



Appeal Decision

Site visit made on 2 December 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/A4520/W/25/3367464

**Land and buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon
Easting: 437176 Northing: 561838**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Avant Homes against the decision of South Tyneside Council.
 - The application Ref is ST/1109/21/FUL.
 - The development proposed is the demolition of existing buildings and erection of 202 residential units (Use Class C3) including vehicular access from Cleadon Lane, associated infrastructure and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted 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 at land and buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon in accordance with the terms of the application, Ref ST/1109/21/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Avant Homes against South Tyneside Council. This application is the subject of a separate Decision

Preliminary Matter

3. During the course of the consideration of the planning application, the Council issued a screening opinion and the Secretary of State issued a screening direction. Both concluded that an Environmental Impact Assessment (EIA) is not required in respect of the proposed development. The proposal has been further screened at appeal stage, and this too has found the proposal not to be EIA development.

Main Issues

4. The main issue is the effect of the proposed development on water quality.

Reasons

5. Following the issuing of the Whitburn Lodge appeal decision¹ relating to a different site within their administrative area, the Council has advised that it does not wish to defend their decision. However, there are many representations received from

¹ APP/A4520/W/25/3365110

interested parties which raise the matter of the impact of the proposed development on water quality. To that extent there is an extensive history relating to the drainage network that the proposed development would use. This includes reoccurring storm overflow events, a ruling from the European Courts of Justice, the Council's Motion for the Ocean 2022, a statement from the Office for Environmental Protection and a recent enforcement investigation and financial penalty imposed by Ofwat. I have been aware of all of the submissions made in those regards in my determination of the appeal.

6. Looking specifically at the appeal development, the Drainage Strategy (Version 3) submitted by the appellant sets out that in drainage terms there would be a betterment as a result of the development taking place. This is because all existing surface water flows from the site would be removed from the combined sewer and instead would be directed into a local watercourse, thus removing those flows from the sewer at times of precipitation. Northumbrian Water (NW) accept that there would be a betterment, and they have maintained that position consistently throughout the planning application process. The Lead Local Flood Authority (LLFA) also accept that there would be a betterment. Furthermore, the position of NW is that there is capacity to accept the foul drainage from the proposed development in both network capacity and treatment capacity terms. The Council's reason for refusal did not suggest that they take a different view on the matters of betterment or capacity.
7. Given the findings of the Drainage Strategy, the position of the relevant consultee (NW) into whose network the foul water from the proposed development would flow, the position of the LLFA and the position of the Council on betterment and capacity, there is in my view a strong basis to consider that as a result of the appeal proposal taking place there would not be a reduction in water quality. In that case, the proposal would not result in any detriment to human health or to biodiversity in that respect. I do however acknowledge that a number of the interested parties dispute that there would be a betterment at all, or that any betterment would not be to the extent claimed. They also dispute matters of capacity in the system. Their submissions in that regard are detailed, and they challenge the data provided in the Drainage Strategy in a number of respects, including with reference to such matters as the average annual rainfall, rainfall event figures and hourly flow rates relied upon, and the number of dwellings that the sewage network is designed to serve.
8. However, even if the interested parties are correct on the matters they raise, the Council's reason for refusal was not predicated on the betterment or capacity arguments. Instead, they referred to paragraph 201 of the National Planning Policy Framework (the Framework) and to the suggestion that it cannot be assumed that the pollution control regime is operating efficiently. This matter was addressed in depth in the Whitburn Lodge appeal decision. There the appointed Inspector found, in summary, that it is clear in the Framework that the focus on planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. I concur with that approach. In contrast, the approach that the Council advocated in its reason for refusal would in effect place a moratorium on new house building where those houses were to be served by a drainage network that is not operating efficiently.
9. This would mean that there could be no further house building in such areas until matters relating to the wider drainage network were addressed. There appears to

be no apparent way of predicting when this might be with any accuracy, but submissions by interested parties suggest that there would be a significant lead in time before any works that might be necessary could be designed and implemented. Following completion of the works, it would seem that there would need to be a post completion monitoring period of at least 10 years to establish their effectiveness. This period of inertia in new housing development would undermine the aim of the Framework to significantly boost the supply of homes and would be a perverse outcome in the face of pressing housing need.

10. I accept that Paragraphs 187, 198 and 199 of the Framework set out aims with regard to pollution, including water pollution, and the impact that new development might have upon the natural environment. However, there are other legislative mechanisms in place to address the efficient functioning of the drainage network, and this is evident in the recent enforcement investigation and penalty that Ofwat have imposed on NW. With direct reference to paragraph 201 of the Framework, that is, to my mind, how the matter should be addressed, as opposed to paralysing the delivery of much needed new homes whilst other bodies ensure compliance within their own areas of responsibility. My attention has also been drawn by interested parties to the Planning Practice Guidance on Waste, however considering the definitions of waste set out in the relevant legislation, this does not appear to include foul water.
11. It is evident that the matter of water quality is being considered in detail as part of the examination of the emerging local plan (eLP) and that many of the interested parties who have made representations on this case are contributing to that process. My attention has been drawn to the Post Stage 1 Hearings Letter to the Council from the appointed eLP Inspector which sets out various approaches that it is intended to explore as the examination progresses. It is therefore premature to consider how exactly the matter of drainage might be addressed in the policies of the final, adopted, eLP document. Whilst it is necessary that this matter be explored in respect to the longer-term planning of housing delivery in the area, it does not alter my conclusions on the case that is before me and on the application of paragraph 201.
12. Considering this matter in the round, I give significant weight to the position of NW and the LLFA that the proposed development would lead to a betterment in terms of the drainage network, and to NW's position that there is capacity available to accept the foul drainage. But even if this was not correct, the provisions of the Framework do not support the resisting of new house building until such time as the pollution control regime functions efficiently. On the contrary, the Framework requires the decision maker to assume that the pollution control regime is operating efficiently. This is, in my view, a clear steer that the considerations raised in this instance relating to the efficient operation of the wider drainage network should fall outside of the matters which are material to my consideration of this appeal.
13. In conclusion therefore, I am satisfied that the proposal would accord with Policies EA3 and EA5 of the Core Strategy 2007 (CS), Policy DM7 of the Development Management Policies 2011 (DMP) and Policies EB1, EB3, EB5 and EB7 of the East Boldon Neighbourhood Plan 2021 (NP) where, taken together, they seek to address matters of drainage, environmental protection and biodiversity. As I have set out, even if that were not to be the case with regard to the matters of

betterment and/or capacity, paragraph 201 of the Framework would nonetheless support the permitting of the proposed development.

Other Matters

14. A number of other matters have been raised by interested parties. I shall address these along with those related to statutory requirements relevant to the proposed development.
15. The appeal scheme proposes 202 dwellings on a site which is within the zone of influence (ZOI) of the Northumbria Coast Special Protection Area, the Northumbria Coast Ramsar site and the Durham Coast Special Area of Conservation. The Conservation of Habitat and Species Regulations 2017 require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the designated sites. The effects arising from the proposal need to be considered in combination with other development in the area, adopting a precautionary approach.
16. Natural England's (NE) consultation response concludes that without appropriate mitigation the proposed development would have an adverse effect on the designated sites, and that it would also damage or destroy the interest features for which the Durham Coast Site of Special Scientific Interest (SSSI) is designated. In all instances the adverse impact identified is with respect to the impact from increased recreational disturbance. The Appropriate Assessment undertaken by the Council is consistent with the findings of NE, and it concludes that there would be a likely significant effect on the designated sites. I find no reason to take a different position to NE and the Council.
17. The Council's Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) 2018 (SPD) sets out an interim approach with respect to development within the ZOI. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. The mitigation measures include a range of habitat-based measures such as enhancing existing greenspace sites to draw access away from the designated sites, education, communication and monitoring. Since the SPD is specifically referred to by NE as representing appropriate mitigation, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the identified European sites and the SSSI.
18. The design and layout of the proposed development was amended during the course of the planning application and the number of proposed dwellings reduced from 245 to the current 202 dwellings. The Council did not consider that matters of design, layout, density, scale, housing mix, energy efficiency, bin and cycle storage were matters of concern or which justified the refusing of planning permission. They raised no concern regarding possible coalescence between East Boldon and Cleadon, and in this respect it must be noted that the site is previously developed land on which an industrial estate has been present. The Council's Heritage Officer did not raise concerns on heritage grounds, and I have no concerns that the proposed development would be harmful to visual amenity or dominate older properties.
19. I acknowledge that the East Boldon Forum has concerns as to the compliance with Policy EB10 of the NP, including in terms of the East Boldon Design Code.

However, the appellant undertook a design review considered against the code which concludes that the proposals are consistent with the design principles of the design code and represent an appropriate design response to the previously developed nature of the site. The Council accepts that conclusion and I find no reason to disagree that what is proposed is acceptable in design and layout terms. There would be no significant removal of trees and light generated by a residential development would also not be significant in its scope or impact.

20. The public transport operator in the area does not raise any capacity issues in relation to the development. I have not been made aware of any representations made by healthcare providers in respect of the proposal. A planning obligation, to which I return below, would secure a financial contribution towards primary and secondary school provision. No concerns have been raised by the Council with respect to the proposed location of the affordable houses or that the public open space would not be useable. The Environment Agency does not raise concern with respect to matters of flood risk.
21. A small section of the appeal site lies within the Green Belt. This same area is also within the Tiledsheds Local Wildlife Site. However, evidence provided by the Council's Ecologist lends weight to the suggestion that this was a mapping error when the boundary on the proposal map was drawn, related to the fact that the boundary line is not straight at that point. Whatever the intention in this respect, the area in question would be soft landscaped and form part of the open space area serving the proposed development. I agree with the Council that these can reasonably be considered to be engineering works which preserve the openness of the Green Belt. As such, these works are not inappropriate in the Green Belt. There is no objection on ecological grounds to the works proposed in this area.
22. The Council does not raise concern as to any other impacts of the proposed development, subject to the imposition of planning conditions. They consider that any concerns relating to contamination run-off at construction stage could be addressed by a Construction Environmental Management Plan (CEMP). The appeal site does not fall within a catchment area where nutrient neutrality requires assessment. Although not subject to the mandatory biodiversity net gain (BNG) requirement because the planning application was made before it came into force, nonetheless BNG would be secured. Matters of land contamination, air quality, noise and vibration have been addressed to the satisfaction of the Council's Environmental Health/Protection team. There is no objection from National Highways or the Local Highway Authority in terms of the impacts that would arise upon the public highway or upon highway safety.
23. The proposal would result in a loss of employment land. The Council consider that there has not been adequate marketing of the site for future uses, although this was not raised as a reason for refusal. However, it is not highlighted as employment land in the eLP and there is an acceptance that it will not remain in that use going forward. This would appear to be at least in part because of a weakness relating to its positioning in relation to the strategic road network. In any event, the Council's position is that any conflict with current development plan policies which seek to safeguard employment land would be, given the circumstances relevant to this particular site, outweighed by the pressing need for new housing in their administrative area. I concur in that regard.

Planning Obligation

24. The main parties have completed a Section 106 Agreement which includes obligations to come into effect if planning permission is granted. I have considered these obligations against the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. The obligations relate to the following matters.
25. Education contribution: this is a sum of £1,025,605 to be paid towards increasing the capacity in primary and secondary school provision. This is necessary to provide for education requirements resulting from the proposal, and therefore it meets the statutory tests.
26. Habitats Mitigation Contribution: this is a sum of £81,406 to mitigate the impact on European Sites, as per the SPD. This meets the statutory tests.
27. Local Transport Contribution: the provision for the first occupiers of two pre-loaded Pop Cards (pre-paid travel cards) to encourage usage of the public transport network. This meets the statutory tests.
28. Traffic Contribution: this is the sum of £10,000 towards the costs of making or modifying traffic orders to alter the speed limit on Cleadon Lane and to introduce a 20mph limit on the new roads that would be constructed as part of the proposed development. This meets the tests, in the interests of addressing highways matters arising from the proposed development.
29. Affordable Housing: The provision of 46 dwellings, delivered as a mix of affordable rented housing units, first homes and discounted market sales units. This is in order to ensure compliance with Policy SC4 of the CS and therefore meets the statutory tests.
30. A TTRO contribution: this is a contribution towards the making and implementing of a temporary traffic regulation order for the temporary closure of bridleway number 17, which would be necessary to allow for the works that are proposed. This contribution meets the statutory tests.

Conditions

31. It is necessary to impose conditions setting out the time period to commence the proposed development and the approved plans to provide certainty (1 & 2). Conditions requiring the provision of the refuse storage shown on the plans (3), that access is put in place to the dwellings before they are first occupied (4) and that car parking spaces (5) and cycle storage (6) are provided are needed to ensure that provision for such is put in place before the dwellings are brought into use. A condition is required to secure off-site highway works (7) in accordance with the submission of proposed works made by the appellant. A condition requiring details of connectivity of the proposed footpath/cycleway link to the existing bridleway (8) is required for the same reason, and that condition would also require details of proposed lighting to protect ecological interests.
32. The submission of a full travel plan (9) is required to promote sustainable transport choices in accordance with local planning policies. A condition requiring that the recommendations of the Noise Impact Assessment are implemented (10) is required to provide suitable living conditions for future occupiers and it is necessary for a condition requiring construction of the proposed dwellings to be

undertaken in a north to south direction (11) to address points related to the adjacent industrial estate and noise. A condition requiring a Demolition and Construction Environmental Environment Plan (12) is needed to allow for the approval of a number of matters relating to the construction phase, including with regard to living conditions, highway safety and ecological interests.

33. In order to address historical land contamination concerns it is necessary to impose conditions requiring further investigation, a remediation strategy, the submission of a remediation verification report and providing a mechanism if any unexpected contamination is encountered (13, 14, 15, & 16). A detailed drainage scheme (17) is required to address the matters relating to drainage of foul and surface water. It is also necessary to impose a condition requiring verification (18) that the approved drainage scheme has been implemented.
34. Details of hard and soft landscaping and on-site biodiversity enhancement/protection measures (19) are needed to ensure that the finished development has an acceptable visual appearance and that ecological interests are enhanced and safeguarded. Further to this a condition requiring a Habitat Management and Monitoring Plan (20) is required to provide details of long-term management and monitoring and to ensure that the biodiversity net gain required by development plan policies is delivered. A condition requiring that the replacement of any trees or hedgerows (21) that are removed from front garden areas is needed in the interest of visual amenity.
35. A condition requiring that the means of enclosure shown on the approved plans (22) is put in place is needed, again in the interests of visual amenity. That condition should also include a requirement for hedgehog gaps as per the recommendations of the Council's Ecologist. A condition requiring details of street lighting and that this provision is put in place (23) is required for reasons of living conditions, ecology and public/highway safety. It is necessary to impose a condition setting out a trigger for the children's play area to be provided (24), to ensure that this provision is delivered. Further details of the proposed sub-station (25) and the apartment bin stores (26) are needed in the interests of visual amenity. A condition relating to renewable energy (27) is required to ensure compliance with the policies of the development plan.

Conclusion

36. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be commenced not later than 3 years from the date of this permission.
- 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 C – ‘Phasing Plan’ received 25/10/23
 - 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’ Elevations 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

- 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.
- 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.
- 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.
- 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.
- 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.

- 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 the 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.
- 9) A Full Travel Plan shall be submitted to the Local Planning Authority within 6 months of the first occupation of the development for approval in writing. 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.
- 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.

- 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.
- 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 Tiled Sheds 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.

- 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'.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.

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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

-----End of Conditions-----

Richborough



Costs Decision

Site visit made on 2 December 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Costs application in relation to Appeal Ref: APP/A4520/W/25/3367464

Land and buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon Easting: 437176 Northing: 561838

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Avant Homes for a full award of costs against South Tyneside Council.
 - The appeal was against the refusal of 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.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The respondent took a considerable amount of time to determine the planning application, with at least some of the delay appearing to be attributable to awaiting the publication of the final Ofwat enforcement report. As it transpires, they did not actually wait for that final report to be published before refusing planning permission. The application was presented to Planning Committee on two occasions, both times with an Officer recommendation to grant planning permission. Whilst the Planning Committee is not bound to follow the recommendations of their Officers, the respondent has not defended its sole reason for refusing planning permission.
4. They have therefore failed to produce evidence to substantiate their reason for refusal on appeal. Furthermore, as will be evident from my findings in my decision letter, as a consequence of their refusal there can be no doubt that the respondent has delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Both are examples of unreasonable behaviour referred to in the PPG, and they have meant that the applicant has incurred unnecessary expense in having to pursue an appeal in order that their proposed development can proceed.
5. I acknowledge that the respondent revised their position following their refusal of planning permission in that they have not sought to defend their decision. They refer to the final Ofwat report and the Whitburn Lodge appeal decision and cost

decision¹ as being material considerations which have led them to that course of action. This may have avoided some costs which would have otherwise been incurred by the applicant in the appeal process and potentially minimised any further delay, but it does not overcome or justify the unreasonable behaviour that I have identified above and the impact that it has had.

6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Tyneside Council shall pay to Avant Homes, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to South Tyneside Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Wraight

INSPECTOR

¹ APP/A4520/W/25/3365110