

EAST BOLDON FORUM

Planning application ST/1109/21/FUL – Erection of 245 residential units at Cleaddon Lane Industrial Estate

RESPONSE TO PLANNING STATEMENT

Loss of Employment Land

Cleaddon Lane Industrial Estate is designated as a “predominantly industrial area” in the current development plan and so granting permission for housing on this site would be a departure from this policy.

The Planning Statement acknowledges the tests that Policy DM2 of the current Development Plan requires for non-employment uses to be approved. In particular that the employment uses of the site are no longer viable.

It relies on the Employment Land Review 2019 as evidence that the site is no longer attractive to the market.

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.”

The application site has a mixture of existing employment uses operating at present. These include a timber business, car storage and container storage business.

O’Briens recently relocated their architectural salvage business to the southern part of the site and began a retail business that EBNP believe is unauthorised.

Three workshops and one office have been on the market for more than a year. A sign board has been in place on Cleaddon Lane and details are shown on the website of the agents HTA Real Estate. These total 1,746 sq m. of floorspace.

Therefore the applicants must have information available to them to provide information about current interest in the site. However further evidence is required as to the need or demand for the existing employment uses and businesses in operation.

Are jobs at risk in these existing businesses and have they been able relocate to alternative sites?

The applicants have not met the first key test of EBNP Policy EB10 and the Council must obtain additional evidence on the need and demand for the existing employment related uses.

Housing Land Supply

The Planning Statement refers to the fact that the Council has failed its Housing Delivery Test in 2020 and will have to add to its housing land supply in the next draft of the Local Plan. It states that the redevelopment of this site would reduce the reliance on Green Belt land for housing.

EBNF does not disagree with this premise but the Planning Statement makes no reference to the EBNP policy on the delivery new housing. The plan was informed by a Housing Needs Assessment (HNA) 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. Policy EB12 supports the delivery of new housing within the plan's settlement boundary and Cleadon Lane Industrial Estate is within this boundary.

However the figure of 245 houses would more than meet the local housing requirement at the very start of the plan period. The developer proposes to build out the site very quickly in around three years. So the scale and speed of the proposed development does not accord with the EBNP's policy on housing delivery.

Is the proposed development well-designed and suitable for housing?

Please see response to Design Quality document.

Does the proposed development comply with the Neighbourhood Plan?

The Planning Statement only addresses this in regard to the site specific policy EB10. It does not refer to the many policies in the EBNP that the application must be assessed against.

In terms of EB10, EBNF considers that the applicants have not complied with the two primary aspects of the policy. First with regard to the loss of employment land, this is dealt with above. Second in terms that proposals for the redevelopment of the site must be informed by a comprehensive masterplan to be prepared in consultation with EBNF, the local community and other key stakeholders.

Instead the Planning Statement simply responds to the 12 key tests set out in Policy EB10 with short summaries of why the applicants think the studies submitted with the application satisfy these tests.

EBNF have reviewed each of these supporting documents in relation to the tests and to other policies within the EBNP and detail our views that these tests have not been met and other plan policies have not been complied with.

These views are set out below and in the Response to Design Quality document and where required, EBNF set out what further information is required.

Since the Planning Statement was written, the EBNP has been made and now forms the most up to date part of the Development Plan relating to the application site.

The following policies are relevant to the assessment of the application:

EB1 Sustainable development

EB2 General Location of new development

EB3 Design

EB5 Green and Blue Infrastructure

EB6 Landscape

EB7 Biodiversity

EB10 Cleadon Lane Industrial Estate

EB12 Housing Delivery

EB13 Housing Mix

EB14 Affordable Housing

EB18 Sustainable Transport and new development

EB20 Cycle Storage and parking

EB21 Residential Parking standards

Are there any technical considerations which may preclude development?

Visual Amenity and Landscape Impact

The Planning Statement relies on the Landscape and Visual Appraisal Report and refers to Development Plan Policy DM1. It does not refer to EBNP Policies EB3 on Design and EB6 on

Landscape. These policies have specific requirements particular to East Boldon by which this application must be assessed. This assessment should take into account the East Boldon Design Code which was approved as part of EBNP.

The Design and Access Statement does refer to the EBNP but only in reference to Policy EB10. Policy EB3 states that such a statement must demonstrate how the proposal has responded to the 16 principles of this policy and to the design code.

EBNF does not consider that the applicants have met the requirements of Policy EB3 and request that the applicant provide further information within their Design and Access Statement.

Residential Amenity

The Planning Statement refers to the Noise and Vibration Assessments carried out in support of the application and to Policy DM1 of the Development Plan.

EBNF is extremely concerned with the outcome of the noise assessment in relation to the southern part of the application site. The assessment has identified noise sources from the industrial users outside but within the remaining industrial estate and suggests a 5m high acoustic fence, which it accepts is unlikely to be acceptable in planning terms. It recommends further discussions between the applicants and the Council.

EBNF considers that at present that Policy EB3 j is not met.

In addition, this noise assessment highlights the impact of locating houses close to an existing viable business just outside the application site and this must be tested against Policy EB10 b, which states the applicant must illustrate how the development will not undermine the viability and operation of existing businesses.

The Vibration Assessment has been carried out to establish any likely adverse vibration impacts from the adjacent railway line on the proposed housing. However the assessment was undertaken at a point 95 metres outside the application site. In view of this, the applicants are requested to provide further results from within the site.

Ecology

The Planning Statement refers to the Preliminary Ecological Appraisal and the Bat Survey. The report to inform the Habitats Regulations Assessment is not referred to.

The Ecological Appraisal makes no reference to EBNP Policies. In particular the application must be assessed against Policy EB7 Biodiversity and Policy EB5 Green and Blue Infrastructure.

EBNF considers that the applicant must provide further information to demonstrate how measurable net gains will be achieved.

EBNF has concerns about the context of the Bat Surveys undertaken in terms of the weather conditions at the time. The Planning Statement refers to very low levels of common pipistrelle activity; however the consultants do recommend bat roosts should be installed within any new houses. The site is close to many designated wildlife sites and the railway embankment is defined as part of the wildlife corridor. These provide potential sources of wildlife close to the application site.

The Habitats Regulation Assessment should refer to Policy EB7 of the EBNP and comply with Interim Supplementary Planning Guidance Document 23. The report does recommend a financial contribution of £403 per dwelling to the Council to fund coastal access management and monitoring measures. This is in accordance with SPD23.

Archaeology

The Planning Statement refers to the desk based assessment which supports the application. This provides important information about the previous uses on the site, including the Paint and Bitumen works from the 1930's and various reservoirs. However there are no archaeological resources likely to present on the site.

Highways and Transport

The Planning statement concludes that safe access can be provided to and within the site and the residual cumulative impact on the road network would not be severe. It refers to the Transport Assessment, which states that formal consultation has taken place with the Council and National Highways. However no consultation has been undertaken with Network Rail, Nexus, local bus operators, EBNF or the local community (residents and businesses). Such further consultation is essential, particularly with regard to the level crossings.

Policies EB10 and EB12 require details of the impact of proposed development on the highway network. The Transport Assessment includes detailed traffic modelling which suggests that all local junctions are projected to remain within capacity limits. However the assessment suggests that traffic flows across East Boldon Metro Station crossing will increase by up to 9.5% at peak. Tilsheds Crossing capacity is not assessed and in light of the likely decision to install double barriers at this crossing in the near future, then it is essential that further information is provided.

The Transport Assessment does not clearly identify the additional number of vehicles which the development will generate. It would seem from the trip generation tables that this is just over one vehicle per dwelling. **Appendices to the Traffic Assessment are not available on the Council website and EBNF requests access to these to enable further comment.**

EBNF requests confirmation of the estimated number of vehicles that the development will generate and access to all Appendices to the Transport Assessment.

Pedestrian Linkages and opportunities for sustainable travel should be included under Policies EB10 and EB12. Access to the existing pedestrian /cycle network will only be accessible by the two primary access roads onto Cleadon Lane. This results in a long circuitous route to the Metro Station, local shops and bus stops. No direct access to the bridleway adjoining the railway line has been considered and this could be provided in the south west corner of the site. No reference is made in the assessment of bus service 30 with direct access to South Shields and Boldon Asda/ Cineworld.

An Interim Travel Plan has also been submitted in support of the application and although this will provide some positive support for sustainable travel. Options would be hugely improved with better pedestrian / cycle access to Metro Station and Station Road Local centre.

Trees

The Planning Statement refers to the Arboricultural Impact Assessment Method Statement and protection Plan and Tree Survey Report and Tree Constraints Plan. Policy EB6 states that mature trees should be protected and incorporated into the development where possible. There are 15 individual trees and 5 groups of trees identified on the site. The current site layout will require the removal of 9 of the 15 individual trees and 3 of the groups of trees. Two of the best individual trees are in the position of a proposed site access road. The report makes no reference to any works to Tree group 4 and the adjoining group of trees at the south west corner adjacent to the application site.

EBNF requests further consideration of the impact of the proposed layout on existing mature trees on site and details of the impact of the large group of trees at the south west boundary of the site adjoining the bridleway. These trees appear to be outside the application site.

Ground Conditions

The application is supported by a Geo- Environmental Site Investigation carried out and published in February 2020. This report does not cover the southern section of the site. The investigation involved 11 boreholes and 14 trial pits and found that the site contains significant hazards and contaminants which are classed as medium to high environmental risk, requiring appropriate remediation.

The report identifies that all made ground of a depth of 1.8 metres should be removed to a licensed waste management facility.

However the Outline Remediation Strategy published in July 2021 identifies an alternative strategy for cost and other reasons. This involves partial excavation and retention of impacted contaminated material and re-engineering of site soils to provide a clean cover layer. In view of this it is proposed that all dwellings to be installed with gas and vapour protection membranes.

Policy EB10 requires details of contamination and remediation and EBNP considers that the Geo-Environmental Survey must be extended to cover the whole application site. Clarification is required as to the suitability of the alternative remediation strategy now being proposed.

Flood Risk and Drainage

Flood Risk is an important issue to the local community and the EBNP contains requirements to assess its impact from development proposals. Policies EB1, EB5 and EB12 all contain these requirements. Policy EB10 refers to the site's location within Flood Zones 2 and 3. The Planning Statement refers to the Flood Risk Assessment prepared to support the application which recommends a downgrading of the Flood Zone rating to Zone 1.

EBNF is concerned at this proposed downgrading, as Tiledsheds Burn runs through the site both above ground and in a culvert across the southern half. We have recent evidence of regular flooding in the surrounding fields. A key consideration for development of the site has been removing the culvert and returning to a natural watercourse through the southern half of the site. This needs to be assessed as a potential solution to surface water issues.

The Planning Statement does carry out the sequential test required by the National Planning Policy Framework (NPPF) for applications within Flood Zones 2 and 3. It concludes that there are no similar sized sites in the Boldon and Cleadon area that are not constrained by Green Belt designation.

The Drainage strategy report suggested an onsite drainage system where attenuation is a pumping station below ground or via the watercourse. EBNP Policies EB1, EB3, EB5, EB10 and EB12 all require applicants to show how drainage considerations have informed the overall site design. Further detailed investigation is required by the applicants to meet these requirements.

EB1 requires the developer to consider the impact of the development on flood risk "by assessing the impact of the development proposal on existing sewerage infrastructure and flood risk management infrastructure;"The Drainage Strategy Report states that "It is proposed foul water drainage will discharge to the public sewer, subject to Northumbrian Water approval."EBNF is concerned that the applicants have not carried out this assessment.

Air Quality

The application is supported by an Air Quality Assessment which looks at the impact of the construction phase and the additional road traffic generated by the development. Policy EB1 requires applicants to demonstrate how the development would support the health and wellbeing of the community. The report suggests mitigation measures to reduce dust soiling from the site during construction. In terms of vehicle emissions, these are estimated based on assumptions about the number of vehicle journeys the development will generate. The average number of daily vehicle movements is predicted as 1,085. EBNF assumes that these movements

are based on a predicted figure of 1 vehicle per dwelling, which we consider to be very low for a development in this area.

Affordable Housing Statement

The Planning Statement says that it will be followed up by a comprehensive additional note outlining the proposed affordable housing contribution. The statement does not refer to Policy EB14 of the EBNP which details the requirements concerning the level, type and mix of affordable housing to be delivered on the site. This should have regard to the East Boldon Housing Needs Assessment (2019)

Policy EB13 of the EBNP states that the mix of housing types and tenures on new housing proposals should have regard to and be informed by evidence of housing needs. Paragraph 8.9 of the EBNP sets out the evidence that the HNA provides, this includes the need to deliver specialist accommodation for the elderly. The location of this site close to the Metro Station, local bus services, shops and other village services makes it an ideal location for such accommodation.

EBNF requires further consultation on this additional note and in particular on the applicant's request for a vacant buildings credit.

Infrastructure Contributions

EBNF are concerned at the comment at paragraph 5.135 of the Planning Statement, which states:

“Whilst the applicant is willing to discuss other contributions where appropriate and evidenced, there is also a need to be mindful of viability and other abnormal costs associated with the development of the site.”

As part of their community consultation, the applicants stated on their website that:

“As part of the planning process, the Council and their education team will assess the capacity of schools and, should a shortfall in capacity be identified, financial requirements would be required. Once this is clear, we will have a better understanding of any potential financial contributions required to mitigate the development.

This may include a contribution towards:

- local facilities, such as schools, open space or play areas;
- affordable housing; or
- travel and transport improvements.”

The Planning Statement refers to a recent brownfield housing application at the former Ashworth Fraser site at land south of Argyle Street, Hebburn.(ST/0412/20/FUL).The report to

the Planning Committee on 21 June 2021 on this application provides the formula used to calculate the number of school places that would be generated and the amount of contribution required to provide these additional places.

This would suggest that the development would generate 61 additional primary places and 30 additional secondary places. The contributions required using the DfE guidance would be £1.3m.

EBNF requires confirmation from the applicants that they will make the appropriate contributions to provide the additional infrastructure needed as a result of this development.

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