 3.49 Further car and cycle parking standards are set down in the East Boldon Neighbourhood Plan. These differ from the above Council standards. The EBNP standards in terms of car and cycle parking seek 1 space for 1 bed dwellings, 2 spaces for 2/3 bed dwellings and 3 spaces for 4 bed dwellings. The visitor parking standard is 1 space per 2 dwellings.
- 3.50 In this regard the revised site layout provides for off-street car parking spaces for the proposed dwellings which largely accords with the EBNP standards. However, the level of visitor parking at 56 spaces is below the 67 spaces suggested by the Council's SPD and the 101 spaces suggested by the EBNP standards. The applicant has advised that electric vehicle charging would be provided for in respect of the dwellings in accordance with the Building Regulations changes regarding EV charging facilities that came into force in June 2022. In terms of cycle parking, this will be provided for within integral garages where dwellings have these and in other instances a garden store has been provided for. However, no cycle parking is shown for the 3 apartment blocks within the proposed development.
- 3.51 The level of off-street curtilage car parking is considered largely acceptable as it accords in the main with both the Council and EBNP standards, with only 1 x 2 bed dwelling having 1 rather than 2 spaces as required by the EBNP standards. Whilst the level of visitor parking (around 1 space per 3.6 dwellings) is below both the Council and EBNP standards, a level of 1 visitor space per 4 car parking spaces has recently been accepted on the major housing development approved at the Holborn Riverside site in South Shields and overall it is considered that given the accessible location of the application site within walking distance of East Boldon metro station and local services in East Boldon, the provision of curtilage parking for all dwellings bar one at to the EBNP standards and also bearing in mind that full weight cannot be given to the Council and EBNP standards given the housing land supply situation, the level of visitor parking proposed is acceptable. Traffic and Road Safety consider the distribution of visitor parking in certain parts of the proposed layout to be deficient. However, some visitor parking is provided for across all areas of the site and a balance needs to be struck in considering distribution matters with urban design and landscape considerations. Given this, the fact that Traffic and Road Safety are happy with the overall level of visitor parking and the provision of curtilage car parking largely in accord with the EBNP standards, the distribution of visitor parking is considered acceptable. The cycle parking arrangements are also considered acceptable, although a condition is suggested to ensure that cycle parking is provided for the apartment blocks within their respective curtilage areas

- 3.52 Streetlighting will need to be provided for in respect of the internal road layout and this can be secured by condition.
- 3.53 The Local Highway Authority (LHA) have advised that some further minor amendments are required to the site layout and amended plans are awaited regarding these matters. Subject to receipt of amended plans that satisfactorily address the requirements of the LHA, the proposed site layout is considered acceptable in transportation terms.

Accessibility by public transport

- 3.54 Overall the application site is considered to be accessible by public transport to local services in East Boldon and nearby towns/cities. In this regard the site is within 6-7 minutes walking distance of East Boldon Metro Station which has metro services to Newcastle and Sunderland every 12 minutes during the day time Monday to Saturday and every 15 minutes in the evenings and on Sundays. There are also existing bus stops on Cleadon Lane to the immediate south east of the site. These are served by the No.558 bus service which runs between Heworth Metro and Seaburn hourly Monday to Saturday. Finally, there are also bus stops on Station Road to the immediate west of the metro station which are also served by the No.30 bus service which provides access to South Shields, Cleadon & Boldon Colliery.
- 3.55 Improvements are proposed as part of the application to bus stop provision. These comprise the provision of 2 new bus stops on Cleadon Lane between the 2 site accesses, with each of these bus stops having a shelter and level access kerbing. The applicant has also agreed to upgrade two existing bus stops on the B1299 Station Road to the immediate south west of the East Boldon Metro Station level crossing.
- 3.56 The applicant has also agreed, as requested by Nexus, to fund the cost of 2 Nexus travel cards credited with £50 each for the first occupiers of each of the proposed dwellings. Provision of these would be secured through a Section 106 Agreement.
- 3.57 An Interim Travel Plan has been submitted with the application. This proposes the appointment of a Travel Plan Co-ordinator by the developer, who would then undertake liaison with new residents, before preparing and implementing a travel plan for the development to promote sustainable transport choices. It is considered that preparation and implementation of the travel plan can be secured through a planning condition.
- 3.58 Overall, the proposals are considered acceptable in transportation terms subject to the minor layout amendments referenced above being addressed and therefore it is considered that the proposed development would be in accordance with Policies A1 and DM1(G and H), SPD6 of the South Tyneside Local Development Framework and the NPPF.

Delivering Sustainable Communities

EBNP EB3 Design - Development should conserve local distinctiveness by demonstrating high quality design which respects existing character & responds to the distinctive character of the area. This should take account of East Boldon Design Code (EBDC). Development will be supported where it satisfies certain criteria:

- Maintains/enhances character of locality;
- Reflects incremental and phased development of village including its diverse architectural styles and avoids repetitive dev;
- Materials complement adjoining/surrounding buildings where appropriate;

- Conserves/enhances heritage assets;
- Takes account of topography and natural features of site and long distance views;
- Appropriate building lines, boundary treatments & roof lines;
- Sustainable design to minimise energy use;
- Refuse/recycling storage;
- Sustainable drainage;
- Does not prejudice amenity of future occupiers or adjacent properties (loss of light, dominance, privacy, noise);
- Appropriately sited car/cycle parking in line with EBDC;
- Encourages sustainable transport choices;
- External lighting acceptable re amenity & wildlife;
- Safeguards/enhances re ecology;
- Will not result in unacceptable levels of noise, air, water pollution;
- Safe, accessible & well-connected environment;

Design and Access Statements should demonstrate how proposal has responded to the above matters.

EBNP EB10 Cleadon Lane Ind Estate - Proposals for the redevelopment of the site for a wider mix of uses, including housing, must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum, the local community and other key stakeholders.

As a minimum the masterplan must include details of:

- a. The phasing of the proposed development;
- b. The proposed mix of development, illustrating how this will not undermine the viability and operation of existing businesses on the site;
- c. How the housing mix will contribute to delivering local housing needs as demonstrated in an up to date Housing Needs Assessment;
- d. The provision of adequate vehicle and cycle parking provision taking account of the guidance set out in the Annex to the East Boldon Design Code;
- e. Highways access to the site and the impact of the proposals on the highway network;
- f. Pedestrian linkages through the site, including how opportunities for sustainable travel will be embedded within the development;
- g. How the development accords with the East Boldon Design Code;

EBNP EB12 The delivery of new housing - As a minimum new dwellings must be built in accordance with the Nationally Described Space Standards or equivalent successor standards.

Where appropriate and relevant to the site, a masterplan should be prepared as part of the development proposals and should include details of:

- a. The phasing of the proposed development;
- b. Housing mix and how this meets identified local needs as identified by an up to date housing needs assessment;
- c. How the development makes the best and most efficient use of land and buildings;
- d. The density of the development, illustrating how this reflects surrounding development;
- e. Design considerations, to ensure the development demonstrates high quality design, reflecting the character of its immediate surroundings and reflecting the principles set out within the East Boldon Design Code;
- f. Compliance with the National Design Guide, National Design Code and Building for a Healthy Life, or successor documents;

EBNP EB13 Housing mix - The mix of housing types and tenure on new housing proposals should have regard to and be informed by evidence of housing needs, including the current East Boldon Housing Needs Assessment (2019) and South Tyneside Strategic Housing Market Assessment (2015) and any subsequent updates. The only exception will be where the proposal is designed to meet a specific and identified housing need, which requires a particular type, format or tenure of housing. The HNA suggests 26% 1 bed, 42% 2 bed, 32% 3 bed & 0 4 bed.

EBNP EB14 Affordable housing - All new development of ten or more open market residential dwellings or on sites of 0.5 hectares or more, will be required to contribute to the provision of affordable housing in accordance with South Tyneside Council's SPD on Affordable Housing, latest Housing Needs Survey and the latest viability work undertaken for the Council to determine the level of affordable housing that is deliverable. The level, type and mix of affordable housing to be delivered on each site will have regard to up to date evidence of affordable housing needs, including the current East Boldon Housing Needs Assessment (2019) and South Tyneside Strategic Housing Market Assessment (2015) and any subsequent updates.

ST2 Sustainable urban living (LDF Core Strategy) – promotes the highest standards of design, environmentally sound practices, (including on site generation of renewable energy) and sustainable drainage, gives priority to alternative modes of transport to the private car, addresses the need to design out crime and eliminate the fear of crime and promotes biodiversity interests.

LDF SC3 Sustainable Housing Provision (LDF Core Strategy) – seeks average densities of 40 net dwellings per hectare on sites within 400-800 metres of a metro station.

LDF SC4 Housing Needs, Mix and Affordability (LDF Core Strategy) - seeks to ensure a range and choice of good quality affordable homes to meet identified housing needs. For large scale developments such as this 25% affordable housing is sought.

LDF SC6 Providing for Recreational Open Space, Sport and Leisure (LDF Core Strategy) seeks to promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities.

LDF DM1(J) Energy Efficiency and Resilience to the Affects of Climate Change (LDF Development Management Policies) - is to ensure that developments are designed to achieve lower carbon emissions and to have greater resilience to the affects of climate change.

LDF DM1(A) Management of Development – Design (LDF Development Management Policies) – seeks to ensure that developments are designed to convey sensitive consideration of surroundings.

LDF DM1(B) Management of Development – Residential Amenity (LDF Development Management Policies) - seeks to ensure that developments are acceptable in relation to any impact on residential amenity.

LDF DM1(C) Management of Development - Landscaping (LDF Development Management Policies) - seeks to ensure that developments protect or replace existing landscaping.

SPD1 Sustainable Construction and Development - requires applicants for certain larger scale or significant schemes to demonstrate the sustainability credentials of their proposals.

SPD4 Affordable Housing - sets out how the affordable housing requirement in policy SC4 is to be provided through the planning process.

SPD5 Planning Obligations and Agreements - provides guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough.

SPD9 Householder Developments – provides guidance in respect of building works to dwellings and states that it would normally be expected that a proposed two storey or upper floor extension would not face the front or rear elevation of an adjacent property at a distance of less than 14 metres.

Affordable Housing, Housing Mix & Space Standards

- 3.59 In addition to the requirements of LDF Policy SC4 as detailed above, NPPF paragraphs 63-65 and recent Government guidance on First Homes state that proposals should provide for mixed and balanced communities with on-site affordable housing provided. At least 10% of the total number of homes proposed should be available for affordable home ownership (e.g. Discount Market Sale/First Homes units sold at no more than 70-80% of open market value to eligible individuals or shared ownership units) and at least 25% of the affordable units should be First Homes which meet the requirements set down in Government guidance.
- 3.60 In terms of the overall number of dwellings a varied mix of dwelling sizes is provided for with 18 apartments and 184 houses proposed comprising 12 x 1 bed apartments, 6 x 2 bed apartments, 62 x 2 bed houses, 68 x 3 bed houses and 54 x 4 bed houses.
- 3.61 With regard to affordable housing it is proposed that 46 of the 202 dwellings (23%) would be affordable dwellings, rather than the usual policy requirement of 25% with the applicant claiming a discount on affordable housing numbers through the Government's Vacant Building Credit (VBC) policy which seeks to incentivise the redevelopment of previously developed sites with vacant buildings by allowing the amount of affordable housing to be reduced to reflect the floorspace of vacant buildings needing to be demolished to facilitate development. The applicant's evidence regarding their VBC entitlement is accepted and therefore the 2% discount from 25% to 23 % affordable housing is considered acceptable.
- 3.62 The affordable housing mix proposed is 12 x 1 bed apartments, 6 x 2 bed apartments, 17 x 2 bed houses and 11 x 3 bed houses. It is anticipated that 20 of these units will be affordable home ownership units, comprising a mix of 12 First Homes and 8 Discount Market Value (DMV) sale units that would be sold to eligible individuals at a discount from open market value, with such discounts/eligibility criteria being retained in-perpetuity in respect of re-sales. The remaining 26 units would be affordable rented units managed by a Registered Provider. The affordable rented units would comprise all 18 of the 1 and 2 bed apartments, 6 x 2 bed houses and 2 x 3 bed houses. The 8 DMV units would comprise 2 x 2 bed houses and 6 x 3 bed houses whilst the First Homes would comprise 9 x 2 bed houses and 3 x 3 bed houses.
- 3.63 EBNP Policy EB13 states that the mix of housing types and tenure on new housing proposals should have regard to and be informed by evidence of housing needs,

including the current East Boldon Housing Needs Assessment (2019) and South Tyneside Strategic Housing Market Assessment (2015) and any subsequent updates.

- 3.64 The housing mix identified in the East Boldon Housing Needs Assessment (EBHNA) 2019 as being required to meet local housing need comprises 26% 1 bed units, 42% 2 bed units, 32% 3 bed units and 0% 4 bed units, with need in respect of affordable housing for young families and the elderly in particular.
- 3.65 The latest version of the South Tyneside Strategic Housing Market Assessment (STSHMA) is that dated November 2021. The housing mix identified in the STSHMA as being required to meet local housing need comprises 12% 1 bed units, 35% 2 bed units, 44% 3 bed units and 9% 4 bed units. The affordable housing mix suggested to best meet identified need is 75% affordable rented and 25% affordable home ownership.
- 3.66 Policy 18 of the Council's emerging Local Plan seeks 30% affordable housing provision in East Boldon with this comprising a mix of 10% affordable home ownership units (of which 7.5% should be First Homes) and 20% affordable rented units. Policy 19 seeks to secure a mix of housing to meet identified local need.
- 3.67 The housing mix for the proposed development is 6% 1 bed, 34% 2 bed units, 34% 3 bed units and 26% 4 bed units. As such the provision of 3 bed units is largely in accord with the EBHNA. However, less 1 and 2 bed units and more 4 bed units are proposed than suggested by the EBHNA. The number of 2 bed units proposed largely accords with the STSHMA, but with the 1 and 3 bed units being less and the 4 bed units being more than is specified in the STSHMA.
- 3.68 As such, overall the mix proposed accords with relevant housing needs assessments in respect of 2 and 3 bed units, but the number of 1 bed units proposed is less than suggested and the number of 4 bed units greater. However, in respect of 1 and 4 bed units there is variation in respect of identified need between the EBHNA and the STSHMA. For 1 bed units the figures are 26% and 12% and for 4 bed units 0% and 9% and whilst the proposed mix in respect of 1 bed units is lower and for 4 bed units higher the discrepancies from the figures in these housing needs assessments are not considered to constitute sufficient grounds for refusal of planning permission bearing in mind the substantial shortfall in the Council's 5 year housing land supply.
- 3.69 Turning now to the matter of affordable housing, the 23% provision proposed is less than the 25% provision normally sought under LDF Policy SC4. Little weight can be given to the emerging Local Plan figure of 30% given the early stage at which the plan currently is on its journey to adoption.
- 3.70 However, the reduction from 25% to 23% provision is considered justified in this instance having regard to the Government's Vacant Building Credit policy.
- 3.71 In terms of tenures, it is proposed that 57% of the affordable housing would be affordable rented units whilst the remaining 43% would be affordable home ownership units comprising a mix of First Homes and other Discount Market Value units. This mix differs from the 75% affordable rented and 25% affordable home ownership mix suggested in the STSHMA. However, the STSHMA mix in this instance would not be compliant with Government guidance in the NPPF (paragraph 65) which states that for major developments such as this at least 10% of the total number of homes should normally be available for affordable home ownership. The proposed mix is compliant with the NPPF in that 20 out of 202 units are proposed as

affordable home ownership units and in terms of NPPF paragraph 65 it is not considered that this level of provision would result in the level of affordable housing required in the area being exceeded or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Furthermore, Government Guidance in the NPPG requires at least 25% of the affordable housing provision on schemes such as this to be First Homes and again the proposed mix is compliant with this. Finally the EBHNA identifies a particular need for affordable housing for young families and the elderly and it is considered that the mix of affordable units proposed which comprises mainly smaller 1 and 2 units would assist in meeting the needs of such individuals. Overall the affordable housing mix is considered acceptable.

- 3.72 A further consideration in respect of the affordable home ownership units proposed (i.e. First Homes (FH) and Discount Market Value (DMV) units) is the level of discount below open market value that these should be sold at. In accordance with the Interim DMS Policy Statement adopted by Cabinet in January 2023 which applies to DMV units, it is proposed that these will be discounted by 40% from open market value given the location of the application site in Cleadon and East Boldon Ward. In respect of First Homes, emerging Local Plan Policy 18 also suggests a discount of 40% from open market value in Cleadon and East Boldon ward. However, as stated above the Local Plan is at an early stage in its journey towards adoption and this policy has not as yet been subject to examination. The policy has also been challenged by the applicant who considers that it is not compliant with the Government's National Planning Practice Guidance (NPPG) in respect of First Homes. This states that normally First Homes should be sold at a discount of 30% from open market value, although higher discount levels of 40% or 50% can be adopted by Local Planning Authorities or Neighbourhood Planning Authorities if there is evidence to support such higher levels of discount. However, the applicant contends that a correct interpretation of the NPPG is that if such higher discounts are adopted they must apply in respect of the entire Local Plan or Neighbourhood Plan area (i.e. they cannot apply to only part of any such area). Furthermore, the NPPG sets a cap of £250,000 for First Homes property values (after application of the relevant discount) and the Council has not sought to adopt a lower cap, even though the NPPG again allows for this if evidence for such a lower cap exists. The Local Plan Viability Testing Report (December 2021) which forms part of the evidence base for the emerging Local Plan states that residential values in East Boldon sit between £2750 and £3000 per square metre. Even if the £3000 per square metre figure was applied to the proposed affordable units, this would still generate a value for all those units of well below £250,000 once a 30% discount had been applied. Bearing in mind all of the above, it is considered that a 30% discount from open market value should be applied in respect of the First Homes units.
- 3.73 Turning now to the matter of phasing of the affordable provision, the proposed arrangements are as follows: Phase 1 – 13 units (28% of the affordable provision), phase 2 – 17 units (37% of the affordable provision), and phase 3 – 16 units (35% of the affordable provision). In phase 1 there are 120 units in total so 13 affordable units is 11% of the total in this phase. The figures for phase 2 are 32 units in total so 17 units is 53% of the total in this phase and in phase 3 there are 50 units in total so 16 units is 32% of the total in this phase. Such phasing arrangements reflect the fact that construction would need to take place from the north of the site in a southward direction due to existing occupiers in the southern area of the site not vacating the site for several years after the proposed commencement of development date. 18 of the 46 affordable units (39%) are 1 and 2 bed apartments and it is considered that such apartment blocks are best located, as is proposed, in the southern area of the site furthest from the settlement edge and Green Belt where smaller scale and lower

density development is provided for. Given this, the proposed phasing of affordable housing is considered acceptable with the higher level of provision in phase 2 as a percentage of the total units in that phase making up for a lesser amount of affordable housing delivery in phase 1 in relation to the total number of dwellings in that first phase.

- 3.74 The proposed 23% affordable housing would be secured through a Section 106 Agreement. The proposed location of the affordable units within the site is considered acceptable with these being spread out to a satisfactory extent across the site layout.
- 3.75 EBNP Policy EB12 states that new dwellings should be compliant with the Government's Nationally Described Space Standards (NDSS). These set out minimum dwelling floorspace sizes per bedroom and bedspaces as well as minimum standards re single and double bedrooms and internal storage.
- 3.76 The proposals are considered to be generally compliant with the NDSS as all of the house types meet the NDSS floorspace standards with the exception of the Askern & Denby house types that total 17 of the 202 dwellings proposed. In terms of storage, although some housetypes do not have dedicated storage space or a very small amount of dedicated storage space, such units do generally have homeworking rooms, garages or utility rooms that could provide some storage space. Only the 2 bedroomed Denby house type has no storage space at all but this house type accounts for only 3 out of the 202 units. Notwithstanding the above, it is not considered that departures such as this from the NDSS would be sufficient justification to refuse planning permission given the overall housing land supply deficiency.
- 3.77 The Council's Housing Strategy Officer raises no objections to the proposed housing mix generally, the affordable housing mix and phasing arrangements or the proposed development in respect of the NDSS. Overall, given the above, the proposals are considered to be acceptable in terms of affordable housing, housing mix and space standards.

Urban Design Considerations

- 3.78 EBNP Policy EB10 states that proposals for the redevelopment of the Cleadon Lane Industrial Estate site for a wider mix of uses, including housing, must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum, the local community and other key stakeholders.
- 3.79 A comprehensive masterplan in respect of the proposals has not been prepared in consultation with the neighbourhood forum, local community and other stakeholders. However, the applicant has undertaken pre-application discussion with the above which has informed their application proposals. In terms of master planning, consideration has also been given in terms of the proposed site layout to how the dwellings relate to existing adjoining commercial occupiers on the remainder of the industrial estate and the Green Belt to the north and east of the site
- 3.80 As advised above, EBNP Policy EB3 and LDF Policies ST2 and DM1 (A/B/C) promote high quality design in new housing developments that respects local character, safeguards amenity and provides for landscaping including the protection of existing landscape features. Policy EB3 also states that proposals should take account of the East Boldon Design Code (EBDC) and in this regard the applicant has submitted a document with their application which seeks to show that the proposals are compliant with the EBDC.

- 3.81 National planning policy on design matters is set down in the NPPF, National Design Guide and National Model Design Code.
- 3.82 NPPF paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 3.83 Paragraph 130 states that planning decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 3.84 Paragraph 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 3.85 Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 3.86 Greater detail regarding design matters is outlined in the 10 characteristics of good design outlined in the National Design Guide and National Model Design Code namely context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.
- 3.87 The built environment within the locality surrounding the application site is varied in nature. In this regard to the south are a range of industrial sheds on the remainder of the Cleadon Lane Industrial Estate and within that part of East Boldon on the other

side of the railway line from the site are a range of 1-3 storey dwellings of various architectural styles constructed using a mix of red brick and white render facing materials and red and grey roof tiles with mix of hipped and gabled roof designs. To the east within Cleadon Village beyond the undeveloped land opposite the site on Cleadon Lane is West Drive which is more uniform in character comprising 2 storey semi-detached dwellings and small number of bungalows with hipped roofs, red bricks and red roof tiles.

- 3.88 Given the above a varied range of 18 house types are proposed. These comprise 2 and 2.5 storey houses and 3 storey apartment blocks. Furthermore to provide a greater sense of place the application site has been sub-divided into 3 character areas – urban edge, village green and rural edge – with window, front door, porch/canopy entrances and materials details varying between each character area. It is considered that the range of house types and character areas proposed would deliver a development that reflects local character and creates a good sense of place.
- 3.89 In terms of development density, this varies considerably across the East Boldon area. The EBNP Design Code refers to gross densities of between 5 and 40 dwellings per hectare in the local area. Given the location of the application site within walking distance of East Boldon Metro Station there is justification for a density of development on this site at the higher end of this range. In this regard LDF Policy SC3 suggests 40 net dwellings per hectare for locations such as this and the more recent South Tyneside Density Study (2018) that forms part of the evidence base for the Council's new Local Plan suggests net densities of around 45 dwellings per hectare for sites within 400-800 metres of metro stations. However, it is also considered that where the site borders the Green Belt and open countryside to the north and east that lower densities would be more appropriate. This is reflected in the proposed layout. This provides for higher density development with apartment blocks and a larger number of terraced dwellings to the southern area of the site closest to the metro station and existing built development in East Boldon whilst the north and east areas of the site are lower in density. Overall, the gross density of the development is 32 dwellings per hectare with the net density being 43 dwellings per hectare and given the above considerations the proposals are considered acceptable in respect of density.
- 3.90 In terms of site layout the perimeter block arrangement proposed for the dwellings ensures that the proposed layout addresses the site boundaries appropriately, with dwellings facing towards Cleadon lane including the provision of attractive Gateways into the development at the two main access points from Cleadon Lane. In the north of the site the majority of dwellings front onto the Green Belt whilst the apartment blocks in the south west corner of the site positively address the bridleway and railway line where those features share a boundary with the application site. The layout also provides for dwellings that address streets internally including the use of corner turning dwellings and pairs of dwellings to ensure that corners and open space areas are well overlooked and have active frontages. Care has also been taken to ensure that good permeability is provided for throughout the sites for vehicles, pedestrians and cyclists..
- 3.91 With regard to nature and public spaces, four existing trees are retained to the Cleadon Lane boundary. A total of 13 individual trees to the site boundaries and within the site are proposed for removal together with 5 groups of trees. However, these are not considered to be high quality specimens with regard to their visual amenity value, with the tree groups to be removed comprising a mix of leylandii, groups of small self-seeded trees and a small group of Ash trees affected by Ash

Dieback which are unlikely to survive long term. Substantial new tree and hedgerow planting is proposed comprising around 230 new trees, 845 metres of native hedgerow, 650 square metres of native woodland edge planting, 1250 metres of ornamental hedgerow and 390 square metres of ornamental shrub planting. Substantial new planting will be provided to the Cleadon Lane frontage, the boundary with Green Belt and open countryside to the north and within open space areas. Tree-lined streets are provided for within the layout with such tree planting focused on the primary circulatory route through the proposed layout.

- 3.92 In terms of open space, a key feature of the development is a linear open space which runs east-west through the centre of the site and provides an area of informal recreation at the heart of the development as well as accommodating the existing water course that runs into the site from the north west and sustainable drainage features. This open space also includes a small play area. Smaller open space areas are also provided to the north east and south west corners of the site to provide buffer landscaping between the proposed dwellings, Cleadon and the metro line respectively.
- 3.93 Concern has been expressed by objectors regarding the useability of the central open space area given the substantial levels changes needed to accommodate the proposed SUDS basin and existing watercourse. However, in this regard it needs to be acknowledged that open spaces serve a variety of functions such as the provision of space for active recreation, visual amenity benefit and habitats to enhance biodiversity and it is considered that overall the open space proposed provides for all of these functions.
- 3.94 Certain objectors have referred to the absence of buildings on site providing community facilities. However, the application site is within a short walking distance of existing community facilities in East Boldon with access to facilities in the wider area being readily accessible by a choice of means of transport.
- 3.95 Moving onto the matter of residential amenity, there are no existing dwellings within or immediately adjacent to the application site and therefore no significant residential amenity impacts would arise in this regard. The relationships between dwellings within the proposed layout is considered to be satisfactory with back to back distances between main rear elevations of at least 20 metres, at least 15 metre front to front distances and distances of at least 11 metres between main rear elevations and secondary elevations without habitable rooms.
- 3.96 The Comments of the Police in terms of community safety are noted. Whilst the proposal does introduce new pedestrian and cycle routes between the site and Cleadon Lane as well as the bridleway to the south these are well overlooked and will be lit and it is considered that these routes are acceptable in community safety terms. Comments in relation to the security features of individual dwellings are a matter to be addressed separately to this planning application through the Part Q of the Building Regulations. Overall the proposals are considered acceptable in terms of community safety.
- 3.97 Certain objectors have raised concern that boundary treatments are not provided for to dwelling frontages. In this regard, some enclosure is provided for through use of hedgerows and other planting and it is not considered that the absence of more substantial boundary treatments would be sufficient justification for refusal of planning permission.

- 3.98 Overall the proposals are considered to reflect satisfactorily the design principles set down within the EBNP Design Code and they are considered compliant with relevant EBNP and LDF Policies as well as the NPPF in this regard.

Climate Change Mitigation

- 3.99 EBNP Policy EB3 seeks to ensure that new development provides for sustainable design to minimise energy use with the EBNP Design Code also promoting sustainable design and climate resilience.

- 3.100 LDF Policy ST2 states that high quality in sustainable urban living will be promoted by ensuring that:

B – the use of environmentally sound and energy efficient construction materials and operational techniques are achieved and that developers work towards low carbon and zero carbon standards;

C – on-site generation of renewable energy is maximised, with a target of 10% of each scheme's energy requirements;

D – use is made of sustainable urban drainage systems and water conservation features including grey water recycling and other technologies wherever possible.

- 3.101 DMP Policy DM1(J) states that in determining all applications we will ensure, where relevant, the development is designed to achieve lower carbon emissions, and to be energy efficient and maximise the use of renewable and low carbon energy sources, having greater resilience to the likely effects of climate change, including higher summer temperatures and increased prevalence of flood events. Where relevant, development should incorporate green spaces to mitigate the heating of urban areas and should create and support opportunities for sustainable forms of transport, drainage and waste management.

- 3.102 Further detail regarding the above matters is contained within SPD1 – Sustainable Construction and Development (August 2007).

- 3.103 NPPF paragraph 154 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

- 3.104 Paragraph 157 states that in determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 3.105 The applicant has submitted with their application an Energy Statement setting out building fabric details that would deliver energy efficiency savings for the proposed dwellings. The submitted statement also considers various ways in which renewable energy generation could be progressed for the scheme.

- 3.106 It is considered that renewable energy generation provision could be secured by a condition requiring at least 10% of the developments energy needs to be met from renewable sources in accordance with details to be submitted to and approved in writing by the Council and the applicant is agreeable to such a condition. It should also be noted that recent changes to Part L of the Building Regulations which come into effect in June this year will require new dwellings to achieve a 31% greater reduction in carbon emissions compared to the current regulations.
- 3.107 With regard to other climate change mitigation matters, above ground sustainable drainage is provided for.
- 3.108 Subject to satisfactory details of renewable energy generation being secured by condition the proposals are considered acceptable in terms of climate change mitigation in accordance with EBNP Policy EB3, the EBNP Design Code, LDF Policies ST2 and DM1(J) and the NPPF.

Capitalising on our Environmental Assets / Environmental Protection

EBNP EB5 Green and blue infrastructure – Proposals should protect/improve/extend green/blue infrastructure network and will be assessed against following criteria:

- Protect/enhance green/blue infrastructure assets;
- High quality links between existing assets and/or provide additional uses for multi functionality;
- Improved access to green infrastructure;
- Create a sense of place through integration of green infrastructure into developments;
- Integrate green/blue infrastructure with SUDS;
- Address management/maintenance of green/blue infrastructure through conditions/S106

Improvements specified in the Policy are:

- Naturalising watercourse channels
- Improving biodiversity of watercourses and enlarging them as buffers
- Controlling/mitigating pollutants
- Early engagement with NWL re drainage connections/capacity
- Creation of wetland habitat
- Ensure development does not fragment wildlife corridors
- Non-native species management

EBNP EB6 Landscape - Proposals should maintain/enhance positive elements of landscape character as defined in EBDC and South Tyneside Landscape Character Study.

Consideration given to the following in the assessment of planning applications:

- Preservation, enhancement of East Boldon landscape character;
- Height, scale, massing, orientation, position respect surrounding landscape context;
- Conserves important landscape features (e.g. trees, hedgerows);
- Sits comfortably in landscape (e.g topography);
- Creates new landscape features (e.g. tree, hedgerows, water features);

- Tree lined verges to streets

EBNP EB7 Biodiversity – Development should protect & enhance biodiversity and provide for mitigation re European sites

EBNP EB10 Cleadon Lane Ind Estate - Proposals for the redevelopment of the site for a wider mix of uses, including housing, must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum, the local community and other key stakeholders.

As a minimum the masterplan must include details of:

- h. A landscape framework for the site, addressing matters such as green infrastructure, open spaces and relationship with the Green Belt beyond the site;
- i. How flooding and drainage considerations have informed the overall site design, particularly as areas of the site lie within flood zone 2 and 3;
- j. Opportunities to enhance biodiversity;
- k. Land contamination and remediation; and
- l. Any mitigation measures required as a result of the development.

EBNP EB12 The delivery of new housing - Where appropriate and relevant to the site, a masterplan should be prepared as part of the development proposals and should include details of:

- j. A landscape framework for the site, addressing matters such as green infrastructure, open spaces and relationship with the Green Belt beyond the site;
- k. How flooding and drainage considerations have informed the overall site design, key considerations should include the provision of flood resilience measures, reduction of flood risk where possible and ensuring no increase to flood risk elsewhere;
- l. Opportunities to enhance biodiversity; and
- m. Any mitigation measures required as a result of the development

LDF EA3 Biodiversity and Geodiversity (LDF Core Strategy) - seeks to optimise conditions for wildlife and tackle habitat fragmentation.

LDF EA5 Environmental Protection (LDF Core Strategy) – seeks to ensure that new development reduces levels of pollution and environmental risk.

LDF DM1(K) Management of Development – Flood Risk (LDF Development Management Policies) - seeks to ensure that developments are designed to minimise and mitigate localised flood risk.

LDF DM1(M) Management of Development - Contamination (LDF Development Management Policies) - seeks to ensure that risks of contamination have been assessed and, where necessary, remediation measures included.

LDF DM1 (N) Management of Development-Legacy of Mineral Workings (LDF Development Management Policies) - is to ensure that developments take into consideration the potential legacy of mineral workings.

LDF DM6 Heritage Assets and Archaeology (LDF Development Management Policies) – seeks to ensure that heritage assets are safeguarded.

LDF DM7 Biodiversity and Geodiversity Sites - (LDF Development Management Policies) is to ensure the protection and enhancement of the important environmental assets in the borough.

LDF DM8 Mineral safeguarding and Management of Extraction (LDF Development Management Policies) – seeks to safeguard mineral resources from sterilisation.

SPD3 Green Infrastructure Strategy - provides analysis of existing green infrastructure and sets out vision for future improvement and provision, including setting local green space standards.

Interim SPD23 – Mitigation Strategy for European Sites – seeks to ensure that recreational disturbance at the coast from the occupiers of major housing developments within 6km of the coast is mitigated through Section 106 contributions of £403 per dwelling in order to fund appropriate mitigation measures over a 20 year period.

Ecology

- 3.109 EBNP Policies EB5, EB7 and EB10 seek to secure the protection and enhancement of existing green and blue infrastructure in a manner that promotes biodiversity, whilst Policy EB7 seeks also to ensure that impacts on coastal European sites are mitigated.
- 3.110 CS Policy ST2 in respect of high quality in sustainable urban living states that all new development is encouraged to incorporate biodiversity at the design stage.
- 3.111 DMP Policy DM7 states that we will protect and enhance the important environmental assets of the Borough and promote and support high quality schemes that enhance nature conservation and management and maximise enhancement of biodiversity in line with the Durham Biodiversity Action Plan targets. All proposals for development must ensure that any individual or cumulative detrimental impacts on sites are avoided and will only be permitted where they would not adversely affect the integrity, natural character, or biodiversity of nationally and locally designated sites, wildlife corridors and other land that forms part of the Borough's strategic green infrastructure. Development within or outside these designations will only be approved where the benefits of development clearly outweigh any adverse impact on the site, and any broader impacts on SSSI's. Exceptions will only be made where no reasonable alternatives are available. In such cases, we will use planning conditions and/or planning obligations to mitigate or compensate for the harmful effects of the development, and through good design seek opportunities to incorporate biodiversity features into the development.
- 3.112 Turning to the NPPF, paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 3.113 Paragraph 180 further states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the

development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 3.114 NPPF paragraph 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 3.115 In response to the comments referenced above from the Council's Countryside Officer the applicant has submitted further ecology survey and assessment reports and a biodiversity net gain assessment. The Council's Countryside Officer has confirmed that the proposals provide for biodiversity net gain on-site and raise no objections subject to conditions and a Section 106 Agreement to secure appropriate mitigation measures in respect of recreational impacts on coastal sites.
- 3.116 The application site in and of itself is not of significant ecological value comprising various industrial buildings and associated hard surfaced curtilage areas. However, the Tiledsheds Burn LWS lies to the immediate north west of the site and the Boldon Flats LWS lies within 200 metres of the site to the south east. Biodiversity net gain is provided for entirely on-site with measures comprising the planting of species rich native trees and hedgerow, new native scrub planting, bird and bat nesting features incorporated into new dwellings, management of the SuDS and existing watercourse areas for biodiversity, provision of mammal gaps in boundary fences, provision of a fenced 5 metre landscaped buffer planted with native hedging and trees between the housing area and the Tiledsheds Burn LWS and the provision of mitigation measures during construction works to protect retained landscape features and watercourses from encroachment and pollution.
- 3.117 The application site lies within the 6km zone defined by interim SPD23 and therefore Section 106 contributions have been agreed in respect of recreational disturbance to internationally designated coastal sites in accordance with Interim SPD23 and Natural England and the Council's Countryside Team therefore raise no objections in respect of impact on the coastal designated sites. Having regard to the above, the Council has undertaken an Appropriate Assessment under the Habitats Regulations which confirms that the proposal, in-combination with other plans and projects, will not have an adverse effect on the integrity of the Durham Coast SAC and the Northumbria Coast SPA & Ramsar Site.
- 3.118 Subject to conditions to secure the delivery of on-site biodiversity net gain and appropriate protection measures during construction works and a section 106 contribution being secured in accordance with Interim SPD23 in respect of coastal recreational disturbance mitigation it is considered that the proposed development would give rise to no significant adverse environmental impacts to biodiversity or nature conservation and would deliver biodiversity net gain. As such, the proposal is considered to accord with EBNP Policies EB5, EB7 and EB10 and policies EA3 and DM7 of the South Tyneside Local Development Framework.

Green Infrastructure

- 3.119 The location of the site within a designated green infrastructure corridor would be enhanced as a result of the proposed development as substantial areas of new open space are proposed including the east to west open space corridor. Some play provision is also provided for within the central open space area. This will be a small play area of around 200 square metres. A condition is suggested regarding the detailed specification of this but given its size it is likely to comprise natural play features, trim trail features or small scale play equipment typical of a Local Area for Play (LAP). A larger Local Equipped Area for Play (LEAP) is not considered justified given the number of dwellings proposed and the existence of a larger play area within Grange Park in East Boldon within walking distance of the site. As such the proposals are therefore considered to be compliant with EBNP Policies EB5, and EB10 and LDF Policies EA3 and DM7 and SPD3 in this respect.

Pollution Matters

- 3.120 EBNP Policy EB10 seeks to ensure that if housing development takes place on the application site that ground contamination is appropriately mitigated.
- 3.121 LDF DMP Policy DM1 states that in determining all applications we will ensure that, where relevant the development is acceptable in relation to any impact on residential amenity; the development does not adversely impact upon air pollution levels; any risks of contamination have been fully assessed and, where necessary, remediation measures, appropriate to the intended use of the land, are included as part of the development proposals; and the development takes into consideration the potential legacy of mineral workings.
- 3.122 CS Policy EA5 concerning environmental protection states that to complement the regeneration of the Borough, the Council will control new development so that it: acts to reduce levels of pollution, environmental risk and nuisance throughout the Borough; minimises adverse impacts on the Magnesian Limestone Aquifer and its associated groundwater protection zones; and ensures that the individual and cumulative effects of development do not breach noise, hazardous substances or pollution limits.
- 3.123 NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 3.124 NPPF paragraph 183 states that planning decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 3.125 Paragraph 184 advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 3.126 Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 3.127 Paragraph 186 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 3.128 The Council's Environmental Health Officer has carefully considered the Phase 1 and Phase 2 Contamination Reports submitted with the planning application. Whilst they acknowledge the existence of below ground contamination given the areas of infilled made ground within the site and the site's historic industrial use they consider that the site can in principle be satisfactorily remediated to accommodate the residential end use proposed. As such they raise no objection to the application in relation to ground contamination and stability matters subject to standard conditions regarding further site investigation, remediation and verification. The site does not lie within a Coal Authority Development High Risk Area and is therefore considered to at low risk of impacts arising from coal mining legacy issues. On the basis of the above, it is not considered that the precautionary principle as suggested by an objector, would justify a refusal of planning permission as the Council's Environmental Health Officer considers they have been furnished with sufficient evidence to demonstrate that in principle residential re-development of the site would be acceptable subject to the above-mentioned conditions.
- 3.129 No objections are raised on air pollution grounds to the proposals having considered the Air Quality Assessment provided by the applicant.
- 3.130 It is likewise considered that satisfactory internal noise levels can be achieved in dwellings from road and rail noise and noise from commercial premises on the adjacent industrial estate subject to fabric mitigation being provided as per the Noise Assessment submitted with the application. This can be conditioned. It will also be necessary to ensure that the construction of dwellings in phase 1 takes places from north to south to safeguard against noise from the existing sawmill in the south west of the site which is likely to still be operating when dwellings are being constructed and occupied in phase 1. This matter can also be secured by condition.
- 3.131 Overall, subject to conditions the proposals are considered compliant with EBNP Policy EB10 and LDF Policies EA5 and DM1 with regard to all pollution issues.

Drainage and Flood Risk

- 3.132 EBNP Policy EB1 concerning sustainable development states that to will be necessary to ensure that development will not increase flood risk elsewhere and where possible reduce flood risk overall by minimising flood risk to people, property and infrastructure from all potential sources by assessing the impact of the development proposal on existing sewerage infrastructure and flood risk management infrastructure.
- 3.133 EBNP Policy EB3 regarding design refers to the need to provide for sustainable drainage and states that proposals should not result in unacceptable levels of water pollution.
- 3.134 EBNP Policy EB5 concerning green and blue infrastructure makes reference to the need to control/mitigate pollutants, ensure all drainage to new development is connected correctly and within the capacity of existing water and sewerage systems, ensuring early engagement with Northumbrian Water.
- 3.135 EBNP Policy EB10 regarding Cleadon Lane Industrial Estate refers to the need to demonstrate how flooding and drainage considerations have informed the overall site design, particularly as areas of the site lie within flood zone 2 and 3.
- 3.136 EBNP Policy EB12 on the delivery of new housing makes reference to the need to demonstrate how flooding and drainage considerations have informed the overall site design. Key considerations should include the provision of flood resilience measures, reduction of flood risk where possible and ensuring no increase to flood risk elsewhere.
- 3.137 LDF CS Policy ST2 regarding the promotion of high quality in sustainable urban living refers to use being made of sustainable urban drainage systems and water conservation features including grey water recycling and other technologies wherever possible.
- 3.138 DMP Policy DM1 states that in determining all planning applications, the Council will ensure the development is designed to minimise and mitigate localised flood risk, both on site or elsewhere.
- 3.139 NPPF paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 3.140 Paragraph 169 further advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

- 3.141 Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Development should wherever possible help to improve local environmental conditions such as water quality, taking into account relevant information.
- 3.142 Furthermore paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment and paragraph 186 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.
- 3.143 However, paragraph 188 states that the focus of planning decisions should be on whether a proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 3.144 In addition to the planning policies of relevance highlighted above, also of relevance are the Council's Ocean Recovery Declaration published in January 2022 and Animal Protection Charter recently endorsed by Full Council in January 2023.
- 3.145 The Ocean Recovery Declaration states that:

In South Tyneside, like the rest of planet, we are witnessing the ocean crisis first-hand. Fish stocks continue to collapse from permitted and illegal overfishing and poor water quality is impacting seafood and safe bathing. Our beaches are covered in litter with each tide, much of it plastic, though this is just the tip of the iceberg of the amount of litter in our oceans. Marine microplastics have been found in all marine environments and in the bodies of many species, including humans and the species of fish we regularly eat. Our residents are on the frontline of climate change and are being disproportionately impacted relative to inland communities. The impact of the climate crisis on the ocean is profound, from rising water temperatures and changes in ocean chemistry, to sea level rise and increased storminess, including in our local waters. This is changing what seafood is caught locally, accelerating the erosion of our coastline - increasing the risk to infrastructure and properties, and increasing the risk of flooding and storm damage. Urgent action is needed to halt these devastating changes and recover the health of our ocean to enable it to deliver the full range of benefits, including climate regulation, carbon storage in coastal and marine habitats, coastal protection, a thriving local economy, clean safe recreation and happy, healthy coastal communities. We must play our part in recovering the health of the ocean.

- 3.146 Furthermore pledge 2 within the Declaration states that:

This Council pledges to consider ocean recovery in all strategic decisions, plans, budgets and approaches to decisions by the Council (particularly in planning, regeneration, skills and economic policy), aligning with climate change mitigation and adaptation requirements, and considering ocean-based solutions in our journey towards a carbon neutral and climate resilient future

- 3.147 Turning to the recently endorsed Animal Protection Charter, this states in respect of the Council's statutory powers and functions that:

The Council recognises that changes to the natural environment through land use changes or new development can directly or indirectly affect wild animals, including by adversely affecting the ability of habitats to sustain viable populations of wild animals and plants. To mitigate the negative impacts of this, the Council will ensure its development frameworks require developers to consider risks of harming wildlife and habitats and mitigate against these risks appropriately and will work to provide supplementary guidance to support developers to consider different wildlife enhancement features. In line with its Ocean Recovery Declaration (January 2022), the Council is committed to considering the ocean when making decisions and ensuring that economic opportunities associated with the sea are developed in a sustainable way.

- 3.148 Parts of the application site are currently shown as lying within Flood Zones 2 and 3 on the Environment Agency's (EA) flood maps. The EA originally objected to the application on flood risk grounds but in response consultants acting for the applicant have undertaken a hydraulic modelling study which has shown the entire site to be within EA Flood Zone 1 – those areas deemed to be at lowest risk of flooding. The EA have accepted the findings of that study, have withdrawn their objection and have advised that they will be amending their flood maps in due course.
- 3.149 The Flood Risk and Drainage Strategy provided for the scheme provides for sustainable drainage measures including a SuDS basin. Surface water from the application site currently drains into both local watercourses and the Northumbrian Water combined sewer network. The proposal is for all surface water from the proposed development to drain into local watercourses only at the greenfield run-off rate via the SuDS basin with no surface water from the proposed development draining into the Northumbrian Water combined sewer network.
- 3.150 The LLFA have examined the proposals in respect of surface water drainage and have raised some detailed queries. A revised drainage strategy has been provided by the applicant which seeks to address those queries and the LLFA now raise no objections subject to conditions.
- 3.151 Turning to the matter of foul drainage, the capacity of the local foul drainage infrastructure to accommodate foul drainage from the proposed development is a material planning consideration for the Council as Local Planning Authority in assessment of this planning application. However, other organisations also have responsibilities in respect of the development, management and regulation of foul drainage infrastructure. In particular, Northumbrian Water are responsible for the ongoing development and maintenance of the foul drainage network and for transportation of sewage flows through their network and the treatment of such sewage. The Environment Agency have regulatory responsibilities regarding the activities of Northumbrian Water in relation to foul sewage matters.
- 3.152 Detailed objections have been received to the planning application alleging that there is insufficient capacity in the local foul drainage infrastructure network to accept foul sewage from the proposed development with concern being expressed that current discharges of untreated sewage into the sea off Whitburn and into the River Wear are evidence of such insufficient capacity as these discharges in their view show that the system is unable to cope with the levels of foul water entering it. Whitburn Steel Pumping Station and Hendon Sewage Treatment Works in Sunderland handle foul sewage from the East Boldon area. The sewers from East Boldon to Whitburn and Hendon are combined sewers – i.e. they transport not only foul drainage but also surface water drainage. Objectors are concerned that untreated sewage discharges are harmful to human health and due to nutrient nutrification are also harmful to the

ecological value of the marine environment, with the coastal areas bordering South Tyneside being internationally designated sites of ecological value.

- 3.153 It is accepted that such discharges of untreated sewage are undesirable and in this regard the Council have made representations to Central Government expressing concerns and seeking action to reduce such discharges. However, at this present time these discharges are not in themselves unlawful in certain circumstances. Whilst theoretically a foul sewage system could be specified to fully treat all foul sewage entering that system prior to any discharges to the wider environment taking place, such a scenario does not generally apply across the UK at present due to the age of our foul drainage infrastructure and the level of investment that would be required to bring it up to a standard where all foul sewage could be fully treated before being discharged to the wider environment. As such under the regulatory permitting regime operated by the Environment Agency such discharges of untreated sewage into the sea or watercourses are at present permitted under certain circumstances via Combined Storm Overflows (CSO's) – i.e. during or as a result of rainfall events. These discharges are permitted because if they did not take place there would be increased risk during and shortly after rainfall events of sewer flooding within properties and settlements as a result of sewage backing up within the system. However, the Government published in August 2022 a 'Storm Overflows Discharge Reduction Plan' which follows on from provisions in the Environment Act 2021 and defines targets that water companies will need to meet in the coming decades to 2050 to progressively reduce discharges of untreated sewage from CSO's and reduce the harmful health and ecological impacts of discharges. Water companies such as Northumbrian Water will need to ensure going forward that capacity is provided for new development within their drainage infrastructure networks whilst also ensuring that discharges from CSO's meet the above-mentioned Government's targets, otherwise they may be liable to enforcement action from the Environment Agency or Ofwat. In this regard water company infrastructure investment is planned in 5 year cycles with the next Northumbrian Water infrastructure investment plan due to be published in due course for the period 2025-2030 and under the above-mentioned Reduction Plan water companies will also have to produce Drainage and Wastewater Management Plans.
- 3.154 Northumbrian Water and the Environment Agency have been forwarded summaries of detailed representations and evidence received from those who allege that there is not sufficient capacity in the foul drainage infrastructure to accept foul sewage from the proposed development. Such representations include recent data alleging that around 821,000 tonnes of untreated sewage were discharged into the sea from the Whitburn CSO in 2021 as a result of 31 spills from that CSO covering a period of 119 hours. It is also alleged that Hendon Sewage Treatment Works has discharged untreated sewage during 2021 on 116 occasions over 565 hours. It is further alleged that such spills are taking place during periods of little or no rainfall in breach of EA permits governing such discharges. Objectors have also referred to a European Court of Justice (ECJ) judgement from 2012 which found that sewage discharges at Whitburn were in breach of the European Union's Urban Waste Water Treatment Directive (UWWTD) as a failure to treat urban wastewater cannot be accepted under usual climatic and seasonal conditions.
- 3.155 Northumbrian Water have advised that, notwithstanding such representations, they are of the view that there is sufficient capacity in their infrastructure to accommodate foul sewage from the proposed development and therefore they do not object to the planning application on such grounds. They challenge the accuracy of the untreated sewage discharge volume figures provided by local residents and groups and also state that such discharges are generally heavily diluted. The EA in their consultee response also refer to discharges being heavily diluted and also concur with

Northumbrian Water that discharge volume figures are based on worst case scenario assumptions and therefore may not be entirely accurate.

- 3.156 Furthermore, Northumbrian Water state that the proposed development would give rise to betterment compared to the existing situation. This is because at present some surface water from the application site discharges into the Northumbrian Water combined sewers whereas under the proposed development all such surface water would be discharged to local watercourses via the proposed on-site SuDS infrastructure and therefore even though more foul sewage would be entering those combined sewers than is the case at present overall flows from the application site into these sewers would be less than is the case at present due to removal of surface water flows. The betterment arising from such reduced flows would be greater in times of heaviest rainfall when surface water flows from the application site would be at their greatest. It is at such times that discharges of untreated sewage are more likely to take place from CSO's.
- 3.157 This betterment has been confirmed by the applicant's drainage consultant in a recently supplied revised drainage strategy for the proposed development which has considered this matter in greater detail. During the heaviest and extreme rainfall events (i.e. those with a 50mm per hour flow rate) they estimate that at present the rate of surface water flows from the application site into the Northumbrian Water combined sewers would be around 109 litres per second. In the scenario where all surface water from the proposed development is diverted away from the Northumbrian Water combined sewers, they predict that foul drainage flows from the proposed development into the combined sewers would be around 9 litres per second on average.
- 3.158 Objectors have challenged such figures stating that those heaviest rainfall events are very infrequent. However, typically around 50% of rainfall events have hourly flow rates of at least 5mm per hour (i.e. 10% of those associated with the heaviest extreme rainfall events) and on the basis that the existing rate of surface water flows into the combined sewers during those lighter rainfall events would also be 10% of the 109 litres per second figure for the heaviest rainfall events (i.e. around 11 litres per second) that would still deliver a 14% betterment in terms of flows in comparison to the predicted average foul flow figure of 9 litres per second. A situation could arise where betterment does not arise during lighter rainfall events (i.e. those less than 5mm per hour) but there is a lesser risk of discharges from CSO's on such occasions.
- 3.159 Objectors have also alleged that evidence of insufficient capacity is demonstrated given alleged breaches of the EA permit at Whitburn arising from alleged untreated sewage discharges at times of little or no rainfall as well as the frequency/level of discharges from CSO's at other times. However, the EA advise that they have investigated complaints in respect of alleged permit breaches but have seen no evidence that indicates CSO's are discharging in a manner that breaches permit conditions. They further state that permits do not restrict the number or duration of untreated sewage discharges from CSO's only the conditions under which such discharges can take place (i.e. generally during or associated with rainfall events).
- 3.160 In terms of the 2012 ECJ judgement the EA advise that in response to this judgement an improvement scheme was completed by Northumbrian Water at Whitburn in 2017. The EA are currently monitoring the performance of this improvement scheme with the findings of monitoring being reported to the European Commission via Defra but advise that they will need 10 years of data to statistically show whether or not the improvement scheme has been successful.

3.161 Objectors have also made reference to a recent motion passed by Sunderland City Council. At their recent November 2022 Full Council meeting members passed the following motion:

This Council notes that:

- 1. Environment Agency reporting data has revealed that water companies in England have recorded 772,000 sewage dumping events in 2020 and 2021. Across the Northumbrian Water area there have been 69,048 sewage dumping events reported to the Environment Agency in the same time period.*
- 2. Northumbrian Water made profits of £758.4m in the 2020/2021 fiscal year and that the Chief Executive of Northumbrian Water received a bonus and benefits of £575,000 on top of a base salary of £1,465,000, taking home a total package including pension contributions of £2,214,000.*
- 3. The Environment Act 2021 failed to set water companies with specific targets or deadlines to reduce sewage outflows into waterways and the sea.*

Council believes that:

- 1. No one should be paid a bonus for long term and endemic failure with no satisfactory solution in sight.*
- 2. Action needs to be taken both at local and national level to address the failures of privatised water companies operating in England.*

Council therefore resolves to:

- 1. Ask the Chief Executive to write to the Secretary of State for Environment, Food and Rural Affairs and urge the government to legislate to block any further bonus payments to directors of water companies in England until a satisfactory solution has been achieved.*
- 2. Ask the Chief Executive to write to Northumbrian Water and the Environment Agency and urge them to take action to reduce the number and volume of outflows at Seaburn, Roker, Hendon and in the River Wear; and further request that Northumbrian Water commission an independent survey of the sewage outflows into the North Sea off Sunderland and publish that report in the public domain. Terms of reference for the survey should include the ability of the Hendon Sewage Treatment Works to meet current and anticipated future demand, as well as the ecological impact of raw sewage discharges.*
- 3. Ask the Chief Executive in his letter to the Environment Agency to request that a public inquiry is held into the local sewage system in order to determine the pending application to vary environmental permit 245/1207 [This permit relates to Whitburn Steel Sewage Pumping Station]*

3.162 Concern has also been expressed by objectors and East Boldon Forum in relation to the proposed on-site surface and foul water pumping station and the need to ensure that this is appropriately managed so that there are not harmful discharges from this station to the surrounding local environment, particularly bearing in mind the nearby Local Wildlife Sites. Similar concerns have been raised in relation to ensuring that harmful surface/foul water discharges do not take place during construction work if the proposals are supported.

3.163 In response to objector concerns around pollution of the coastal environment by untreated sewage discharges, Northumbrian Water make reference to bathing waters at Seaburn and Roker meeting Defra's excellent standards and also refer to the coastal areas adjacent to South Tyneside as not being within catchment areas identified by Natural England as being of concern in terms of the matter of nutrient enrichment. The EA also state that their incident reporting system has no record of any pollution incident reports being received in relation to sewerage litter in the Whitburn area since 2012.

They further state that the bathing water results for the area have also been excellent for a number of years. Given the local interest in this issue, they would expect that if these spills had been non-compliant with the permit, they would have seen evidence of sewerage litter on the surrounding beaches and they would have received a large number of reports informing them of an issue. They continue by stating that the absence of any physical evidence and / or pollution reports support their view that the spills are in line with permit conditions.

- 3.164 In terms of nutrient neutrality matters, Natural England (NE) has advised Councils in relevant catchments that they should undertake Habitats Regulation Assessments (HRA) of all development proposals which may give rise to additional nutrients entering those catchments in line with the requirements of the Conservation of Habitats and Species Regulations 2017. The Law requires that planning permission can only be given for developments in these areas where a Habitats Regulations Assessment (HRA) demonstrates a neutral impact on current nutrient levels in the catchment. At the moment there have only been three catchments of concern identified within the North East of England. These are Teesmouth & Cleveland Coast, Lindisfarne and Roman Walls Loughs and none of these would be impacted by the proposed development. In this regard, Natural England and the Council's ecologist in their consultee responses on the application have raised no objections to the application on nutrient neutrality grounds or in terms of ecological harm arising from untreated sewage discharges.
- 3.165 Objectors have challenged the credibility of bathing water data alleging that this does not accurately reflect the sporadic nature of untreated sewage discharges but no alternative data regarding bathing water quality at Whitburn/Seaburn/Roker has been supplied to the Council as Local Planning Authority. Reference has also been made by objectors to a decline in bathing water quality on Marsden and South Shields beaches to the north of Whitburn, although Marsden currently retains a 'Sufficient' standard and South Shields a 'Good' standard. However, Northumbrian Water have advised that investigation work they've undertaken shows that the deterioration in bathing water quality at Marsden is not related to discharges from their assets and they have no assets that would have a direct impact on bathing water quality at South Shields. However, they advise that they remain committed to working in partnership with the Council and the Environment Agency to improve environmental quality.
- 3.166 Pulling all of these matters together, whilst officers share the concerns of objectors regarding the discharge of untreated sewage into the sea and local water courses, such discharges are at the present time lawfully permitted under certain conditions by the Environment Agency regulatory regime that governs these. Notwithstanding this, the Government have recently published their Reduction Plan for water companies to progressively reduce the number of such discharges and their harmful impact on health and biodiversity in the coming decades to 2050 following on from the provisions of the Environment Act 2021. As stated above, NPPF paragraph 188 advises that the focus of planning decisions should be on whether a proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively and the EA in their comments on the application do not raise concern that their regulatory regime as it exists at present is not operating effectively in the context of the foul drainage infrastructure catchment area that serves the application site and the current regulatory framework governing CSO discharges.
- 3.167 There is also evidence supplied by the applicant's drainage consultant that significant betterment in respect of foul drainage flows from the application site compared to the existing situation would arise during heavier rainfall events (which make up around

50% of total rainfall events), with these being the times when discharges of untreated sewage from CSO's are most likely to occur and Northumbrian Water concur with this evidence.

- 3.168 Bearing in mind the above and the comments received from the Environment Agency regarding the operation of relevant CSO's at present in relation to their permitting regime, there is considered to be sufficient capacity in the local foul sewage infrastructure system, having regard to the regulatory framework currently governing the operation of such systems, to accept foul water flows from the proposed development.
- 3.169 Furthermore, even when discharges of untreated sewage into the wider environment via CSO's do take place under the auspices of the present EA regulatory regime, it is not considered, bearing in mind the above, that these would be worsened to such an extent by foul sewage discharges from the proposed development that demonstrably greater harm to human health and ecological value would arise and in this regard it is noted that no concerns have been raised concerning human health or ecological impacts by Northumbrian Water, the EA, Natural England, The Marine Management Organisation (MMO) or the Council's Countryside Officer. As such demonstrable harm as a consequence of this proposed development has not been demonstrated in respect of NPPF paragraphs 169, 174 and 185 and in terms of EBNP and South Tyneside LDF Policies which seek to safeguard against pollution.
- 3.170 It is also considered that some weight should be given to the Government's recently published Storm Overflows Discharge Reduction Plan which arises out of the provisions of the Environment Act 2021 as this is likely to result in a progressive reduction over the coming decades of discharges from CSO's generally as well as a reduction in the harmful effects of discharges to health and biodiversity.
- 3.171 The concerns of objectors regarding management of the on-site pumping station and discharges during construction works are acknowledged and it is considered that such concerns can be addressed through a planning condition if the application was supported.
- 3.172 It is not considered that the precautionary principle as suggested by an objector, would justify a refusal of planning permission as officers consider that sufficient evidence and professional advice has been provided by the applicant, Northumbrian Water, the Environment Agency and other consultees as referenced above to demonstrate that foul sewage discharges from the proposed development would not give rise to demonstrable harm to public health or biodiversity.
- 3.173 Objectors have advised that the Whitburn Neighbourhood Plan and in particular a policy in the plan relating to foul drainage should be considered in assessing this planning application. However, the application site lies outside of the Whitburn Neighbourhood Area and therefore the Whitburn Neighbourhood Plan is not a material planning consideration in deciding this application.
- 3.174 Officers acknowledge the concerns of Members at South Tyneside Council and Sunderland City Council and of objectors regarding discharges of untreated sewage into the sea and local water courses. Whilst it is entirely legitimate for these matters to be raised with the Council, at National Government level as well as with Northumbrian Water and the Environment Agency, it is the view of officers for the reasons set out above that the development proposals the subject of this planning application are acceptable with regard to foul drainage matters subject to a condition regarding the on-site pumping station.

- 3.175 Therefore overall, it is not considered that a refusal of planning permission would be justified on the grounds of a lack of foul drainage capacity or the effects of foul drainage discharges from the proposed development on health and biodiversity.
- 3.176 It is therefore considered that, subject to conditions, the proposed development would not increase the risk of flooding elsewhere and is acceptable with regard to foul drainage matters and overall the proposal is considered to accord with relevant local and national planning policies in respect of flood risk and surface and foul water drainage.

Archaeology

- 3.177 EBNP Policy EB3 relating to design matters states that proposals should conserve and enhance the significance of heritage assets and their settings. Policy EB4 relates to heritage assets specifically and states that where a development may impact on a heritage asset, applicants should provide information within a heritage statement, that describes the significance of any heritage assets affected by the proposed development, including any contribution made by their setting. The assessment of significance should be informed by relevant information including the East Boldon Community Character Statement, East Boldon Conservation Area Character Appraisal and Management Plan and the East Boldon Design Code.
- 3.178 LDF DMP Policy DM6 states that the Council will support development proposals that protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance of the Borough's heritage assets and their settings. Policy DM6 continues by stating that archaeological deposits and remains, below ground and on the surface should be recorded, and where possible, preserved in situ. Proposals for built development on previously developed sites where archaeological interest has been established by a previous find recorded in the Historic Environment Record will not be determined until the potential impact of the proposed development on archaeological deposits and remains has been adequately assessed and evaluated, and any adverse impacts will be avoided, minimised or mitigated, or in the absence of adequate information, will be refused. Finally Policy DM6 states that planning permission will be refused if the impact of development on heritage assets and archaeological remains is unacceptable.
- 3.179 In terms of national planning policy, the NPPF advises at paragraph 194 that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 3.180 NPPF paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 3.181 NPPF paragraph 197 states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.182 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 3.183 Paragraph 200 continues by stating that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification with further detail then being provided regarding considerations in respect of substantial and less than substantial harm.
- 3.184 The applicant has undertaken desk based archaeological assessment of the site. The Council's archaeologist raises no objection to the proposals on archaeological grounds.
- 3.185 Furthermore, the application site does not occupy a location in close proximity to heritage assets such as the East Boldon Conservation Area and listed buildings and therefore the Council's Historic Environment Officer raises no objection to the proposals

Minerals Safeguarding

- 3.186 LDF DMP Policy DM8 states that mineral resources will be safeguarded against sterilisation through the designation of a Mineral Safeguarding Area (MSA). In the MSA (which encompasses the entire Borough), proposals for non-mineral development of sites exceeding 1 hectare will need to demonstrate, where appropriate, that they will not result in the sterilisation of mineral resources, or where they do that the mineral resources are either not economically viable for extraction or can be extracted prior to development taking place.
- 3.187 It is not considered for a site of this relatively modest size that it would be economically viable to extract any mineral resources that may lie beneath the site.

4.0 Conclusion

- 4.1 Whilst the proposed housing scheme would result in the loss of an allocated employment site, development plan policies are out-of-date for the purposes of the NPPF as the Council has failed the Housing Delivery test and is unable to demonstrate a 5 year housing land supply. As such the NPPF presumption in favour of sustainable development and tilted balance apply and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance (i.e. in this instance Green Belt and Habitats sites) provide a clear reason for refusing the development proposed or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 4.2 The potential of the site to accommodate employment development is considered to be constrained by a number of factors as detailed earlier in this report. Having regard to these and the possibility that a larger more attractive employment site is likely to come forward in due course through the Council's new emerging Local Plan and the current IAMP planning application, loss of part of this relatively small employment site from the Council's portfolio of employment land is not considered to outweigh the very substantial need for new housing supply in the Borough.
- 4.3 The proposal would contribute significantly to meeting the Council's shortfall of 1134 dwellings needed to deliver a 5 year supply of housing, contributing 18% of that shortfall. The delivery of new housing arising from the development is considered a significant benefit as is the provision of 23% affordable housing.
- 4.4 The application site is accessible by a choice of means of transport with works proposed as part of the development to improve access to the site from the surrounding area for pedestrians and cyclists as well as improvements to bus stops and new bus stop provision. Access would also be improved for pedestrian and cyclists to the nearby East Boldon Metro Station. A financial contribution to encourage public transport use has been agreed with the applicant as requested by Nexus.
- 4.5 The proposals are considered acceptable on highway safety grounds and in terms of their impact on the surrounding highway network and in terms of car/cycle parking provision subject to various conditions.
- 4.6 The proposed housing mix is considered acceptable and will deliver 23% affordable housing which as stated above is a significant benefit weighing in favour of the scheme.
- 4.7 The proposal is considered to deliver a high quality environment in urban design terms which respects existing blue and green infrastructure. Climate change matters have been satisfactorily addressed subject to some provision regarding renewables being secured by condition. A play area is also provided for on-site.
- 4.8 With regard to the natural environment and environmental protection matters the proposals are acceptable in ecology terms subject to conditions and a contribution being secured for off-site mitigation in respect of coastal recreational disturbance and also acceptable in respect of green infrastructure, ground noise and air pollution, drainage and minerals safeguarding matters subject to conditions. The proposals for the small area of the site within the Green Belt are considered to be appropriate development in the Green Belt.
- 4.9 Overall it is considered that the application of policies in the NPPF that protect areas or assets of particular importance (i.e. in this instance Green Belt and Habitats sites) would not provide a clear reason for refusing the development proposed and the benefits of the proposal would not be significantly and demonstrably outweighed by the harm arising, when assessed against the policies in the NPPF taken as a whole and as such it is considered that the application should be supported.

5.0 Recommendation

- 5.1 It is recommended that Planning Committee indicate that they are minded to grant planning permission for the demolition of existing buildings and erection of 202 residential units (Use Class C3) including vehicular access from Cleadon Lane, associated infrastructure and landscaping in respect of land and buildings at Cleadon

Lane Industrial Estate, Cleadon Lane, East Boldon and that the Director of Regeneration and Environment be authorised to issue the planning permission subject to:

- A) the schedule of planning conditions as set out below; and
B) the completion of a legal agreement in respect of the provision of:
- 23% affordable housing (46 units) comprising a mix of 18 x 1 and 2 bed apartments and 28 x 2 and 3 bed dwellings with a mix of tenures proposed – First Homes, affordable rented and Discount Market Value (DMV) sale units.
 - £1,025,605 education contribution comprising £616,405 for primary school places and £409,200 for secondary school places.
 - Ecology coastal mitigation contribution of £81,406.
 - Arrangements to offer two travel cards (up to a value of £50 each) to the first occupier of each approved dwelling to encourage public transport usage;
 - A contribution to cover the full cost of the Council progressing and implementing new Traffic Regulation Orders in respect of the roads within the development to limit vehicle speeds to 20mph and, if deemed necessary post occupation of the development, discourage commuter car parking associated with those using the nearby East Boldon Metro Station and amendment of an existing TRO in respect of the speed limit and parking restrictions on Cleadon Lane in the vicinity of the site - speed limit reduction from 40mph to 30mph and amendment of on-street parking restrictions to reflect the proposed development – e.g. new access & bus stop locations and closure of existing redundant accesses to site.
 - Arrangements to facilitate implementation of off-site improvement works to the existing bridleway to the south west of the application site as detailed in condition 8 below.
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CONDITIONS:

Time Limit and Approved Plans

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development hereby permitted shall not be carried out other than in complete accordance with the details contained within the following approved plans:

5206/LP/01 Rev A – ‘Location Plan’ received 31/01/2023

5206/SL/01 Rev F – ‘Site Layout’ received 31/01/2023

5206/PP/06 Rev B – ‘Phasing Plan’ received 31/01/2023

5206/SL/07 Rev C – ‘Character Plan’ received 31/01/2023

5206/SP/01 Rev C – ‘Swept Path Assessment – Refuse Vehicle’ received 31/01/2023

5206/SP/02 Rev B – ‘Swept Path Assessment Tanker’ received 31/01/2023

5206/VB/01 – ‘Vacant Buildings Plan’ received 16/11/2022

D311.L.001 Rev L – ‘Landscape Strategy’ received 31/01/2023

5206/SS/01 Rev B – ‘Street Scenes’ received 31/01/2023

21036-D100 Rev 7 – Proposed Levels Sheet 1 of 3 received 31/01/2023

21036-D101 Rev 7 – Proposed Levels Sheet 2 of 3 received 31/01/2023

21036-D102 Rev 7 – Proposed Levels Sheet 3 of 3 received 31/01/2023
 21036-D200 Rev 6 – Adoptable Manhole Schedule received 13/01/2023
 21036-D201 Rev 10 – Typical SUDS Detail received 23/01/2023
 21036-D300 Rev 7 – Proposed Road Longsections Sheet 1 of 5 received 13/01/2023
 21036-D301 Rev 7 – Proposed Road Longsections Sheet 2 of 5 received 13/01/2023
 21036-D302 Rev 8 – Proposed Road Longsections Sheet 3 of 5 received 23/01/2023
 21036-D303 Rev 7 – Proposed Road Longsections Sheet 4 of 5 received 13/01/2023
 21036-D304 Rev 7 – Proposed Road Longsections Sheet 5 of 5 received 23/01/2023
 21036-D701 Rev 3 – Proposed Drainage Details received 13/01/2023
 21036-D801 Rev 5 – Section 104 Plan received 31/01/2023
 5206/OBA/01 Rev A – ‘One Bed Apartment Plans & Elevations (Johnson)’ received 13/01/2023
 5206/TBA/01 – ‘Two Bed Apartment Plans & Elevations (Leeson & Anderson)’ received 16/11/2022
 ASK/END/0-001 Rev C ‘Askern-End’ Floor Plans received 13/01/2023
 ASK/MID/0-001 Rev C ‘Askern-Mid’ Floor Plans received 13/01/2023
 AV22/BAI/0-001 Rev C – ‘Baildon – End’ Floor Plans received 16/11/2022
 AV22/COO/0-001 Rev D – ‘Cookbury – End’ Floor Plans received 16/11/2022
 AV22/FER/0-001 Rev D – ‘Ferndale – End’ Floor Plans received 16/11/2022
 AV22/EAS/0-001 Rev C – ‘Eastbeck – End’ Floor Plans received 16/11/2022
 DEN/END/0-001 Rev C ‘Denby-End’ Floor Plans received 13/01/2023
 DEN/MID/0-001 Rev C ‘Denby-Mid’ Floor Plans received 13/01/2023
 AV22/NET/0-001 Rev A – ‘Netherton – End’ Floor Plans received 16/11/2022
 AV22/HOR/0-001 Rev C – ‘Horbury – Det’ Floor Plans received 16/11/2022
 AV22/MAL/0-001 Rev C – ‘Maltby – Det’ Floor Plans received 16/11/2022
 AV22/LEY/0-001 Rev B – ‘Leyburn – Det’ Floor Plans received 16/11/2022
 AV22/THO/0-001 Rev D – ‘Thoresbury – Det’ Floor Plans received 16/11/2022
 AV22/OAK/0-001 Rev B – ‘Oakwood – Semi’ Floor Plans received 16/11/2022
 AV22/SAL/0-001 Rev C – ‘Saltbury – End’ Floor Plans received 16/11/2022
 AV22/RIP/0-001 Rev C – ‘Ripley – End’ Floor Plans received 16/11/2022
 AV22/WEN/0-001 Rev B – ‘Wentbridge – Det’ Floor Plans received 16/11/2022
 AV22/ASK/RL-01 ‘Askern End Rural Style’ Elevations received 17/01/2023
 AV22/FER/RL-01 – ‘Ferndale – End – Rural Style’ Elevations received 16/11/2022
 AV22/MAL/RL-01 Rev A – ‘Maltby – Det – Rural Style’ Elevations received 13/01/2023
 AV22/LEY/RL-01 – ‘Leyburn – Det – Rural Style’ Elevations received 16/11/2022
 AV22/COO/RL-01 – ‘Cookbury – End – Rural Style’ Elevations received 16/11/2022
 AV22/HOR/RL-01 – ‘Horbury – Det – Rural Style’ Elevations received 16/11/2022
 AV22/SAL/RL-01 – ‘Saltbury – End – Rural Style’ Elevations received 16/11/2022
 AV22/WEN/RL-01 – ‘Wentbridge – Det – Rural Style’ Elevations received 16/11/2022
 AV22/OAK/RL-01 – ‘Oakwood – Semi – Rural Style’ Elevations received 16/11/2022
 AV22/NET/RL-01 Rev A – ‘Netherton – Det – Rural Style’ Elevations received 13/01/2023
 AV22/RIP/RL-01 – ‘Ripley – End – Rural Style’ Elevations received 16/11/2022
 AV22/SAL/VL-01 – ‘Saltbury – Village – Rural Style’ Elevations received 16/11/2022
 AV22/THO/RL-01 – ‘Thoresbury – Det – Rural Style’ Elevations received 16/11/2022
 AV22/ASK/VL-01 – ‘Askern End Village Style’ Elevations received 17/01/2023
 AV22/COO/VL-01 – ‘Cookbury – End – Village Style’ Elevations received 16/11/2022
 AV22/BAI/VL-01 – ‘Baildon – End – Village Style’ Elevations received 16/11/2022
 AV22/EAS/VL-01 – ‘Eastbeck – End – Village Style’ Elevations received 16/11/2022
 AV22/FER/VL-01 – ‘Ferndale – End – Village Style’ Elevations received 16/11/2022
 AV22/THO/VL-01 – ‘Thoresbury – Det – Village Style’ Elevations received 16/11/2022
 AV22/RIP/VL-01 – ‘Ripley – End – Village Style’ Elevations received 16/11/2022

AV22/NET/VL-01 Rev A – ‘Netherton – Det – Village Style’ Elevations received 13/01/2023

AV22/OAK/VL-01 – ‘Oakwood – Semi – Village Style’ Elevations received 16/11/2022

AV22/MAL/VL-01 Rev A – ‘Maltby – Det – Village Style’ Elevations received 13/01/2023

AV22/LEY/VL-01 – ‘Leyburn – Det – Village Style’ Elevations received 16/11/2022

AV22/HOR/VL-01 – ‘Horbury – Det – Village Style’ Elevations received 16/11/2022

AV22/WEN/VL-01 – ‘Wentbridge – Det – Village Style’ Elevations received 16/11/2022

AV22/ASK/UB-01 – ‘Askern Urban Style’ Elevations 17/01/2023

AV22/BAI/UB-01 Rev A – ‘Baildon – End – Urban Style’ Elevations received 16/11/2022

AV22/COO/UB-01 Rev A – ‘Cookbury – End – Urban Style’ Elevations received 16/11/2022

AV22/DEN/UB-002 – ‘Denby End Urban Style’ Elvations received 17/01/2023

AV22/EAS/UB-01 Rev A – ‘Eastbeck – End – Urban Style’ Elevations received 16/11/2022

AV22/FER/UB-01 Rev A – ‘Ferndale – End – Urban Style’ Elevations received 16/11/2022

AV22/HOR/UB-01 Rev A – ‘Horbury – Det – Urban Style’ Elevations received 16/11/2022

AV22/MAL/UB-01 Rev A – ‘Maltby – Det – Urban Style’ Elevations received 13/01/2023

AV22/NET/UB-01 Rev A – ‘Netherton – Det – Urban Style’ Elevations received 13/01/2023

AV22/OAK/UB-01 Rev A – ‘Oakwood – Semi – Urban Style’ Elevations received 16/11/2022

AV22/RIP/UB-01 Rev A – ‘Ripley – End – Urban Style’ Elevations received 16/11/2022

AV22/SAL/UB-01 Rev A – ‘Saltbury – End – Urban Style’ Elevations received 16/11/2022

AV22/WEN/UB-01 Rev A – ‘Wentbridge - Det - Urban Style’ Elevations received 16/11/2022

SITE/SG/006 Rev A – ‘Garage – Single Detached’ received 16/11/2022

SITE/DG/006 Rev A – ‘Garage – Double Detached’ received 16/11/2022

503/006 Rev A – ‘Garage – Double – Hipped’ received 16/11/2022

SITE/DG/006 Rev A – ‘Garage – Double Det Hipped Twin’ received 16/11/2022

BD_050 – ‘1200mm Post & Rail’ received 16/11/2022

5202/BT/03 – ‘1.8m Brick Pier & Dwarf Wall with Timber Fence’ received 16/11/2022

BD_021 – ‘450mm Knee High Fence Detail’ received 16/11/2022

5206/BT/01 – ‘2.4m Acoustic Fence Detail’ received 16/11/2022

5206/BT/02 – ‘3m Acoustic Fence Detail’ received 16/11/2022

5206/BT/03 – ‘2m Acoustic Fence Detail’ received 16/11/2022

BD_01 – ‘1.8 Timber Fence’ received 16/11/2022

5206/BT/01 – 0.6m High Boundary Stone Wall

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

Highways

- 3 No dwelling shall be occupied unless and until infrastructure in respect of refuse storage and collection for that dwelling have been provided in full accordance with the approved plans.

In the interests of visual amenity in accordance with East Boldon Neighbourhood Plan Policy EB3, Policy EA5 of the South Tyneside LDF and the NPPF.

- 4 No dwelling hereby permitted shall be occupied unless and until vehicle and pedestrian access from Cleadon Lane to that dwelling has been constructed up to binder course level with gullies set level with the temporary running surface and in accordance with the site layout shown on the approved plans and in respect of the first occupation of plots 56 - 118 such access provision shall include the footpath/cycleway connection to the bridleway in the south west corner of the site. Thereafter those vehicle and pedestrian access routes shall remain in place at all times and shall be fully surfaced in accordance with details (which shall include timescales/arrangements and in respect of vehicle carriageways surface features aimed at reducing vehicle speeds to no more than 20mph) to be submitted to and approved in writing by the Local Planning Authority.

In the interests of highway and pedestrian safety until the final road surface is completed in accordance with East Boldon Neighbourhood Plan Policies EB10 and EB12, Policies A1 and DM1 (G,H) of the South Tyneside LDF and the NPPF.

- 5 No dwelling shall be occupied unless and until allocated car parking spaces have been provided for that dwelling and also all visitor car parking on any access roads in that phase which have been constructed up to at least binder course levels at that time and which comprise part of a route from Cleadon Lane to that dwelling in full accordance with the locations shown on the approved plans. Thereafter all such car parking shall remain in place and be available for such use at all times.

In the interests of highway and pedestrian safety until the final road surface is completed in accordance with East Boldon Neighbourhood Plan Policies EB10, EB12 and EB21, Policy DM1 (G,H) of the South Tyneside LDF, the Council's SPD6 Parking Standards and the NPPF.

- 6 With the exception of the apartments hereby permitted, no dwelling shall be occupied unless and until cycle parking for that dwelling within either an integral garage or a garden shed has been provided in full accordance with approved drawing no.5206/SL/01 Rev.F received 31/01/2023 unless otherwise approved in writing by the Local Planning Authority. No apartment block hereby permitted shall be occupied unless and until covered and secure cycle parking has been provided for that apartment block in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter any cycle parking provided in respect of any dwelling or apartment shall remain in place and be available for use at all times.

In the interests of promoting sustainable transport choices in accordance with East Boldon Neighbourhood Plan Policies EB10, EB12 and EB20, Policies DM1(H,J), the Council's SPD6 Parking Standards and the NPPF.

- 7 No dwelling shall be occupied unless and until specification details in respect of the following off-site highway works and a timetable for implementation of these works (specified in terms of the number of dwellings that can be occupied before any such off-site highways work is implemented in full) has been submitted to and approved in writing by the Local Planning Authority:

- a) Construction of new estate road junctions with Cleadon Lane, laid out as a raised table format across Cleadon Lane;

- b) Construction of 3 metre wide shared cycleway/footway along the Cleadon Lane development frontage (LTN1/20 compliant), leading southward toward junction of B1299, including tie-ins to carriageway at each end, together with associated works;
- c) Gateway feature on Cleadon Lane (north of the northern most estate road junction) required to reduce vehicle speeds entering the village;
- d) Review, upgrade and provision of new street Lighting on Cleadon Lane, between its junction with Tile Shed Lane leading southward to its junction with the B1299.
- e) Closure of existing redundant vehicular accesses and reinstatement of kerb lines, footway, verge areas, boundary treatments, lining, etc.
- f) Resurfacing works to carriageways/footways, where impacted by proposed off-site highway works.
- g) Inclusive mobility connectivity between site and local facilities, East Boldon Metro Station and bus stops (Cleadon Lane and B1299), including dropped kerbs (0-6mm face), tactile paving etc at accesses/junctions along the routes.
- h) Provision of two new bus stops on either side of Cleadon Lane (including shelters) and
- i) improvement of two existing bus stops on the B1299 south west of the East Boldon Metro Station level crossing, providing level access kerbing / clearway plates / markings, together with associated works where feasible.

Thereafter, in respect of each of the off-site highway works detailed above, no more than the agreed number of dwellings shall be occupied unless and until that off-site highway work has been implemented in full accordance with the specification details approved by the Local Planning Authority.

In the interests of highway, cyclist and pedestrian safety and accessibility for disabled persons in accordance with East Boldon Neighbourhood Plan Policies EB10 and EB12, Policy DM1 (G,H,I) of the South Tyneside LDF and the NPPF.

- 8 No dwelling in phases 2 or 3 shall be occupied unless and until specification details have been submitted to and approved in writing by the Local Planning Authority in respect of the connectivity of the proposed footpath/cycleway link within the application site to the bridleway running along the south-western boundary of site (adjacent to the railway line) and upgrading of that bridleway to provide a suitably surfaced and illuminated sustainable connection between the connection point from the proposed footpath/cycleway link within the site to the Bridleway to East Boldon Metro Station. These specification details shall be informed by a bat survey with lighting being of an appropriate specification to safeguard bats if these are found to be present on the route of the bridleway and adjacent land. Thereafter, no dwelling on plots 56-118 shall be occupied unless and until those works have been implemented in full accordance with the specification details approved by the Local Planning Authority.

In the interests of highway, cyclist and pedestrian safety and accessibility for disabled persons in accordance with East Boldon Neighbourhood Plan Policies EB10 and EB12, Policy DM1 (G,H,I) of the South Tyneside LDF and the NPPF.

- 9 A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first occupation of the development. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details and remain in place until the last unit on the site is occupied. The Full Travel Plan must include:

- a) details of and results from an initial survey of resident travel patterns;

- b) clearly specified ongoing targets for travel mode shares;
- c) a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; including the provision of a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan and the provision of additional travel plan measures if targets for travel mode share are not being met.

In the interests of promoting sustainable transport choices, in accordance with East Boldon Neighbourhood Plan Policy EB18, South Tyneside LDF Policy A1 and the National Planning Policy Framework

Noise Mitigation

- 10 No dwelling shall be occupied unless and until acoustic attenuation to that dwelling including acoustic glazing, ventilation, fencing and sealed and non-openable windows to side gable elevation windows, where required, have been provided in full accordance with the details contained within the Noise Impact Assessment Ref: NJD20-0109-003R Final Rev.4 received 31/01/2023 in respect of the application. Thereafter all noise mitigation measures shall remain in place at all times.

In the interests of residential amenity in accordance with East Boldon Neighbourhood Plan Policy EB3, Policies DM1(B) and EA5 of the South Tyneside LDF and the NPPF.

- 11 The construction build route arrangements to be submitted under Condition 12 shall provide for, in respect of phase 1, for the construction of dwellings to be undertaken in a north to south direction in that phase unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity in accordance with East Boldon Neighbourhood Plan Policy EB3, Policies DM1(B) and EA5 of the South Tyneside LDF and the NPPF.

- 12 Development shall not commence in a phase until a Demolition and Construction Environmental Management Plan (DCEMP) in respect of that phase, together with a supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved DCEMP shall be adhered to throughout the demolition and construction period in respect of that phase. The DCEMP and supporting plan shall provide for:
- a) details of temporary traffic management measures, temporary boundary treatments, vehicular/pedestrian gates, visibility splays, temporary access routes and vehicles;
 - b) vehicle cleaning facilities and/or measures to ensure that the public highway is cleansed of debris from the construction vehicles;
 - c) the parking of vehicles of site operatives and visitors;
 - d) the loading and unloading of plant and materials, including turning area facilities;
 - e) storage of plant and materials used in constructing the development;
 - f) Construction build route arrangements;
 - g) A noise assessment to identify sensitive receptors throughout the demolition and construction stage;
 - h) Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays);
 - i) Procedures for maintaining good public relations including complaint management, public consultation and liaison;

- j) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites;
- k) Temporary drainage arrangements during demolition and construction works including details on how existing watercourses within and adjacent to the application site will be safeguarded from pollution during such works;
- l) Details on how the Tiledsheds Burn Local Wildlife Site adjacent to the application site will be safeguarded from pollution during demolition and construction works;
- m) Measures to safeguard retained hedgerows/trees, nesting birds and priority/protected species during demolition and construction works;
- n) Details regarding temporary external lighting;
- o) Measures to treat and mitigate the risk of spread of invasive non-native species;
- p) Dust mitigation measures; and
- q) Refuse storage & collection arrangements

Thereafter demolition and construction works shall be undertaken in full accordance with the approved Demolition and Construction Environment Management Plan.

In the interests of residential amenity, highway safety, and biodiversity in accordance with East Boldon Neighbourhood Plan Policies EB1, EB3, EB5, EB7 and EB10, Policies DM1, DM7, EA3 and EA5 of the South Tyneside LDF and the NPPF.

Contamination Mitigation

- 13 Prior to the commencement of development (excluding demolition) in any phase an investigation(s) and risk assessment(s) shall be completed in accordance with a scheme(s) to assess the nature and extent of any contamination on the site within that phase, whether or not it originates on the phase/site. The contents of the scheme(s) are subject to the approval in writing of the Local Planning Authority. The investigation(s) and risk assessment(s) shall be undertaken by competent persons and a written report(s) of the findings shall be produced. The written report(s) is subject to the approval(s) in writing of the Local Planning Authority. The report(s) of the findings must include
- a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to human health, property (existing or proposed) and
 - c) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management'.

To protect the environment from contamination and to ensure that the site is reclaimed to a standard appropriate for its approved use in accordance with East Boldon Neighbourhood Plan Policies EB1 and EB10, South Tyneside LDF Policies EA5 and DM1(M) and the NPPF.

- 14 In respect of each phase a Detailed Remediation Strategy for the proposed remedial works for that phase shall be submitted to, and approved by the Local Planning Authority prior to commencing remedial works in that phase. The scheme(s) must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme(s) must ensure that the part of the site in that phase will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Where remediation of gas has been identified as necessary by the site investigation(s) a gas

verification plan shall be submitted for the proposed gas protection measures for that phase.

To protect the environment from contamination and to ensure that the site is reclaimed to a standard appropriate for its approved use in accordance with East Boldon Neighbourhood Plan Policies EB1 and EB10, South Tyneside LDF Policies EA5 and DM1(M) and the NPPF.

- 15 Following completion of measures identified in the approved remediation strategy for a phase, a verification report that demonstrates the effectiveness of the remediation carried out in that phase must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the part of the site in that phase being occupied.

To protect the environment from contamination and to ensure that the site is reclaimed to a standard appropriate for its approved use in accordance with East Boldon Neighbourhood Plan Policies EB1 and EB10, South Tyneside LDF Policies EA5 and DM1(M) and the NPPF.

- 16 If during development of a phase contamination not previously considered is identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared for that phase, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared for that phase, which is subject to the approval in writing of the Local Planning Authority.

To protect the environment from contamination and to ensure that the site is reclaimed to a standard appropriate for its approved use in accordance with East Boldon Neighbourhood Plan Policies EB1 and EB10, South Tyneside LDF Policies EA5 and DM1(M) and the NPPF.

Drainage

- 17 Prior to the commencement of any phase of the development (excluding demolition) a detailed drainage scheme that will serve that phase of the development, that also includes any proposed Sustainable Urban Drainage Systems (SuDS) and which removes all surface water arising from the development from discharge into the Northumbrian Water combined sewer network shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme(s) shall be in accordance with the submitted Drainage Strategy Ref: RWO/DS/21036 Version 3 received 05/12/2022 and Drawing No. 21036-D801 Rev 5 – Section 104 Plan received 31/01/2023

The drainage scheme(s) shall ensure that the discharge to local watercourses from the proposed attenuation basin is restricted to 16.01 l/s. The drainage scheme(s) shall include:

- a) a detailed development layout;
- b) civil engineering details (including details of the SuDS features - long and cross sections);
- c) drainage details to manage run off from private land onto the highway and new adoptable highway areas;

- d) where applicable, details in respect of the on-site pumping station (including plant specification details which shall include details to demonstrate that noise generated by such plant would be acceptable in terms of its impact on nearby residents, details of surfacing materials for the access, elevation/materials details of any above ground plant, buildings and boundary treatments, and details of features to minimise the risk of discharges from that pumping station to the surrounding environment);
- e) maintenance requirements, programme and maintenance responsibilities for all SuDS features and the on-site pumping station;
- f) detailed drainage and flood design drawings including hydraulic calculations and MDX model;
- g) where applicable, details of fencing to the SuDS basin and
- h) A risk assessment (in accordance with C753 SuDS manual: Appendix B SuDS Health & Safety Risk Assessment) including consideration as part of this as to the need or otherwise for fencing to the retained on-site watercourse with details of such fencing being provided if this is considered necessary on health & safety grounds.

The approved details shall then be implemented to provide appropriate drainage for each dwelling within that phase of the development prior to the first occupation of that dwelling and thereafter retained and maintained in accordance with the approved management and maintenance details.

To ensure the discharge of surface and foul water from the site does not increase the risk of flooding and pollution in accordance with East Boldon Neighbourhood Plan Policies EB1, EB10 and EB12, Policies ST2 and DM1 of the South Tyneside Local Development Framework and the NPPF.

- 18 The final dwelling of each phase of development hereby permitted shall not be occupied until a verification report evidencing the completion of the approved sustainable drainage system serving that phase, the contents of which is to include amongst other things methodology of installation, evidence of depths and dimensions and supporting images from installation of both any permeable paving and the proposed attenuation basin, has been submitted to and approved in writing by the Local Planning Authority.

To ensure the discharge of surface water from the site does not increase the risk of flooding in accordance with East Boldon Neighbourhood Plan Policies EB1, EB10 and EB12, Policies ST2, EA5 and DM1 of the South Tyneside Local Development Framework and the NPPF.

Ecology/Landscape

- 19 No dwelling hereby permitted in a phase shall be occupied unless and until full details of hard and soft landscaping and on-site biodiversity enhancement/protection measures in respect of that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) planting plans, written specifications and schedules of plants (noting species, plant sizes and proposed planting densities where appropriate),
 - b) details of integrated nesting features for birds and roosting features for bats (with each such type of feature being provided to at least 20% of the approved buildings for birds and at least 10% of the approved buildings for bats),

- c) where applicable, details on how the stock proof fence to be provided on the boundary of the application site with the Tiledsheds Burn Local Wildlife Site (LWS) will be specified to minimise the risk of domestic cats entering the LWS; and
- d) timing details regarding implementation thereof.

The submitted details shall broadly accord with approved Landscape Strategy drawing no.D311.L.001 Rev.L received 31/01/2023 and shall provide for the retention of existing trees as shown within the combined Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan ref: ARB/AE/2646 dated January 2023 submitted with the application.

Thereafter landscaping works and biodiversity enhancement measures in that phase shall be implemented as approved in accordance with the approved timing details and the nesting and roosting features and, where applicable, stock proof fencing shall remain in place at all times thereafter.

In the interests of visual and residential amenity and biodiversity in accordance with East Boldon Neighbourhood Plan Policies EB5, EB6, EB7, EB10 and EB12, South Tyneside LDF Policies EA3 and DM1(B,C) and the NPPF.

20 No dwelling hereby permitted in a phase shall be occupied unless and until a Habitat Management and Monitoring Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The contents of that plan shall accord with the requirements of 'BS 8683:2021 - Process for designing and implementing Biodiversity Net Gain — Specification' including details in respect of, but not restricted to, the following:

- a) the project's biodiversity baseline assessment against which BNG outcomes are assessed and monitored;
- b) the project's Biodiversity Net Gain (BNG) targets;
- c) the number of years to achieve and then maintain the BNG targets which shall comprise a continuous period of at least 30 years from first occupation of the development;
- d) a programme detailing the long-term phases of the management and monitoring activities;
- e) a monitoring plan to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets;
- f) the roles, responsibilities and required competencies of those involved with implementing and monitoring the BNG design during the implementation and post-implementation stages; and
- g) provision for any approved landscaping that is removed, dies or becomes seriously diseased within the agreed timescales for achieving and maintaining the BNG targets to be replaced in the next planting season with landscaping of similar size and species to that which it replaces.

Thereafter the Local Planning Authority shall be notified in writing of the date on which first occupation of the development in that phase has taken place and the Habitat Management & Monitoring Plan shall be carried out/implemented as approved for that phase and in accordance with the approved timetables.

In the interests of biodiversity in accordance with East Boldon Neighbourhood Plan Policy EB7, South Tyneside LDF Policies EA3 and DM1(C) and the NPPF.

- 21 In respect of any trees or hedgerow planted within front garden areas as shown on the soft landscaping details approved under Condition 19 above if any such tree or hedgerow is removed within 30 years from first occupation of the development, it shall be replaced in the next planting season in the same location with a tree or hedgerow of similar size and species to that which it replaces unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with East Boldon Neighbourhood Plan Policies EB5, EB6, EB7, EB10 and EB12, South Tyneside LDF Policies EA3 and DM1(B,C) and the NPPF

Urban Design Matters

- 22 No dwelling hereby permitted shall be occupied unless and until means of enclosure in respect of that dwelling have been provided in full accordance with the details contained within approved drawing 5206/SL/01 Rev F – ‘Site Layout’ received 31/01/2023 and the relevant means of enclosure details as listed in Condition 2 above. Hedgehog gaps of at least 13cm x 13cm shall be provided to all means of enclosure. Thereafter such means of enclosure shall remain in place at all times.

In the interests of residential and visual amenity and biodiversity in accordance with East Boldon Neighbourhood Plan Policies EB7, EB10 and EB12, Policy DM1(A,B), DM7 and EA3 of the South Tyneside LDF and the NPPF.

- 23 No dwelling shall be occupied unless and until operational street lighting has been provided within the application site from the nearest highway proposed for adoption to that dwelling within the application site (as shown on a Section 38 plan to be provided in connection with any application to discharge this condition) to the public highway on Cleadon Lane in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter such external lighting shall remain in place at all times.

In the interests of residential amenity, biodiversity and public/highway safety in accordance with East Boldon Neighbourhood Plan Policies EB7, EB10 and EB12 Policy DM1(B,G,H), DM7 and EA3 of the South Tyneside LDF and the NPPF.

- 24 No more than 55 dwellings hereby permitted shall be occupied unless and until a childrens play area has been provided on-site within the central open space together with connecting footway links in full accordance with details (including details of play features, means of enclosure and management/maintenance arrangements) to be submitted to and approved in writing by the Local Planning Authority. Thereafter, that childrens play area shall remain in place, be available for use at all times and shall be maintained in accordance with the agreed management/maintenance arrangements.

In the interests of wellbeing and community cohesion in accordance with East Boldon Neighbourhood Plan Policy EB1, Policy SC6 of the South Tyneside LDF and the NPPF.

- 25 The sub-station hereby approved shall be constructed in full accordance with elevation and means of enclosure details to be submitted to and approved in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with East Boldon Neighbourhood Plan Policies EB10 and EB12, South Tyneside LDF Policy and DM1(A) and the NPPF

- 26 The apartment bin stores hereby approved shall be constructed in full accordance with elevation and means of enclosure details to be submitted to and approved in writing by the Local Planning Authority.

In the interests of visual amenity in accordance with East Boldon Neighbourhood Plan Policies EB10 and EB12, South Tyneside LDF Policy and DM1(A) and the NPPF

Climate Change Mitigation

- 27 Prior to the first occupation of any dwelling in a phase, details shall be submitted to and approved in writing by the Local Planning Authority setting out measures that will be put in place to ensure that at least 10% of the overall energy requirements of the overall development will be met from on-site renewable energy generation. Thereafter the development in that phase shall be constructed in full accordance with those approved details and the on-site renewable energy generation infrastructure installed shall remain in place at all times.

To mitigate the effects of climate change in accordance with Policies ST2 and DM1(J) of the South Tyneside LDF, the Council's SPD1 - Sustainable Construction and Development and the NPPF.

INFORMATIVES:

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 NOTE TO APPLICANT:

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.
- 3 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
- 4 Highway condition survey

You should note that a highway condition survey is required to be carried out before the commencement of demolition and construction vehicle movements associated with this site. To arrange a survey contact South Tyneside Council at Highways@SouthTyneside.gov.uk. Any damage caused to the highway resulting from the construction phase of the

development is required to be repaired and made good to the satisfaction of the Highway Authority.

5 Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

6 Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Highway and Infrastructure Team and will require an Agreement under section 278 of the Highway Act 1980. These works are required to be technically approved and satisfactorily completed before the development is first occupied. All such works will be undertaken by the Council at the applicant's expense. You should contact the Highway and Infrastructure Team at Highways@SouthTyneside.gov.uk to progress this matter.

7 Road Safety Audits

You should note that Road Safety Audits are required to be undertaken as part of the S278 Agreement works process, in accordance with GG119. South Tyneside Council is the Overseeing Organisation Representative for this service. Please contact: Highways@SouthTyneside.gov.uk to discuss the processes and scoping of the RSA.

8 Contact Lighting Section

You are advised to contact the Council's Lighting Section on Highways@SouthTyneside.gov.uk before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway.

9 Traffic Regulation Order (TRO)

You should note that Traffic Regulation Orders (TRO) are required in respect of the internal access roads and external public highway. The TRO processes can take in excess 15 weeks to secure. Please contact: Highways@SouthTyneside.gov.uk to discuss the extent of the orders and commence the necessary procedures well in advance of implementation.

10 Technical Approval of adoptable Highway Structures / Culverts

You should note that Technical Approval of adoptable Highways Structures / Culverts may be required. You should contact South Tyneside Highways at Highways@SouthTyneside.gov.uk to discuss the necessary process

Application Number: ST/0892/22/LAA

Date Received: 31/10/2022

Application Date: 29/10/2022

Applicant's Name and Address

South Tyneside Council
Children & Families Social Care
Town Hall & Civic Offices
Westoe Road
South Shields
NE33 2RL

Agent's Name and Address

JDDK Architects
Millmount
Ponteland Road
Newcastle Upon Tyne
NE5 3AL

LOCATION Vacant land behind Seton Avenue, Fox Avenue and Laybourn Gardens
South Shields

PROPOSAL Development of a new two storey Children's Assessment Centre

.....
RECOMMENDATION: Grant Permission with Conditions
.....

SUMMARY OF NEIGHBOUR REPRESENTATIONS:

Objection

20 Seton Avenue, South Shields (x2) (**Wish to speak x2**)
41 Fox Avenue, South Shields
28 Amberley Chase, Killingworth (owner of property in Fox Avenue)

All of the issues raised are summarised in the body of the report

REASON FOR PRESENTATION TO PLANNING COMMITTEE

This application is brought to the committee for determination as written representations against the proposal have been made and speaking rights have been requested in accordance with the Council's approved protocol for speaking at Planning Committee.

1.0 The Proposal

- 1.1 Planning permission is sought for the development of a two storey children's assessment centre on land behind Seton Avenue, Fox Avenue and Laybourn Gardens, South Shields.
- 1.2 The proposed building would be located centrally within the site, with its main entrance facing west towards the proposed car parking, cycle parking and bin store on the western side of the site. Access to the site, for pedestrians, cyclists or cars would be via the exiting access to the site from Fox Avenue and that is situated between 47 and 51 Fox Avenue. The eastern side of the site would provide a (hard and soft) landscaped garden area.
- 1.3 Within the application details it is stated the proposed assessment centre would comprise 2 bedrooms for child placements and 2 bedrooms for live-in staff, including

an annex suite of accommodation (such as en-suites, bathroom, W/Cs, kitchen, living / sitting rooms, sun room, office space, activity spaces and storage).

- 1.4 Plan 1 held at the rear of this report shows the location of the proposal. Plan 2 shows the proposed site layout and Plan 3 the landscape masterplan. Plan 4 shows the proposed elevations of the building and Plan 5 its proposed layout and roof plan. Plan 5 shows. Plans 6 to 9 are extracts from the applicant's amended Design and Access Statement.
- 1.5 In addition to the application form and plans, the following documents were also submitted in support of the application:
- Design and access statements (original and amended version)
 - Planning statement
 - Phase 1: Desktop study and coal mining assessment
 - Phase 2: Ground investigation report and ground gas addendum report
 - Open space assessment
 - Ecological impact assessments (original and updated version)
 - Biodiversity net gain assessments (original and updated version)
 - Report to inform habitats regulations assessments (original and updated version)

2.0 Responses to Publicity and Consultations

Applicant's pre-application community engagement

- 2.1 The submitted amended Design and Access Statement includes that applicant undertook a public engagement session a Simonside Climbing Wall (at St. Simon Street, South Shields and that is located to the south of the site of the proposal and within a reasonable walking distance) on 11/10/2022, from 1pm to 8pm; and survey forms were provided for public comments. It summarised the concerns that were raised as mainly the choice of the site, anti-social behaviour, proximity to houses and existing parking issues. Whilst the amended Design and Access Statement did not include any information in this regard, the applicant has advised 41 neighbour letters were hand delivered to notify residents of the engagement session, 21 people attended it and 18 survey forms were completed.
- 2.2 Planning Committee must note that the community engagement undertaken by the applicant does not form part of the statutory planning application process administered by the council as Local Planning Authority; and nor was the applicant statutorily required for planning purposes to undertake it.

Neighbour Notification Responses

- 2.3 In terms of publicising the planning application, the council (as Local Planning Authority) sent out 34 neighbour notification letters and 4 site notices were put up.
- 2.4 In response to the above publicity undertaken by the council, four objections have been received from four addresses.
- 20 Seton Avenue - wishes to speak (x2)
- 2.5 We would both would like to be present and make a representation at the planning meeting and we would both also like to speak at the Committee.

- 2.6 It is not the use of the building that we are objecting to, but the actual building itself which will be detrimental to us and our family.
- 2.7 The pre-application meeting at Simonside Climbing Wall was a sham, as residents were not initially notified about it and when hand posted letters were posted through the doors this was less than 24 hours before it took place. This gave residents little time to prepare for it and it was indicated that if comments sheets were completed objecting to the proposal that a planning application would still be submitted.
- 2.8 *Case officer comments: The pre-application meeting does not form a part of the statutory planning application process (and as previously mentioned at para. 2.2 of this report).*
- 2.9 The planning application notification letters were dated and franked 11/18/22 but we did not receive it until 29/11/22, giving us little time to respond. The planning application did not show up to view online as 'new application'.
- Case officer comments: These residents were advised during a telephone call with the case officer that they could still submit their objections/request to speak after the 29/11/22 (and where the site notices would be running to a later expiry date in any event, with those expiring 13/12/22). The 'other material considerations' section of this report also includes further commentary on the posting of the planning application neighbour letters and making the planning application available online.*
- 2.10 **LOCATION:** The site is fully enclosed bar a small access point at the corner of Fox Avenue, it is not suitable for emergency access or means of escape in the event of a fire. There is not access routes around the building on the site.
- Case officer comments: There are access routes around all sides of building within the site, as it is spaced off the boundaries and the 'sustainable buildings / designing out crime / access during an emergency' section of this report also includes further commentary about fire safety.*
- 2.11 **ACCESS:** The access to this site is not adequate – there is just one exit/entrance. It is narrow and off Fox Avenue, which is also narrow and regularly has residents' cars parked on it.
- 2.12 **TRAFFIC:** Fox Avenue is a narrow inner street road and consists of predominantly terraced family houses, so each house (on average) has at least 2 cars. The amount of extra traffic is a Health and Safety Issue, both during construction (lorries getting to and from the site and from construction workers parking) or when the development is completed and in use (staff parking).
- 2.13 **CAR PARKING:** The amount of car parking within the site is inadequate for the level of staffing the assessment centre will have, their comings and goings, or those of external agencies or contractors who may visit it.
- Case officer comments: These are considered in the 'improving accessibility, highway capacity, highway safety section of this report.*
- 2.14 **PRIVACY:** Windows in the second storey are approximately 10m away, they will overlook and have a view of our house, rooms within it and our garden.
- Case officer comments: The first floor north facing first floor elevation of the proposal acutally more than 12.5m from the rear elevation of this neighbouring property and it does not contain any habitable room windows. The two windows the first-floor north elevation does contain would serve en-suites and they would be obscurely glazed (and there is a suggested planning condition in that regard).*

- 2.15 SAFEGUARDING: We have a priority to safeguard our child and the safeguarding of children by the council attending the new building should be important to the council, but the proposal can be overlooked by existing properties.

Case officer comments: The 'principle of the development / loss of open space' and 'other material considerations' the council's legal duties about the provision of children's services, their operation and management.

- 2.16 BLOCKING THE SUN: We bought the property as it gets a large amount of sun for a large period of the day. The proposal will block, with its ground floor next to our boundary and closeness of the two-storey part sun to our garden and property. This will affect light entering out rear windows and where a rear room is used to work from home (due to the amount of light it gets). Our garden is prone to wetness and flooding in wet seasons, which the proposal will make worse.

Case officer comments: The submitted details included daylighting and over-shadowing analysis, which are considered in the 'residential amenity' section of this report.

- 2.17 WILDLIFE: There are at least 2 families of hedgehogs that live on or visit that land on a regular basis. They will be hibernation now but are regularly seen throughout the Spring and Summer. How will the development be undertaken without affecting them?

Case officer comments: The 'ecology / biodiversity' section of this report includes consideration of hedgehog.

- 2.18 BOUNDARY: What type of boundary has been planned? If it is up against existing fences, there will be no way to repair then and create a rat run area which no one could clean or monitor.

Case officer comments: 1.8m high timber fencing next to surrounding residential properties boundaries with the site is proposed (as shown on the proposed site plan) and it is considered in the 'visual amenity' section of this report.

- 2.19 CAMERAS: We are guessing that cameras would be installed. Where will these be pointing? They should not be able to view anyone's back garden without their permission as they have privacy in their back gardens.

Case officer comments: CCTV is considered in both the 'visual amenity' and 'other matters' sections of this report.

- 2.20 OTHER SITES: The site is enclosed and there are better alternative sites are available to provide the proposal such as at Chuter Ede, off Galsworthy Road, off Benton Road, Simonside Lodge, Temple Park, the Action Station on Boldon Lane, by way of examples.

Case officer comments: This is considered in the 'other material considerations' section of this report.

- 2.21 FUTURE PLANS: What will happen if the proposal is no longer to be an assessment centre and what assurances do we have it will not be used for something else?

Case officer comments: The 'principle of the development / loss of open space' and 'other material considerations' the council's legal duties about the provision of children's services, their operation and management.

28 Amberly Chase, Killingworth (owner of a property in Fox Avenue)

- 2.22 The site is not 'vacant and unmanaged site' as quoted in the application form. It is one of many typical 'undeveloped' parcels of land that were formed by their perimeters being encapsulated by domestic gardens, as part of large scale post-war social housing undertaken by councils. Each of these area or 'plots' has since been managed and maintained by the council. Without evidence to the contrary, the purpose of these 'plots' are to the benefit of local residents by amenity use of open space, or perhaps subsequent garage-blocks to relieve congestion, to provide allotment options, play areas or similar.
- 2.23 The submitted open space assessment conclusion includes the site is not designated as open space, but it would be in the context of the Open Spaces Act 1906 (and a definition within it "any land, whether inclosed [sic] or not, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied") and LDF core strategy which clearly identifies the site to be within and 'open space provision priority area'. Although access is restricted by fencing and gates, the site has remained nevertheless for 70 or so years as a council maintained natural-grasses area providing a benefit of passive open space/greenspace/open aspect to those adjoining residents. And for these purposes, it is considered a virtual asset for maintaining and preserving the peace and enjoyment of family amenity spaces in this neighbourhood.
- 2.24 Due the incorrect description of the site's existing use, the application should be deemed invalid, with a recommendation for refusal to safeguard the use and every value that this small open space provides.
- 2.25 The proposals are not entirely consistent with LDF policy ST1 and DM1:
- They do not maximise re-use of previously developed land
 - The impact insensitive consideration to the sites surroundings and detract the local identity
 - The development underestimates the adverse impact on the highway safety and capacity
 - The additional surface waters discharged into the existing sewer will contribute against measures to defend floor risk
- 2.26 The application seriously impacts upon the neighbourhood by land use of a confined site and it disregards the enjoyment and privacy of existing residencies. The proposals are cramped within a site too small for the intended purposes. The structures are too close to boundaries of the adjacent houses. Without further information to expand or qualify the form of the users assessments, be they social, physical or behavioural skills, there will be consequences to ensure the safety, security and welfare of the existing community.
- 2.27 The proposals are not considered to recognise planning policy with respect to:
- Specialist housing – the isolated and backland location is unsuitable to promote integration in to the streescene or local community.
 - Promoting good design – the proposals impede existing residential amenity spaces and privacy, creating overlooking and over-dominance, the amenity garden/play space for users of the proposal will be overlooked by existing housing, it is understood other residential developments have been refused because they overlook schools.

- Traffic – there are insufficient car parking spaces for the expected traffic movements / staff from the proposals, which could be in the region of 15-18 vehicles daily so the car park should provide for 10-12 cars, the proposal will create additional on-street parking problems, sight lines and visibility from the access road are not consistent with current standards
- Drainage – the existing site drains naturally but the proposals indicate 66% of the site would collect surface water

2.28 Whilst the social need for the facilities are recognised, there are an abundance of alternative more appropriate / better suited site which could accommodate these proposals.

41 Fox Avenue

2.29 Do not believe this is a viable site for the project. The area of South Shields has many other sites more viable than this one. It will greatly depreciate the house price of surrounding houses and this is completely unacceptable. Also, the security aspects of the surrounding areas is something oh which is of great concern.

External Consultees

Police Designing Out Crime Officer

2.30 Northumbria Police support the proposal and played a full part in pre-application.

Northern Gas Network

2.31 No objections. A map of their assets in the area supplied alongside their guidance notes.

Northern Powergrid

2.32 No objections. A map of their assets in the area supplied.

Northumbrian Water

2.33 Northumbrian Water were not consulted. This was because the proposal does not their standing advice criteria about what types of planning applications that they should be consulted upon and this is because the proposal is not a 'major' development.

Internal Consultees

Spatial Planning

2.34 No objections. It is unlikely that new open space provision is required for the loss of this undesignated open space having regard to the NPPF, LDF policies SC6 and DM1, and the open space study and addendum. Check with Outdoor Facilities Officer, to see if they consider if any planning contributions may be needed.

Outdoor Facilities Officer

2.35 No objections. Nothing expected for this site, in terms of planning contributions for outdoor facilities.

Community Safety Team

- 2.36 No issues with from a Community Safety/Crime and Disorder perspective.

Highway Authority

- 2.37 No objections. Conditions and informative suggested.

Environmental Protection: Contaminated Land

- 2.38 No objections. Conditions suggested.

Environmental Protection: Drainage / LFFA

- 2.39 No objection. Condition suggested.

Countryside Team

- 2.40 No objections (having regard to the updated ecology/BNG/HRA reports). Conditions and informatives suggested.

Landscape Architect

- 2.41 No objections. Comments including that detailed planting details should be provided and that impacts of the proposal in relation to the neighbours will need to be considered.

Tree Team

- 2.42 No objections.

3.0 Planning Assessment

- 3.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.
- 3.12 The statutory development plan is the Council's adopted Local Development Framework development plan documents. These are in **bold** text below. Adopted supplementary planning documents are capable of being material considerations in planning decisions. These are in *italic* text below.
- 3.1 The Council are in the process of preparing a new Local Plan. Consultation had taken place on a Pre-Publication Draft (Regulation 18) Plan published in August 2019 but following on from that consultation it was decided that a revised Regulation 18 Plan would be prepared. The revised draft Plan was subsequently published for consultation and with the consultation period running from the 20 June to the 31 July 2022. Responses to the revised draft plan are currently being considered, prior to any further progression of it through the statutory local plan process. Given this, the new Local Plan remains at an early stage and therefore can be afforded only negligible weight in decision making on planning applications.
- 3.2 In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of

any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

- 3.3 The National Planning Policy Framework (NPPF), introduced July 2021 (and which replaced the February 2019 version of the same), is a material consideration in all planning applications.
- 3.4 To assist in the assessment of the application, development plan policies have been grouped together under the main themes of the LDF.

Strategic Policies and Delivering Sustainable Communities

ST1 Spatial Strategy for South Tyneside (LDF Core Strategy) – sets out the spatial strategy for the development of South Tyneside and that the use of planning obligations is essential to the delivery of the overall strategy.

ST2 Sustainable urban living (LDF Core Strategy) – promotes the highest standards of design, environmentally sound practices, (including on site generation of renewable energy) and sustainable drainage, gives priority to alternative modes of transport to the private car, addresses the need to design out crime and eliminate the fear of crime and promotes biodiversity interests.

SC1 Creating Sustainable Urban Areas (LDF Core Strategy) – says that to deliver sustainable communities, development proposals will be focused and promoted within the built-up area.

SC6 Providing for Recreational Open Space, Sport and Leisure (LDF Core Strategy) – seeks to promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities.

DM1(C, D) (LDF Development Management Policies) – seeks to ensure that soft land landscaping and green infrastructure are taken into account when assessing planning applications.

DM1(J) (LDF Development Management Policies) – seeks to ensure that developments are designed to achieve lower carbon emissions and to have greater resilience to the affects of climate change.

SPD1 Sustainable Construction and Development - requires applicants for certain larger scale or significant schemes to demonstrate the sustainability credentials of their proposals.

SPD5 Planning Obligations and Agreements - provides guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough.

Planning obligations and agreements

- 3.5 There are no section 106 planning obligations proposed in relation to the proposed development.

The principle of development / loss of open space

- 3.6 The application site is located within a built-up area of South Shields that comprises pre-dominantly post-war housing, and it is a parcel of grassed land that was provided (along with others) as part of the overall layout. The application site is largely enclosed by the rear garden boundaries of the housing that surrounds it and there is a high metal railing fence running along the boundary with the footpath to the west, plus high metal access gates which can enclose and secure off access to it from vehicle access point that comes off Fox Avenue.
- 3.7 The application site is not subject to any statutory designations by virtue of the LDF site specific allocation proposals map, in particular is it not shown as being designated strategic recreational open space / playing field. Additionally and whilst of negligible weight, it is also not show on the 2022 pre-publication draft Local Plan as being subject to any proposed designations.
- 3.8 However, and notwithstanding the above, the application site is considered to represent an area of grassed open space and where the NPPF and its para. 99 states:
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
- 3.9 The planning application has been accompanied by an Open Space Assessment. It considers both local and national policy with regards to open space, alongside local technical reports / assessments that are used in inform the local plan / planning process. Those technical reports / assessments include the Open Space Assessment (2015), Open Space Update Addendum (2019) and Open Space Standards Paper (2015).
- 3.10 The applicant's submitted Open Space Assessment considered that there are sufficient types of the four open space typologies - these being amenity greenspace, natural and semi-natural, parks and gardens; and provision for children and young people – within a defined proximity to the application site (for each typology) and of sufficient quality (for each typology), that the loss of this non-designated open space would be acceptable.
- 3.11 Spatial Planning have reviewed the application details and have not objected to it. They have advised that is unlikely new open space provision is required for the loss of this undesignated open space having regard to the NPPF, LDF policies SC6 and DM1, and the open space study and addendum. They also advised that it should be checked with Outdoor Facilities Officer, to see if they consider if any planning contributions may be needed. The Outdoor Facilities Officer has advised that they do not expect planning contributions (in relation to any off-site provision of play facilities) with respect to this proposal.
- 3.12 The enclosed nature and location of the open space is such that it does not particularly contribute to public realm and it is of low quality. It is considered that, on balance, the loss of the (non-designated) open space to facilitate the development is

acceptable; in that its loss can be considered as being compatible with the NPPF para. 99 and its limb a).

- 3.13 Furthermore, the proposal is one that is, in principle, one that can be reasonably located within in residential setting.
- 3.14 Planning is concerned with land use in the public interest and as such the planning system does not have control in terms of the day to day operational matters and management associated with the proposal or matters of health, well-being and welfare.
- 3.15 However, the Council has separate legal statutory duties with regards to various provisions in relation to Children's Services and their management / operation and where the proposed assessment centre would be included within that remit. These include, but are not limited to, ensuring there is sufficient residential beds and plans are in place to ensure sufficiency. As part of its corporate parenting responsibilities the Council has recognised sufficiency as a critical risk and the proposal has been submitted as part of its plans to address that critical risk. The proposed assessment centre would provide short term residential support for children which is anticipated that would last not more than three months in order to ensure an adequate period to carry out assessments before making a decision on the longer-term support needs of that child, and where then that that might take place (away from the proposal). With regards to sufficiently, section 22G of the Children Act 1989 requires, in summary, that local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area ('the sufficiency duty').
- 3.16 The management of and supervision of the children by the Council will be subject to Ofsted registration and inspection, and then also ongoing further inspections and monitoring by both Ofsted and independent parties responsible for ensuring the suitable running, management and of the building and care of children. In addition, and as part of the above, the placement of any child requires an assessment process and there would also be limitations on the maximum number of child placements that can be accommodated (i.e. two) either due to the size, layout of the building and / or the level of staffing needed to provide the child placements. In terms of staffing, there would generally be four members of staff available on the site and working on a shift basis.

Sustainable buildings / designing out crime / access during an emergency

- 3.17 Reducing carbon emissions associated with new buildings can be achieved by improving its thermal performance (i.e. fabric first approach), its energy use or even water use; alongside the use of on-site renewables (i.e. low or zero carbon technologies), which is a consideration of LDF Policy ST2.
- 3.18 In that regard, the Building Regulations that is a separate regulatory regime and that would apply to the construction of the proposal now require buildings to have a higher thermal performance (to prevent heat loss and wasted energy use, when they are being heated) than was the case when either the LDF core strategy was adopted in June 2007 or when the development management (DM) polices development plan document was adopted in December 2011. Additionally, they also require new buildings to include measures to reduce both their energy and water use, alongside the consideration of security measures and EV charging. Fire safety provision and

related access is also considered under the Building Regulations (in consultation with the Tyne and Wear Fire and Rescue Service).

- 3.19 The details submitted include, indicatively, that the proposed building would that photovoltaic panels and an air-sourced heat pump. Planning conditions are therefore suggested with regards to agreeing full details of the proposed photovoltaic panels and air-sourced heat pump; and that those agreed details are carried out.
- 3.20 The Police Designing Out Crime Officer fully supports the proposal and the Council's Community Safety Team have no issues with it from a community safety/crime and disorder perspective. Having regard to their responses and that the proposal must be managed (as was set out earlier in this report), it is not considered that it would materially harm the locality in terms of crime. Whilst fear of crime is also a consideration, this is not considered on its own accord and in the circumstances of this application to represent a reason to refuse it.
- 3.21 As such, the proposal is considered to accord with LDF Policies ST1, ST2, SC1 and DM1(J); and where the loss of open space in terms of LDF Policy SC6 and the NPPF (para. 99 a) is acceptable in reaching this view.

Improving Accessibility, Highway Capacity, Highway Safety

A1 Improving Accessibility (LDF Core Strategy) - seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Requires transport assessments for major development proposals. Parking standards will apply to new development, as set out in SPD.

DM1 (G, H and I) Management of Development-Highways and Access (LDF Development Management Policies) - seek to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

SPD6 Parking Standards sets out the parking standards used in assessing proposals for new development.

The Impact of the Development on the Local Road Network

- 3.22 The nature, scale and location of the proposal is such that it is not considered to affect the local road highway network.

The Proposed Accesses into the Site, Layout, Parking and Refuse

- 3.23 The proposed access would utilise an existing access point off Fox Avenue, located between numbers 47 and 51.
- 3.24 Seven car parking spaces are proposed within the proposed development. Two spaces would have electric vehicle [EV] charging facilities provided and further two would have cabling provided. Three cycle racks are proposed, which can accommodate six bicycles. The proposed level of car parking is acceptable having regard to the *maximum* car parking standard (of 1 space per resident staff plus 1 space per 3 staff on the premises plus 1 space per 10 residents for visitors) for use class C2 care homes in SPD6 (and as no other use class standards in that SPD could be reasonably be applied to this proposed assessment centre and that has similarities to a care home), and the proposed level of cycle parking would be exceed

the related cycle parking standard (of 1 cycle space per 5 staff). The bin store location is also acceptable.

- 3.25 There has been no objection to this planning application from the highway authority on highways network / safety grounds or in relation to the proposed access or level of parking proposed. Furthermore; the NPPF (at para. 111) states that “development should only be prevented or refused on highways safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 3.26 A planning condition is suggested with regards to the car parking, cycle parking and bin store being provided prior to any part of the development being occupied.
- 3.27 A planning condition in relation to a construction methodology statement is considered to be unnecessary and unreasonable in this particular instance, given the quantum of development being proposed and notwithstanding the consultee response from highways that had recommended such a condition. By way of example, the quantum of the proposal falls substantially below that of ‘major’ development (i.e. more than 10 dwellings or more than 1000 square metres of proposed floor space). Notwithstanding this, a planning condition is recommended to restrict construction hours or associated works or deliveries (to between 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and not to take place on Sundays or Public Holidays). Furthermore, construction related effects are temporary in nature rather than permanent.
- 3.28 As such and subject to the suggested conditions, the proposal is considered to accord with LDF with policies A1 and DM1(G, H and I).

Capitalising on our Environmental Assets / Environmental Protection

EA3 Biodiversity and Geodiversity (LDF Core Strategy) - seeks to optimise conditions for wildlife and tackle habitat fragmentation.

EA5 Environmental Protection (LDF Core Strategy) – seeks to ensure that new development reduces levels of pollution and environmental risk.

DM1(K) Management of Development – Flood Risk (LDF Development Management Policies) - seeks to ensure that developments are designed to minimise and mitigate localised flood risk.

DM1(M) Management of Development - Contamination (LDF Development Management Policies) - seeks to ensure that risks of contamination have been assessed and, where necessary, remediation measures included.

DM7 Biodiversity and Geodiversity Sites - (LDF Development Management Policies) is to ensure the protection and enhancement of the important environmental assets in the borough.

Interim SPD23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development).

Flood risk

- 3.29 The application site and its surroundings are in flood zone 1 (low probability of flooding) are not located within a critical drainage area and nor does the application site exceed 1 hectare.
- 3.30 Given the above, the application site and its surrounds are not at a significant risk of flooding and a flood risk assessment was not required to be submitted, having regard validation requirements with regards to flood risk assessments.
- 3.31 As such, the proposal would accord with LDF Policies ST2 and DM1(K) and the NPPF (with regards to flood risk).

Drainage

- 3.32 The applicant's submitted drainage plans show that, within the proposed development, provisions have been made for both for surface water and foul water drainage. The surface water drainage proposals include permeable paving and drainage channel in the car park. The surface and foul water drainage systems would then combine at the site's entrance gates prior to them being discharged, via a new connection point; into to the existing public combined sewer within the highway of Fox Avenue.
- 3.33 Environmental Protection (as Lead Local Flood Authority) has no objections to the proposed drainage plans but have noted that they include that the connection point and discharge rate to the public sewer in Fox Avenue would need to be separately agreed with Northumbrian Water, via approval processes that Northumbrian Water have. Environmental Protection have therefore suggested a condition whereby the drainage details have to be re-submitted, based on the principles submitted; and with evidence the connection point has been agreed by Northumbrian Water.
- 3.34 Northumbrian Water are not required to be consulted on this planning application, as it does not meet their triggers for consultation and nor are they a statutory consultee for planning purposes either, but the proposed connection would require a consent from them. The suggested planning condition is therefore considered to strike a reasonable planning balance, given this and Environmental Protection's comments.
- 3.35 As such and subject to the suggested drainage condition, the proposal would accord with LDF Policies ST2 and DM1(K) and the NPPF (with regards to drainage).

Contaminated land

- 3.36 A phase 1 desk top study and phase 2 ground investigation report, plus ground gas addendum have been submitted by the applicant. The ground investigation report includes details of the various testing and sampling undertaken, including sampling boreholes incorporating ground water and gas monitoring and five trail pits, plus five samples were submitted for contamination and asbestos screening. Exceedances for lead were found in two of the samples, no asbestos was found but that cannot be ruled out given that the site contains extensive made ground. The six ground gas samples were assessed as being a low risk (Characteristic Scenario 1 – no ground gas measures needed). The ground investigation report includes that give this the site would require remediation for the proposed use and suggests how this might be done, by clean cover of up to 600mm in areas of soft landscaping and gardens.

- 3.37 Environmental Protection have advised that the results demonstrate that remediation is needed and that whilst the suggested form of remediation is acceptable, it should be developed further through a remediation strategy. In view of this they have suggested three contaminated land related planning conditions.
- 3.38 As such and subject to the suggested contaminated land related planning conditions, the proposal would accord with LDF Policies EA5 and DM1(M) and the NPPF (with regards to ground conditions and pollution).

Ecology / biodiversity

- 3.39 The applicant's submitted updated ecological impact assessment includes that the application site largely comprises modified grassland, with some very small areas of taller grass verges / scatters scrub on some of its edges and a semi-mature elder on the north. The grassland was of low value, due to its management and limited plant diversity of common species. It considered that the site had negligible suitability for bats, limited potential for birds and the survey work did not identify any hedgehog on the site at the time it was undertaken. It also considered that the site was not likely to be suitable for great crested newts, badger, reptiles and other protected species (e.g. red squirrel).
- 3.40 The applicant's submitted updated ecological impact assessment also includes suggested measures to avoid / mitigate construction related effects (including in relation to bird and hedgehog) and suggested biodiversity enhancements, such as a bird box and bat box in the building and provision of the proposed soft landscaping.
- 3.41 The applicant's submitted updated biodiversity net gain report, having regard to types and condition of existing habitat on the site and the soft landscaping within the proposed landscape masterplan; considered that the proposed development can provide an onsite biodiversity net gain.
- 3.42 The consultation response from the Countryside Team advised that the survey work / reporting provided was acceptable and recommended planning conditions with regards to the related avoidance / mitigation measures and delivery of the soft landscaping, bird box and bat box.
- 3.43 As such and subject to the suggested soft landscaping and ecology related planning conditions, the proposal would accord with LDF Policies EA3 and DM7; and the NPPF (with regards to ecology / biodiversity).

Habitats Regulations Assessment

- 3.44 The proposed children's assessment centre would be within the 6km buffer zone identified within Interim SPD 23 with regards to the two European Designated sites along the coast. These are the Durham Coast Special Area of Conservation [SAC] and Northumbria Coast Special Protection Area [SPA] / Ramsar.
- 3.45 The applicant's submitted updated report to inform habitat regulations assessment [HRA] includes that likely significant effects upon these designations is considered to be insignificant, having regard to the Council's mitigation strategy as set out in Interim SPD23.
- 3.46 The Countryside Team response included that, given the updated submitted report to inform HRA, the Council as competent authority should complete an Appropriate Assessment.

- 3.47 HRA Screening and Appropriate Assessment have been carried out by the Local Planning Authority as competent authority. The Appropriate Assessment required consultation with Natural England and they have endorsed it.
- 3.48 In summary, the Appropriate Assessment has concluded that the proposal is compliant with the Habitats Regulations, would not cause unacceptable harm in respect of biodiversity and protected species and that it would not conflict with LDF Policies EA3 and DM7 or the Interim SPD23.

Other Development Management Policies

DM1(A) Management of Development – Design (LDF Development Management Policies) – seeks to ensure that developments are designed to convey sensitive consideration of surroundings.

DM1(B) Management of Development – Residential Amenity (LDF Development Management Policies) - seeks to ensure that developments are acceptable in relation to any impact on residential amenity.

DM1 (C) Management of Development - Landscaping (LDF Development Management Policies) - seeks to ensure that developments protect or replace existing landscaping.

Visual Amenity Issues

- 3.49 The proposed building would have a modern appearance, with the external walls comprising a mix of brick and render, and tiled roof. Visuals within the design and access indicate the use of red bricks, white/cream render and grey roof tiles. The submission also includes that photovoltaic panels, CCTV and potentially an air sourced heat pump would also be attached to the building, but that the details of these are yet to be specified. Hard surface treatments are indicated as including porous tarmac, two types of paving and resin bound gravel.
- 3.50 The scale and design of the proposal is comparable to that of a relatively large dwelling, and it is not considered to give rise to any material harm to local visual amenity. Planning conditions are suggested with regards to facing materials for the building, hard surface treatments, photovoltaic panels, CCTV and air source heat pump.
- 3.51 The proposed boundary treatments to the site's perimeter include repair / retention of the railings to the footpath at the western side of the site, or their replacement with 1.8m high weldmesh fencing if that is not possible; and 1.8m high timber fencing to the remainder of the perimeter save the gates to the vehicular entrance (and that would swing into the site). The boundary treatments are considered to be acceptable in terms of visual amenity (and where they would largely be capable of being undertaken as permitted development).

Residential Amenity Issues

- 3.52 The submitted plans and the amended design and access statement included consideration of residential amenity related matters. This includes provision of obscure glazing to certain windows in the north and south elevations, consideration of spacing of the proposal from residential properties and due consideration given in terms of dominance, daylighting and / or overshadowing.

- 3.53 The submitted details are considered to demonstrate that the proposed building, in terms of its design and spacing, would not give rise to unacceptable overlooking or loss of privacy to the surrounding properties. A condition is suggested in relation to the provision and retention of the proposed obscure glazing. Whilst the proposal's garden area may be overlooked by existing properties this is not of its own accord a reason to refuse the application.
- 3.54 The submitted details are also considered to show that the proposed building, in terms of its design and spacing; would not over-dominate any neighbouring property in terms of outlook or give rise to any material loss of daylighting (by use of a cross-section and use of a 25 degree from closest neighbouring ground floor windows across the site and which the proposed building does not transgress – see plan 7 attached to the rear of this report).
- 3.55 The applicant's amended design and access statement also included overshadowing analysis (see plan 8 and 9 attached to the rear of this report). This shows that, at the summer (21 June) or winter (21 December) solstice, overshadowing would not be materially different to the existing situation. A midpoint between those two solstices was additionally considered (using 21 March). This showed that there would be some additional overshadowing to three properties to the north and largely to parts of their rear gardens (rather than the rear garden as a whole), when compared to the existing situation; and that this would be in the morning between 8:00am and 11:00am.
- 3.56 The level of overshadowing indicated by the analysis set out in the amended design and access statement is not considered to be such that it would cause materially significant harm these neighbouring properties. Furthermore, overshadowing of gardens is to be given lesser weight in the planning assessment process relative to overshadowing impacts upon the properties themselves.
- 3.57 As stated in the highways section of this report and condition is suggested in relation to limiting construction working hours or associated works or deliveries (to between 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and not to take place on Sundays or Public Holidays).

Trees / soft landscaping

- 3.58 As mentioned in the ecology / biodiversity section of this report, the application site largely comprises modified grassland, with some very small areas of taller grass verges / scatters scrub on some of its edges and a semi-mature elder on the northern permitted.
- 3.59 These existing soft landscaping features would require removal to implement the proposal. The proposed soft landscaping indicated within the landscape masterplan includes two native trees, ornamental planting, native planting, hedge planting, specimen shrubs and grass. The proposed level of soft landscaping proposed is considered to be acceptable both in terms of amenity (and also terms of ecology / biodiversity net gain). A condition is suggested with regards to the full planting details and specifications of the soft landscaping being submitted and carried out.
- 3.60 As such and subject to the suggested conditions, the proposal would accord with LDF Policy DM1(A, B, C) and the NPPF (with regards to design / materials, residential amenity and soft landscaping).

Other material considerations

- 3.61 In relation to the comments about the issuing of the planning application notification letters, these can only be issued once the application is formally registered as being valid; and that took place on 18/11/2022. The neighbour letters were printed, enveloped and franked (as second-class post) that day by the Council and prior to them being collected by Royal Mail from the Town Hall. Royal Mail collect post every working day from the Council to deliver (unless, for example, that day is affected by Royal Mail industrial action). Once the letters are in the possession of Royal Mail to post, they are outside of the control of the Council and in terms of the time it takes for Royal Mail to deliver them. Furthermore, the planning pages of the Council's website includes that representations may still be made after the expiration of a planning applications publicity periods (whether by letter, site or press notice depending on the case) and be taken into account, provided that that planning application has not yet been determined.
- 3.62 In relation to the comments about the planning application not being online, again this can only occur after it is formally registered as being valid.
- 3.63 In relation to alternative sites being suggested, the Planning Committee must determine the proposal that is in front of them and for this site; as considered by this report.
- 3.64 As stated previously (see paras. 3.15-3.16), the Council has separate legal statutory duties with regards to various provisions in relation to Children's Services and their management / operation and where the proposed assessment centre would be included within that remit. Furthermore, it will be subject to Ofsted registration and inspection, and then also ongoing further inspections and monitoring by both Ofsted and independent parties responsible for ensuring the suitable running, management and of the building and care of children (and where the number of children that could occupy it would be limited to two by these processes). A use restriction type planning condition is therefore not considered to be necessary or reasonable in this particular instance.

Other Matters

- 3.65 Property values are not material planning considerations and nor is loss of a view.
- 3.66 In relation to the provision of external CCTV and their extent of coverage, advice from the Information Commissioners Office effectively includes that they should only cover the application site (and that they should not stray onto third party land), that it may require registration with them; and that the applicant should consider a data protection impact assessment with regards to its use.

4.0 Conclusion

- 4.1 The development of the site for the proposed children's assessment centre is considered to be acceptable.
- 4.2 It is considered that the proposed access and parking arrangements are acceptable and that they would not be detrimental to highway safety, subject to the suggested conditions.
- 4.3 The environmental impacts with regards to flood risk, drainage, contaminated land, ecology / biodiversity have been considered and are not considered to give rise to

material harm, subject to the suggested conditions; and the HRA appropriate assessment considered that the proposal would not give rise to likely significant effects to the European Designated sites at the coast.

- 4.4 The layout and design of the proposed development would be acceptable in terms of local visual amenity and nor would not be materially detrimental to amenities of the surrounding properties, subject to the suggested conditions.

5.0 Recommendation

- 5.1 It is recommended that the Planning Committee to grant planning permission for the development of a new two storey Children's Assessment Centre at Vacant land behind Seton Avenue, Fox Avenue and Laybourn Gardens, South Shields subject to the schedule of planning conditions.

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 Approved plans

The development shall be carried out in accordance with the approved plans as detailed below

4251-JDDK-XX-XX-DR-A-1001 Rev. P5 (proposed site plan) received 20/01/2023
4251-JDDK-XX-ZZ-DR-A-2001 Rev. P8 (building layout / roof plan) received 20/01/2023
4251-JDDK-XX-XX-DR-A-3001 Rev. P8 (proposed elevations) received 20/01/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 Drainage

No drainage works to serve the development hereby permitted shall commence until a detailed drainage scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the LFFA).

The drainage scheme shall be consistent with the design principles set out in the proposed drainage layout drawing 149100/2002 Rev. A and the accompanying drawings that it states in its notes - 149100/2003, 149100/2005 Rev. A, 149100/2007, 149100/2008, 149100/2009, 149100/2010 - all received 31/10/2022 and it shall include a detailed development layout, civil engineering details (including details of the SuDS features - long and cross sections), connection points / discharge rates to any public sewer (including evidence that the connection points / discharge rates have been agreed with Northumbrian Water),

maintenance requirements, programme and maintenance responsibilities for all SuDS features and hydraulic calculations.

The agreed details shall then be carried out.

To ensure that the discharge of surface / foul water from the site does not increase the risk of flooding in accordance with South Tyneside Local Development Framework Policies ST2 and DM1 and the NPPF.

4 Contaminated land - remediation strategy

A Detailed Remediation Strategy for the proposed remedial works shall be submitted to and approved by the Local Planning Authority prior to commencing remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. Where remediation of gas has been identified as necessary by the site investigation a gas verification plan shall be submitted for the proposed gas protection measures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

To ensure that the remediation of contaminated land takes place in accordance South Tyneside Local Development Framework Policies EA5 and DM1(M).

5 Contaminated land - verification

Following completion of measures identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority prior to the site being occupied.

To ensure that the remediation of contaminated land takes place in accordance South Tyneside Local Development Framework Policies EA5 and DM1(M).

6 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To ensure that the remediation of contaminated land takes place in accordance South Tyneside Local Development Framework Policies EA5 and DM1(M).

7 Materials - building

Notwithstanding the indicative information shown on 4251-JDDK-XX-XX-DR-A-3001 Rev. P8 (proposed elevations) received 20/01/2023 or within the Design & Access Statement received 20/01/2023 and before development of the building hereby permitted commences, full details (including samples, drawings and / or specifications) of the proposed external facing materials for the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

In the interests of both visual and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(A & B).

8 Photovoltaic (PV) panels

Before the first occupation of the development hereby permitted, full details (including samples, drawings and / or specifications) of the proposed photovoltaic panels to serve the development, together with a phasing plan to secure their completion, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

In the interests of visual amenity in accordance with South Tyneside Local Development Framework Policy DM1(A).

9 Air sourced heat pump

Before the first occupation of the development hereby permitted, full details (including drawings and / or specifications and a noise assessment) of any proposed air sourced heat pump and any related noise attenuation measures, together with a phasing plan to secure its completion, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

In the interests of both visual and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(A & B).

10 Hard surface treatments

Notwithstanding the information shown on 149100/8001 Rev. B (landscape masterplan) received 20/01/2023, full details (including samples, drawings and / or specifications) of the proposed hard surface treatments shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

In the interests of visual amenity in accordance with South Tyneside Local Development Framework Policy DM1(A).

11 External CCTV

Before the first occupation of the development hereby permitted, full details (including samples, drawings and / or specifications) of the proposed external CCTV to serve the development, together with a phasing plan to secure their completion, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

In the interests of visual amenity in accordance with South Tyneside Local Development Framework Policy DM1(A).

12 External lighting

Before the first occupation of the development hereby permitted, full details (including samples, drawings and / or specifications) of the proposed external lighting to serve the development, together with a phasing plan to secure their completion, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out.

In the interests of visual amenity and ecology in accordance with South Tyneside Local Development Framework Policies EA3, DM1(A) and DM7.

13 Soft landscaping - details / delivery

Before the first occupation of the development hereby permitted, full planting details and specifications of the soft landscaping as set out on 149100/8001 Rev. B (landscape masterplan) received 20/01/2023, including a phasing plan for its delivery, shall be submitted to and approved in writing by the Local Planning Authority.

The agreed details shall then be carried out. Any new trees or shrubs which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced within replacement planting of similar species not later than the next available planting season after the loss or damage occurred.

In the interests of visual amenity, amenity and biodiversity / ecology in accordance South Tyneside Local Development Framework Policies EA3, DM1(C) and DM7.

14 Finished floor level

The finished ground floor level of the building hereby permitted shall be carried out in accordance with the details included on drawing 149100/2002 Rev. A received 31/10/2022.

To ensure a satisfactory standard of development in the interests of both visual and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(A & B).

15 Obscure glazing

Before the development hereby permitted is first brought into use, the frosted glazed windows shown on Drg. No. 4251-JDDK-XX-XX-DR-A-3001 Rev. P8 received 20/01/2023 shall be provided with obscure glass (to a level at least equivalent to Pilkington privacy level 5 [for textured or etched glass] or an equivalent similar alternative), and the obscure glass shall be retained as such thereafter.

In the interests of residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(B).

16 Car parking, cycle parking and bin storage

Before the development hereby permitted is first brought into use, the car parking (and EV charging provisions), cycle parking and bin storage to serve it as shown on 4251-JDDK-XX-XX-DR-A-1001 Rev. P5 (proposed site plan) received 20/01/2023 shall be provided. The car parking, cycle parking and bin store shall thereafter be retained for their intended purpose.

In the interests of residential amenity and highway safety in accordance with South Tyneside Local Development Framework Policy DM1(B & G).

17 Construction related ecology measures

The development hereby permitted shall be carried out in accordance with the construction related ecology avoidance strategies and mitigation requirements set out in section 4.1. and 4.1, respectively, of the submitted Ecological Impact Assessment (V2) received 20/01/2023.

To mitigate construction impacts upon ecology in accordance South Tyneside Local Development Framework Policies EA3 and DM7.

18 Ecology measures for the building

Before the development hereby permitted is first brought into use, the bird box and bat box as shown on 4251-JDDK-XX-XX-DR-A-3001 Rev. P8 received 20/01/2023 shall be provided and as per their respective specifications as set out in the in the submitted Ecological Impact Assessment (V2) received 20/01/2023. The bird box and bat box shall thereafter be retained for their intended purpose.

In the interests of biodiversity / ecology in accordance South Tyneside Local Development Framework Policies EA3 and DM7.

19 Construction working hours

No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Public Holidays.

In the interests of residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(B).

INFORMATIVES:

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 Highway condition survey:
You should note that a highway condition survey is required to be carried out before the commencement of demolition and construction vehicle movements associated with this site. To arrange a survey contact South Tyneside Council at Highways@SouthTyneside.gov.uk . Any damage caused to the highway resulting from the construction phase of the development is required to be repaired and made good to the satisfaction of the Highway Authority.

- 4 Reminder to not store building material or equipment on the highway:
Building materials or equipment shall not be stored on the highway unless
otherwise agreed. You are advised to contact
Highways@SouthTyneside.gov.uk for Skips and Containers licences.
-

Application Number: ST/1014/22/FUL

Date Received: 12/12/2022

Application Date: 12/12/2022

Applicant's Name and Address

J Barbour and Sons Ltd
 FAO Mr Clive Mattison
 50 Barbour House
 Bedesway
 Jarrow
 NE32 3EG

Agent's Name and Address

Argyle Planning Consultancy Ltd
 FAO Mr Peter Biggers
 1 Prudhoe Street
 Alnwick
 Northumberland
 NE66 1UW

LOCATION Barbour House
 50 Bedesway
 Jarrow
 NE32 3EG

PROPOSAL Erection of showroom and alterations to Barbour House including conversion of existing showroom to office space and installation of new loading bay.

.....
RECOMMENDATION: Grant Permission with Conditions

SUMMARY OF NEIGHBOUR REPRESENTATIONS:

None

REASON FOR PRESENTATION TO PLANNING COMMITTEE

This application is brought to the committee for determination because it is a 'major' application.

1.0 The Proposal

- 1.1 The application site comprises previously developed land occupied by Barbour House (a two storey office building) and its associated car park/service access roads at the junction of Bedesway and Monksway on the Bede Industrial Estate.
- 1.2 In terms of neighbouring uses, the application site is surrounded on all sides by existing industrial/warehouse buildings. A belt of tree and hedge planting outside of the application site separate the site from Bedesway and Monksway and industrial/warehouse buildings to the north, south and east.
- 1.3 Full planning permission is sought for erection of a showroom and alterations to Barbour House including conversion of an existing showroom within Barbour House to office space and installation of a new loading bay to the south elevation of Barbour House. The showroom would be used to market the company's products to visiting corporate buyers.
- 1.4 The new showroom would have a floorspace of 1100 square metres and would comprise a rectangular shaped building measuring 55 metres in length and 20 metres in width. The building would be sited to the immediate east of the existing

Barbour House building on a car parking area that lies between Barbour House and Monksway. The building would be 4.1 metres in height to eaves level and 7.8 metres to ridge height with a dual pitched roof. The building elevations and roof would be faced primarily with grey coloured cladding, with the front and rear elevations of the showroom building also incorporating glazed elements.

- 1.5 The proposed showroom would inhibit access to an existing service area to the south east corner of Barbour House and therefore the proposals include a new roller shuttered loading bay to the south west corner of Barbour House that would be accessed via an existing service road that runs to the south of the property. The existing site access to Barbour House from Monksway would be closed off, with a new belt of soft landscaping provided to tie in with existing tree, hedge and shrub planting to the Monksway frontage. The access to Barbour House from Bedesway would remain unchanged.
- 1.6 Erection of the showroom would result in the loss of 40 out of 61 existing car parking spaces at Barbour House. However, another staff car parking area to the opposite side of Bedesway from Barbour House has recently been extended under planning permission ST/0051/22/FUL approved by the Council in 2022 and now provides 250 staff car parking spaces.
- 1.7 Existing tree, hedge and shrub planting to the north, east and south boundaries of the site would be retained with the exception of a small area of ornamental hedging in the south west corner of the site that would be removed to accommodate access to the new loading bay to Barbour House.
- 1.8 Copies of the submitted plans and photographs of the application site and its surroundings are included separately with the committee agenda papers.

2.0 Responses to Publicity and Consultations

Neighbour Notification Responses

- 2.1 The Council sent letters to 5 neighbouring properties notifying them of this planning application. In addition a site notice was displayed in the vicinity of the site and the planning application was advertised in the local press.
- 2.2 In response to this publicity no responses have been received.

External Consultees

- 2.3 The following external consultees have been notified in writing by the Council as Local Planning Authority, when this planning application was made valid. The comments received from the external consultees regarding this development may be summarised as follows:

Tyne and Wear Fire & Rescue Service

- 2.4 No objection to the proposals subject to compliance with the Building Regulations in due course.

Northumbrian Water

- 2.5 No comments received.

Northern Gas Networks

- 2.6 No objections but standard documentation provided regarding development in close proximity to their assets.

Northern Powergrid

- 2.7 No comments received.

Northumbria Police

- 2.8 No objections.

Nexus

- 2.9 No objections given accessibility of the site by a choice of means of transport. However, Nexus recommends the promotion of both active travel and public transport to encourage sustainable travel behaviours within employees. Existing employees should be reminded of the local public transport and active travel links and encouraged to use these over personal vehicles. Nexus also recommends the developer improves upon the ten cycle parking spaces outlined in the transport statement if demand rises as new employees come into the business. Having a suitable and safe area to park bikes will greatly encourage active travel and ensure employees will continue to make sustainable travel choices going forward.

Internal Consultees

Traffic & Road Safety/Strategic Transport

- 2.10 The details of the application have been examined. The development is located within Bede industrial estate area, which is served by an unadopted network of estate roads and footways, not maintainable by STC at public expense. The Highway Authority is satisfied that the development will not have an adverse impact on the adopted highway network, including its junctions, carriageways and footways. The Highway Authority therefore considers the scheme acceptable in respect of its interests and has no objections to the proposal. Please note that these comments do not consider any impacts on the private junctions, carriageways and footways of the industrial estate that are beyond the remit of the Highway Authority.

Economic Growth Team

- 2.11 No comments received.

Environmental Health – Noise, Odour & Air Quality

- 2.12 No comments received.

Environmental Protection – Lead Local Flood Authority

- 2.13 No comments received.

Environmental Protection – Contaminated Land

- 2.14 I have had a look at the plans for the above application and have noted that the site for the proposed development lies within an area which has been used historically for

industrial uses and infilling. However reading the information on the construction and non-permanent nature of the building, the risk from land contamination will be low. I would however suggest that due to the location and history, the unexpected contamination condition is considered.

Countryside Officer

- 2.15 This application only impacts existing hardstanding and the trees / shrubs to the perimeter are to be retained. The ecological impacts are therefore negligible so I have no comments to make.

Landscape

- 2.16 The proposed building will be constructed on an existing car park surface requiring partial foundations. Any existing planting is outside the perimeter fence of the site and would appear to be unaffected by the proposal. This existing planting is outside the red line boundary of the application but is within the ownership of the applicant. Space on site is restricted. The scheme itself does not provide any landscape benefits. Green walls and an external garden space are labelled to be located between the existing and proposed buildings, but not detailed – this would be a good addition to the development provided it is detailed in a way which will survive – dry shade etc. The benefits of the space will be largely from within the site. The effect on surface water runoff is recorded as neutral due to one hard surface being replaced for another, however with the introduction of the new building, betterment might be expected. The Lead Local Flood Authority will provide the formal response to this aspect. From a landscape perspective some reduction of runoff might be accommodated with features such as disconnected downcomers, and use of water to irrigate the potentially dry planting areas proposed in the narrow space between the two buildings. In conclusion there are no major landscape issues with this proposal. Existing perimeter planting does benefit the proposal and should be retained/enhanced through more sympathetic management, however this is outside the red line boundary. Some further detailing might be requested in relation to the planting between buildings and the possibility of irrigation from disconnected downcomers explored.

Waste

- 2.17 No comments received.

Community Safety

- 2.18 No objections

Tyne & Wear Archaeology

- 2.19 The proposed development area is considered to have low archaeological potential and no further archaeological investigation is recommended in association with the proposed works.

3.0 Planning Assessment

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

- 3.2 The statutory development plan is the Council's adopted Local Development Framework (LDF) development plan documents. These are in **bold** text below. Adopted supplementary planning documents are capable of being material considerations in planning decisions. These are in *italic* text below.
- 3.3 The Council are in the process of preparing a new Local Plan. Consultation has taken place on a Pre-Publication Draft (Regulation 18) Plan published in August 2019 but following on from that consultation it has been decided that a revised Regulation 18 Plan is to be prepared which is yet to be published for consultation. As such the new Local Plan remains at an early stage and therefore can be afforded only negligible weight in decision making on planning applications. As such, detailed reference has not been made to the emerging plan in this report.
- 3.4 In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.
- 3.5 To assist in the assessment of the application, development plan policies have been grouped together having regard to the main themes of the LDF.

Those aspects of Strategic Policies and policies for Delivering Economic Growth and Prosperity of relevance with regard to the acceptability or otherwise of the principle of development

ST1 Spatial Strategy for South Tyneside (LDF Core Strategy) – sets out the spatial strategy for the development of South Tyneside and that the use of planning obligations is essential to the delivery of the overall strategy.

SC1 Creating Sustainable Urban Area (LDF Core Strategy) – states that to deliver sustainable communities development will be focused and promoted in the built-up areas with one key objective being to revitalise town centres and other main shopping areas.

SC2 Reviving our Town Centres and other Shopping Centres – states that development proposals for retailing will be focused and promoted in the three town centres of South Shields, Jarrow and Hebburn to protect and enhance the vitality of viability of these centres.

E1 Delivering Economic Growth and Prosperity (LDF Core Strategy) - Explains that 40 ha of land will be allocated to meet economic development requirements, employment sites will be safeguarded and new enterprise promoted in accessible locations, particularly within key Regeneration Areas.

DM2 Safeguarding Employment Uses (LDF Development Management Policies) - safeguards existing Predominantly Industrial Areas and other employment land allocations for employment use and provides guidance on the location of office uses; provides criteria for use of employment land for non-employment uses.

The principle of development

- 3.6 The application site comprises part of a Predominantly Industrial Area (PIA) defined in the Council's LDF. Although the site is not within the 40 hectares of land allocated

to meet economic development requirements under Core Strategy Policy E1, that Policy does state also that viable employment sites will also be safeguarded for employment uses only.

- 3.7 LDF Development Management Policies DPD Policy DM2 states that the Council will promote and facilitate economic growth and prosperity, in accordance with regional and local aspirations for growth by safeguarding existing Predominantly Industrial Areas in the borough for employment use where this is sustainable and viable, to ensure a sufficient supply of employment land over the plan period.
- 3.8 NPPF paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.
- 3.9 This proposal would allow a significant and long-established major employer in the borough to further extend and consolidate their business operations on the Bede Industrial Estate site.
- 3.10 The proposed showroom which would be used to market the company's merchandise to corporate buyers is a quasi-employment use which would complement the company's existing employment operations on the Barbour House and nearby sites. Overall, the principle of this development in this Predominantly Industrial Area is therefore acceptable and very much welcomed and is in accord with relevant local and national planning policy. A condition is suggested to prohibit use of the building for retail sales to the general public given the site's out-of-centre location and the potential impact of such use on the vitality and viability of nearby town centres. This would ensure that there is no conflict with LDF Policies SC1 and SC2.

Improving Accessibility, Highway Capacity, Highway Safety

A1 Improving Accessibility (LDF Core Strategy) - seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Requires transport assessments for major development proposals. Parking standards will apply to new development, as set out in SPD.

DM1 (G, H and I) Management of Development-Highways and Access (LDF Development Management Policies) - seek to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

SPD6 Parking Standards - sets out the parking standards used in assessing proposals for new development.

SPD7 Travel Plans - provides guidance on when Travel Plans should be produced and what they should contain.

- 3.11 Moving onto national planning policy, NPPF paragraph 104 states that transport issues should be considered from the earliest stages of development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and

pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

- 3.12 Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 3.13 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.14 Paragraph 112 continues that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 3.15 Finally paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Impact of the Development on the Local and Strategic Highway Network

- 3.16 The application is accompanied by a Transport Statement which assesses the impact of the proposed development on the local and strategic highway network. This states that there are around 8 LGV movements to/from the site each day and that there are typically around 40 car movements to/from the site each day. Daily LGV movements would not increase as a consequence of the proposed development, with such movements simply being displaced slightly to the new service area in the south west corner of Barbour House. Some car movements would be displaced off-site to the extended staff car park to the immediate north on the other side of Bedesway and it is envisaged that these would remain at similar levels to current car movements to/from the application site associated with those vehicles. No additional staff are to be employed on-site as a consequence of the proposals and in terms of corporate buyers visiting the showroom for marketing events it is stated that the majority of these would be bussed to the site on event dates.

- 3.17 The Council as Local Highway Authority raise no objections to the proposal and therefore its impact on the local and strategic highway network is considered acceptable.

The Proposed Accesses into the Site

- 3.18 As stated earlier, construction of the showroom would result in one of the site accesses (i.e. the access to Monksway) no longer being able to provide access to the Barbour House site. As such it is proposed that access arrangements be amended in respect of such service arrangements with a new service area being provided to the south west corner of Barbour House which would be accessed via an access road to the immediate south which is in the ownership of the applicant and currently provides access to the Barbour Factory Outlet unit. In this regard no new accesses would be created but an existing access would be utilised to provide alternative servicing arrangements.
- 3.19 The Council as Local Highway Authority raise no objections to the proposed site access arrangements and these are therefore considered acceptable.

Car parking

- 3.20 As stated earlier, construction of the proposed showroom building would result in the loss of an existing 40 car parking spaces out of 61 from the Barbour House staff car park. However, the company have recently extended another staff car park they have on the other side of Bedesway from the application site, with this car park now having a capacity of 250 spaces.
- 3.21 That extended car park is used by staff employed on the application site and at the nearby Barbour warehouse further to the south east on Bedesway, which is currently undergoing expansion following a grant of planning permission in 2022.
- 3.22 In terms of overall car parking provision serving the business, if this showroom application was approved there would be a total of 46 spaces on the Bedesway frontage to the Barbour warehouse. There would be 21 existing spaces on the Barbour House site and 250 within the extended car park on the other side of Bedesway. This would give a total of 317 spaces to service the applicant's activities in Barbour House including the new showroom and at the company's warehouse on Bedesway including the new warehouse building on that site approved in 2021.
- 3.23 The existing warehouse building and the proposed warehouse on Bedesway would have a total floorspace of 35,063 square metres and therefore the SPD6 maximum parking requirement at 1 space per 180 square metres (minus 25% given the urban area location of the site) for this Use Class B8 element of the business would be 146 spaces. Barbour House has a floorspace of 2,655 square metres for this Use Class E element (former Use Class B1) with the SPD6 standard of 1 space per 30 square metres generating a need for 89 spaces. Even if the 1 space per 30 square metres standard is applied to the proposed showroom (which isn't considered justified given the marketing showroom use proposed) this would generate a need for a further 37 spaces. SPD6 would therefore suggest a maximum of 272 spaces are provided for as a worst case scenario.
- 3.24 In terms of staff numbers 180 are based in Barbour house and generally work day-time hours only. The warehouse operates a 3 shift system 24 hours a day with 137 staff on the morning shift, 100 on the afternoon shift and 54 on the night shift. Following completion of the warehouse extension it is envisaged that 20 additional

staff will be employed. Given the above, there is potential at present for 417 employees to be on-site at any one time when the changeover is taking place between the morning and afternoon shifts and this could increase to 437 staff once the warehouse extension is completed. However, the applicant advises that around 50% of staff use public transport to travel to work and therefore the maximum number of staff likely to require car parking at any one time following completion of the warehouse extension is around 220.

- 3.25 The number of car parking spaces therefore proposed is considered acceptable as the overall provision is well in excess of the SPD6 maximum standards for the employment uses served by this provision and actual current/proposed staff car parking requirements. The surplus of spaces above the SPD6 standards is considered acceptable bearing mind that total car parking spaces proposed would be less than the level of car parking serving the business at present (with 40 spaces at Barbour House being lost to the proposed showroom). This surplus also provides some flexibility re the operation of the business such as provision for visitors and changes in staff numbers/travel patterns.
- 3.26 Both SPD6 and NPPF paragraph 112 encourage the provision of disabled parking and electric vehicle parking bays. For disabled parking SPD6 recommends 6% provision. This would equate to 19 spaces across the 317 spaces available over the applicant's various sites. Having assessed current disabled parking bay usage, the applicant agreed as part of the planning applications considered in 2021 for the car park and warehouse extensions to provide 18 disabled spaces to the front of the warehouse building on Bedesway and within the extended car park on the opposite side of Bedesway. Such a level of provision is considered acceptable bearing in mind that the total number of car parking spaces provided is in excess of the numbers that would be required under SPD6.
- 3.27 There is currently no EV parking provision across the applicant's sites. However, the applicant again agreed as part of the 2021 planning applications to provide 8 EV spaces with charging facilities – 4 to the Bedesway frontage of the warehouse and 4 at Barbour House.
- 3.28 Provision of these disabled and EV spaces would not be affected by the proposed showroom as the disabled provision is not on the Barbour House site and the 4 EV spaces at Barbour House would be in the front car park area away from the showroom site. Conditions on the 2021 permissions secure the provision of these spaces.

Other Transportation Issues

- 3.29 With regard to promoting public transport use, the application site is accessible by a choice of means of transport with bus routes on the A194 and Leam Lane to the north and south within a short walk of the site. Bede Metro Station is also nearby. The applicant advises that around 50% of staff already travel to/from work via public transport.
- 3.30 In terms of cycle parking, the applicant advises that there are currently 10 spaces available at Barbour House but that these are not well used. It is not considered that the SPD6 standards for cycle parking are applicable in this instance given the showroom use of the proposed building and the 10 existing spaces for the Barbour House site as a whole, including the showroom are considered acceptable.

- 3.31 Overall it is considered that the proposed development would be in accordance with Policies A1 and DM1(G,H and I), SPD6 and SPD7 of the South Tyneside Local Development Framework and the NPPF.

Delivering Sustainable Communities

DM1(A) Management of Development – Design (LDF Development Management Policies) – seeks to ensure that developments are designed to convey sensitive consideration of surroundings.

DM1(B) Management of Development – Residential Amenity (LDF Development Management Policies) - seeks to ensure that developments are acceptable in relation to any impact on residential amenity.

DM1(C) Management of Development - Landscaping (LDF Development Management Policies) - seeks to ensure that developments protect or replace existing landscaping.

DM1(J) Energy Efficiency and Resilience to the Affects of Climate Change (LDF Development Management Policies) - is to ensure that developments are designed to achieve lower carbon emissions and to have greater resilience to the affects of climate change.

SPD1 Sustainable Construction and Development - *requires applicants for certain larger scale or significant schemes to demonstrate the sustainability credentials of their proposals.*

Urban Design Considerations

- 3.32 As advised above, LDF Policy DM1 (A/B/C) promote high quality design in new developments that respects local character, safeguards amenity and provides for landscaping including the protection of existing landscape features.
- 3.33 National planning policy on design matters is set down in the NPPF, National Design Guide and National Model Design Code.
- 3.34 NPPF paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 3.35 Paragraph 130 states that planning decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing

and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 3.36 Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 3.37 Greater detail regarding design matters is outlined in the 10 characteristics of good design outlined in the National Design Guide and National Model Design Code namely context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.
- 3.38 The built environment within the locality surrounding the application site is characterised by relatively utilitarian industrial buildings of various sizes, designs and materials.
- 3.39 The proposed showroom building is smaller in scale than the adjacent Barbour House in terms of its proportions including height and the proposed facing and roofing materials would be acceptable in principle in design terms given the varied nature of buildings in the surrounding locality and bearing in mind the substantial screening provided by landscaping on the site boundaries in terms of views from Bedesway and Monksway. Conditions are suggesting regarding samples of the facing and roofing materials and to secure soft landscaping to the existing Monksway access gap following closure of this access.
- 3.40 The proposed external alterations to Barbour House and removal of some ornamental hedging to the southern boundary associated with amended servicing arrangements to that building are considered acceptable in visual terms but would not be readily visible from the public realm on Monksway.
- 3.41 With regard to landscape matters, the existing areas of planting to the immediate north and east of the application site would be retained and unaffected by the proposed development with additional planting proposed to the Monksway frontage arising from closure of the Monksway access to the site.
- 3.42 In terms of residential amenity, there are no existing dwellings within or immediately adjacent to the application site and therefore no significant residential amenity impacts would arise in this regard.

Climate Change Mitigation

- 3.43 DMP Policy DM1(J) states that in determining all applications we will ensure, where relevant, the development is designed to achieve lower carbon emissions, and to be energy efficient and maximise the use of renewable and low carbon energy sources, having greater resilience to the likely effects of climate change, including higher summer temperatures and increased prevalence of flood events. Where relevant, development should incorporate green spaces to mitigate the heating of urban areas

and should create and support opportunities for sustainable forms of transport, drainage and waste management.

- 3.44 Further detail regarding the above matters is contained within SPD1 – Sustainable Construction and Development (August 2007).
- 3.45 NPPF paragraph 154 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 3.46 Paragraph 157 states that in determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 3.47 The applicant advises that on-site generation of renewable energy to meet some of the scheme's energy requirements is proposed, possibly utilising PV panels and/or air source heat pumps.
- 3.48 On-site generation of renewable energy is considered acceptable and therefore a condition is proposed regarding the detailed specification of this and the timescales for its delivery.
- 3.49 With regard to other climate change mitigation matters, a condition is suggested regarding the details of surface and foul water drainage. As advised earlier, the applicant has agreed to provide electric vehicle (EV) charging spaces as part of the previously approved developments in 2021 for the nearby warehouse extension and enlarged staff car park both of which have now been implemented and therefore EV parking spaces would be available for those using the Barbour House site.
- 3.50 Subject to satisfactory details of renewable energy generation and sustainable drainage being agreed with the applicant and such matters as well as electric vehicle parking being delivered the proposals are considered acceptable in terms of climate change mitigation in accordance with LDF Policy DM1(J) and the NPPF.

Capitalising on our Environmental Assets / Environmental Protection

EA3 Biodiversity and Geodiversity (LDF Core Strategy) - seeks to optimise conditions for wildlife and tackle habitat fragmentation.

EA5 Environmental Protection (LDF Core Strategy) – seeks to ensure that new development reduces levels of pollution and environmental risk.

DM1(K) Management of Development – Flood Risk (LDF Development Management Policies) - seeks to ensure that developments are designed to minimise and mitigate localised flood risk.

DM1(M) Management of Development - Contamination (LDF Development Management Policies) - seeks to ensure that risks of contamination have been assessed and, where necessary, remediation measures included.

DM1 (N) Management of Development-Legacy of Mineral Workings (LDF Development Management Policies) - is to ensure that developments take into consideration the potential legacy of mineral workings.

DM7 Biodiversity and Geodiversity Sites - (LDF Development Management Policies) is to ensure the protection and enhancement of the important environmental assets in the borough.

DM8 Mineral safeguarding and Management of Extraction (LDF Development Management Policies) – seeks to safeguard mineral resources from sterilisation.

SPD3 Green Infrastructure Strategy - provides analysis of existing green infrastructure and sets out vision for future improvement and provision, including setting local green space standards.

Ecology

- 3.51 DMP Policy DM7 states that we will protect and enhance the important environmental assets of the Borough and promote and support high quality schemes that enhance nature conservation and management and maximise enhancement of biodiversity in line with the Durham Biodiversity Action Plan targets. All proposals for development must ensure that any individual or cumulative detrimental impacts on sites are avoided and will only be permitted where they would not adversely affect the integrity, natural character, or biodiversity of nationally and locally designated sites, wildlife corridors and other land that forms part of the Borough's strategic green infrastructure. Development within or outside these designations will only be approved where the benefits of development clearly outweigh any adverse impact on the site, and any broader impacts on SSSI's. Exceptions will only be made where no reasonable alternatives are available. In such cases, we will use planning conditions and/or planning obligations to mitigate or compensate for the harmful effects of the development, and through good design seek opportunities to incorporate biodiversity features into the development.
- 3.52 Turning to the NPPF, paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 3.53 Paragraph 180 further states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development

resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 3.54 The Council's Countryside Officer has advised that this application only impacts existing hardstanding and the trees / shrubs to the perimeter are to be retained. The ecological impacts are therefore negligible so they have no comments to make.
- 3.55 Overall, it is considered that the proposed development would give rise to no significant adverse environmental impacts to biodiversity or nature conservation. As such, the proposal is considered to accord with policies EA3 and DM7 of the South Tyneside Local Development Framework.

Green Infrastructure

- 3.56 As stated earlier the belts of tree, hedge and shrub planting to the north, east and south boundaries of the site would be largely unaffected by the proposals with additional planting proposed to infill the gap left on Monksway following closure of the access to the site from that road. As such the proposals are therefore considered to be compliant with LDF Policies EA3 and DM7 and SPD3 in this respect.

Pollution Matters

- 3.57 LDF DMP Policy DM1 states that in determining all applications we will ensure that, where relevant the development is acceptable in relation to any impact on residential amenity; the development does not adversely impact upon air pollution levels; any risks of contamination have been fully assessed and, where necessary, remediation measures, appropriate to the intended use of the land, are included as part of the development proposals; and the development takes into consideration the potential legacy of mineral workings.
- 3.58 CS Policy EA5 concerning environmental protection states that to complement the regeneration of the Borough, the Council will control new development so that it: acts to reduce levels of pollution, environmental risk and nuisance throughout the Borough; minimises adverse impacts on the Magnesian Limestone Aquifer and its associated groundwater protection zones; and ensures that the individual and cumulative effects of development do not breach noise, hazardous substances or pollution limits.
- 3.59 NPPF paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 3.60 NPPF paragraph 183 states that planning decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks

arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 3.61 Paragraph 184 advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 3.62 Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 3.63 Paragraph 186 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 3.64 The Council's Environmental Health Officers raise no objection in relation to ground contamination and stability matters subject to a standard condition to ensure that if any contamination is discovered during construction works that this is suitably remediated. The site does not lie within a Coal Authority Development High Risk Area and is therefore considered to at low risk of impacts arising from coal mining legacy issues.
- 3.65 No objections are raised on air or noise pollution grounds to the proposals
- 3.66 Overall, subject to conditions the proposals are considered compliant with LDF Policies EA5 and DM1 with regard to pollution issues.

Drainage and Flood Risk

- 3.67 DMP Policy DM1(K) states that in determining all planning applications, the Council will ensure the development is designed to minimise and mitigate localised flood risk, both on site or elsewhere.
- 3.68 NPPF paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is

located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 3.69 Paragraph 169 further advises that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 3.70 The application site lies within EA Flood Zone 1 and is therefore considered to be at low risk of fluvial flooding. Northumbrian Water and the Lead Local Flood Authority raise no objections, although a condition regarding the details of surface and foul water drainage is suggested.
- 3.71 It is therefore considered that, subject to such a condition, the proposed development would not increase the risk of flooding elsewhere and is considered to accord with LDF policy DM1(K) in respect of flood risk and drainage.

Minerals Safeguarding

- 3.72 LDF DMP Policy DM8 states that mineral resources will be safeguarded against sterilisation through the designation of a Mineral Safeguarding Area (MSA). In the MSA (which encompasses the entire Borough), proposals for non-mineral development of sites exceeding 1 hectare will need to demonstrate, where appropriate, that they will not result in the sterilisation of mineral resources, or where they do that the mineral resources are either not economically viable for extraction or can be extracted prior to development taking place.
- 3.73 It is not considered for a site of this relatively modest size that it would be economically viable to extract any mineral resources that may lie beneath the site.

4.0 Conclusion

- 4.1 The principle of this further employment development in this Predominantly Industrial Area is acceptable and very much welcomed and is in accord with relevant local and national planning policy.
- 4.2 In respect of transportation matters, the proposal is considered acceptable in terms of its impact on the local and strategic highway network and the proposed internal layout and access arrangements are acceptable. The application site is accessible by a choice of means of transport. The loss of car parking on-site to accommodate the proposed showroom is considered acceptable given the company's overall car parking provision in the locality.
- 4.3 The proposal is considered to deliver a high quality development in urban design terms which respects existing landscape features. Climate change matters have been satisfactorily addressed subject to conditions regarding details.

4.4 With regard to the natural environment and environmental protection matters the proposals are acceptable in ecology terms and in respect of green infrastructure, pollution, drainage and minerals safeguarding matters.

5.0 Recommendation

5.1 It is recommended that the Planning Committee grant planning permission subject to the schedule of planning conditions included with this report.

CONDITIONS:

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.
- 2 The development hereby permitted shall not be carried out other than in complete accordance with the details contained within the following approved plans/documents:

DWG 2002 001 – Barbour House Location Plan received 12/12/2022
DWG 2022 003A - Barbour House Proposed Site/Roof/Parking Plan received 30/01/2023;
DWG 2022 007A - Barbour House Ground Floor Proposed received 30/01/2023;
DWG 2022 008A - Barbour House First Floor Proposed received 30/01/2023;
DWG 2022 009A - Barbour House Elevations Proposed received 30/01/2023.

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.
- 3 The development hereby permitted as constructed shall incorporate surface and foul water drainage in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. The submitted surface water drainage details shall utilise sustainable drainage systems including rainwater harvesting and grey water recycling.

To ensure that appropriate drainage is provided for in the interests of minimising flood risk in accordance with Policy DM1(K) of the South Tyneside LDF Development Management Policies DPD and the NPPF.
- 4 The external facing and roofing materials used in the construction of the showroom hereby permitted shall be in full accordance with sample details to be submitted to and approved in writing by the local planning authority.

In the interests of visual amenity in accordance with Policy DM1(A) of the South Tyneside Local Development Framework and the NPPF.
- 5 If during development contamination not previously considered is identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local

Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the environment from contamination and to ensure that the site is reclaimed to a standard appropriate for its approved use in accordance with Policies DM1(M) and EA5 of the South Tyneside Local Development Framework (LDF) and the NPPF.

- 6 The showroom building hereby permitted shall not be occupied unless and until full details of soft landscaping associated with closure of the Monksway access to Barbour House have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications and schedules of plants (noting species, plant sizes and proposed planting densities where appropriate and timing details regarding implementation thereof. The submitted details shall broadly accord with approved DWG 2022 003A - Barbour House Proposed Site/Roof/Parking Plan received 30/01/2023. Thereafter those works shall be implemented as approved in accordance with the approved timing details. Any soft landscaping that is removed, dies or becomes seriously diseased within 5 years of planting shall be replaced in the next planting season with landscaping of similar size and species to that which it replaces.

In the interests of visual amenity in accordance with South Tyneside LDF Policy DM1(A) and the NPPF.

- 7 Prior to the first occupation of the showroom hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority setting out measures that will be put in place to ensure that a percentage of the overall energy requirements of the overall development will be met from on-site renewable energy generation together with timescales for the delivery of such infrastructure. The approved renewable energy generation infrastructure shall be provided in full accordance with those approved details within the approved timescales and thereafter that on-site renewable energy generation infrastructure shall remain in place at all times.

To mitigate the effects of climate change in accordance with Policy DM1(J) of the South Tyneside LDF, the Council's SPD1 - Sustainable Construction and Development and the NPPF.

- 8 The new showroom building hereby permitted shall be used only for the marketing of merchandise to corporate buyers and for the avoidance of doubt shall not be used for the retail sale of goods to the general public.

The application site occupies an out-of-centre location and it is therefore necessary to safeguard against out-of-centre retail use of the premises that may have an adverse effect on the vitality and viability of existing town centres within the vicinity of the application site contrary to South Tyneside LDF Policies SC1 and SC2 and the NPPF.

INFORMATIVES:

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 3 It is recommended that in connection with the proposed landscaping works to be undertaken under condition 6 above associated with closure of the Monksway access, that liaison takes place with the landowner for the public areas within the Bede Industrial Estate to provide for that part of the closed access immediately adjacent to Monksway to be replaced with a footway and kerbing to match with the existing footway and kerbing either side.
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background papers background papers background papers

Planning Applications

The background papers associated with this report are contained on the files retained in the Regeneration and Environment Directorate and are numbered as indicated on the individual reports and schedules.

Contact Officer: Peter Cunningham, Operations Manager - Development Management

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