



South Tyneside Council

Reference: 250602

Location: Helvellyn
39 Sunderland Road
East Boldon
NE36 0NA

Ward: Cleadon Village and East Boldon

Application documents and plans can be found here [MVM Document Viewer](#)



Description: Erection of a detached two storey dwelling with minor amendments to the boundary line with neighbour to the north 39 Sunderland Road, and new vehicle access from Sunderland Road

Applicant: Mr Phil Hartley

Agent: OTEC

Reason for bringing the application to Planning Committee:	Representation(s) have been received from a ward member.
Recommendation:	Grant Permission with Conditions
Case Officer:	Helen Lynch
Case Officer Contact No.:	0191 4247408 or 07741106225

List of neighbour representation addresses:

Objections

Councillor Kilgour – Request to send to planning committee x2

Stratford House, East Boldon
35 Sunderland Road, East Boldon x2
43 Sunderland Road, East Boldon x3

Description of the Site

1. This application relates to land to the south of Helvellyn, No. 39 Sunderland Road, East Boldon. The site is an elongated, narrow strip of land which is broadly rectangular, extending in width to the rear of the site, with an element of the rear garden to no. 39 Sunderland Road being included within the site curtilage. The land extends along the rear of No. 39 Sunderland Road and extends towards the adjacent highway, Sunderland Road along the rear boundary to Sherwood, No.43 Sunderland Road. The western boundary of the site forms part of the common boundary with Avondale, No. 35 Sunderland Road.
2. The site is located on the edge of East Boldon and within the settlement boundary of the village as defined in the East Boldon Neighbourhood Plan. The application site is not located within the East Boldon Conservation Area, the boundary of which is located around 300 metres further northwest on Sunderland Road. The land to the south of the application site, which is agricultural fields and beyond the site boundary is designated Green Belt.
3. Sunderland Road and the immediate locality is characterised by a mixture of property types of various styles and sizes including two storey dwellings and comprises predominantly semi-detached and detached dwellings.
4. The application site is currently enclosed by a brick boundary wall to the north (shared boundaries with No.'s 39 and 43), by a timber fence to the west (shared boundary with no. 35) and a timber fence and gate to the eastern boundary, providing a means of access to the site from Sunderland Road. There are established hedgerows to the west and south of the site and a number of trees and further planting within the residential curtilages of neighbouring properties. The application would require the removal of part of the existing brick boundary wall to the rear section of the northern boundary, to facilitate the widening of this section of the application site into the existing garden curtilage of No. 39 (for which the applicant is the landowner).

Description of the Proposal

5. This application seeks full planning permission for the erection of a detached dwelling across two floors with accommodation included within the roof space and with minor amendments to the boundary line with the neighbour to the north No. 39 Sunderland Road, and new vehicle access from Sunderland Road. The proposed 3m wide access road leading from the eastern boundary with Sunderland Road would have a 2m x 2m visibility splay, turning area and car parking (5 no. spaces), landscaping, and a new 1.8m close boarded fence to the common boundary with No. 39.
6. The proposals were amended following initial concerns raised in respect of the scale, massing, and design alongside resultant harm to the residential amenity of neighbouring occupiers through overlooking and over dominance. In this regard, the proposed dwelling was amended to reduce its overall height, with first floor accommodation now being provided in the roof space / eaves level. Amendments have also been made to the design to introduce a more traditional form of dwelling rather than the modern / contemporary approach initially proposed. Finally, a previously proposed balcony has been removed and the location and a number of openings has also been revised.
7. Following consideration of the submitted amendments, further amended plans were received to address outstanding concerns raised in respect of the loss of privacy to neighbouring occupiers. Internal reconfiguration has been undertaken with a proposed bathroom now being proposed within a former bedroom space, where a window was originally proposed which overlooked No.43. The bathroom would be served by a roof light within the proposed front roof slope. Additionally, the latest amended plans have positioned a first-floor rear window (serving a lounge) more centrally within the elevation and away from the common boundary to No. 39.
8. The dwelling would have an L shaped footprint and comprise an open plan living/dining/kitchen area at ground floor with additional hall/lobby, utility and WC at ground floor. The proposed design also incorporates a car port for 2 car parking spaces, created under a first-floor overhang. At first floor, 4 bedrooms (one ensuite), a bathroom and first floor lounge are proposed. The proposal would also incorporate a chimney, located to the north (side) elevation.
9. The site measures approximately 79m in length (at its maximum) and 13.5m in width (at its widest point). The proposed dwelling would measure approximately 15m in length (including eaves overhang) and be set back over 46m from the highway of Sunderland Road. The property would be approximately 7.8m in width (the front elevation) and extend to approximately 11m, with this portion of the property being in near alignment with the single storey rear projecting extension (a swimming pool) to No. 39 and located 1.2m from the proposed relocated common boundary. The rear elevation of the property would be located 10.5m from the common boundary with No. 35 and would be 0.8m to 1.2m from the common boundary to No. 43. The proposed dwelling would extend for a length of approximately 6.5m along the common boundary with no. 43.
10. In respect of design, through lowering the overall height to approximately 6.3m to the ridge and 3.4m to eaves, the first-floor accommodation would be set partially within the roof space with pitched windows at eaves level and further roof lights in the southern and northern roof slopes. To the rear (west) elevation, a patio door and set of sliding doors are proposed at ground floor level and a further window at first floor level serving the proposed lounge. To the side (north) elevation facing towards no. 39 and (in part) No. 43 there would be a single ground floor window serving the hallway and a velux

roof light. The front (east) elevation would contain windows serving one proposed bedroom at first floor and set back through the car port, would be the main entrance door. The southern, side elevation would contain further windows at ground floor and first floor level (which would face towards the open fields (Green Belt) to the south and a secondary access doorway to the utility room.

Relevant Planning History

11. No recorded planning history

Summary of Consultation Responses

12. The following responses were received in response to the statutory consultation periods.
13. STC Countryside Team (Ecologist)
14. Adjoining wildlife corridor; Provisions must be implemented to prevent and control pollution under the Pollution and Prevention and Controls Act17, such as preventing chemical spills and air pollution (i.e., dust coverage on vegetation, pollutants leak into sewers). Construction works, including vehicle movement and storage of materials, must not encroach on habitats outside of the Site boundary. This must include potential impacts to the boundaries including the hedgerow on the southern boundary. This to be conditioned.

Trees and landscaping; The Tree Team are to provide a comment on the application. In general the mature onsite trees should be retained and not further impacted. An exclusion distance should be utilised to reflect the Root Protection Zone (RPZ) of these trees, where heavy machinery movement is required. The applicant must also provide further information on the impacts of the development on trees and details of any mitigation and compensation for the loss of trees and shrubs. The applicant to confirm if the recently felled trees and the mature black poplar is to be left to regrow. This is indicated for removal.

Habitats; Information must be provided about how the native hedgerow along the southern boundary will be protected during and following development. This must including the installation of a root protection zone during development. As detailed in the Amended Existing and Proposed Plan a 'Ranch Style' Fence is to be constructed along the line of the native hedgerow. As detailed in the Arboricultural Assessment and Method Statement a protective barrier is to be provided adjacent to the hedgerow and a ground protection area between the hedgerow and the development is to be provided during the development. This is acceptable and should be conditioned. The Ecological Assessment Map must correspond to the Site Location Plan and categorize the habitats accurately. From the EclA it is not clear what the impacts on the development will be on the habitats present and further information must be provided of the impacts. The development will result in a loss of habitat in the form of Modified Grassland and Scrub. Despite these being common and widespread habitats the development does still present a loss of habitat. The development has also resulted in a loss of trees and shrubs made before the application. Carrying out 'gapping up' in the hedge, filling in any spaces where there are gaps with native hedgerow planting and trees would partially offset the loss of trees. A suitable condition would be for evidence of the gapping up being provided in the form of photographs prior to occupation. Acceptable native species include predominately Hawthorn but can include Hazel, Crab Apple, Dog Rose, Silver Birch or Holly.

Bats; In the Arbocultural Impact Assessment tree T1 is indicated for removal. This is indicated as a Preliminary Roost Feature – Individual roost feature. Any further work affecting this tree should be carried out under Bat Conservation Trust Guidelines for PRF-I trees with supervision from an experienced and qualified Ecologist to ensure no harm to bats. This should be conditioned. Due to the potential loss of a roosting feature an integrated bat box should be included in the building. The design and location should be provided by the applicant before the development proceeds above foundation level. Evidence of inclusion of the bat box by photo to be provided before occupation. This to be conditioned. The applicant must be made aware of the Bat Informative. Works must be carried out during the hours of daylight to prevent disruption to the foraging activities of bats. These should be conditioned. If lighting is to be installed post development consideration should be given to ensuring that this is 'bat-friendly' following the Institution of Lighting Professionals and the Bat Conservation Trust guidance <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/> Any lighting should have low UV and blue light content (e.g. be warm white LEDs <3000K) should have directional fittings and hoods etc to focus light only where needed avoiding upward and sideways light spill into natural habitats and be on motion sensors or timers to reduce constant illumination.

Breeding birds; Due to the potential loss of breeding habitat. One Integrated Swift Box to be installed. Design and location to be provided by the applicant before the development proceeds above foundation level. Evidence of inclusion of the Swift box by photo to be provided before occupation. This to be conditioned. The applicant must be made aware of the Breeding Bird Informative. If any further vegetation clearance is carried out during the bird nesting season from March to August exclusive then a breeding bird check must be undertaken by a suitably experienced ecologist and suitable exclusion buffers put in place if a nest is recorded. This is to be conditioned.

Invasive Species Variegated Yellow Archangel; If the species is to be disturbed then works should be carried out such that any arisings are treated correctly to ensure that the plant does not escape into the environment, this involves ensuring that any Variegated Yellow Archangel removed from the site is taken to a controlled waste disposal site or burned on site. This should be conditioned.

Hedgehog; Due to the presence of felled brash on site a check should be undertaken by an ecologist for hedgehogs prior to clearance of vegetation. Any trenches or voids dug should be filled within the same working day. Should this not be possible, an adequate means of escape at an angle not greater than 30 degrees should be provided and/ or the trench should be securely covered overnight. This should be conditioned.

It has also been recommended that further details are provided in respect of landscaping. In addition to compensatory tree and shrub planting the applicant may consider enhancing grassland areas by reseeding with wildflower grass seed mixes, which are relatively low maintenance such as EH1 hedgerow Mixture – Emorsgate Seeds. Any shrub planting should ideally be native and provide nectar and berries.

15. STC Environmental Health – Noise

16. I have reviewed the noise assessment that has been provided in support of the application for 1no residential dwelling in East Boldon.

The assessment is satisfactory and concludes that with a standard scheme of ventilation it is unlikely that residential amenity will be impacted by external noise sources.

In reference to the working farm, given there are a number of existing properties within proximity, and we have not received complaint, I am satisfied that the scheme of mitigation suggested will be sufficient.

17. STC Environmental Health – Land contamination

18. A Phase 1 Desk Study has been undertaken for the parcel of land located at 39 Sunderland Road. The site is currently disused and comprises a level plot with tree stumps and cut branches, bounded by a brick wall to the north and hedges with mature trees to the south and west. The proposed development involves the construction of a new two-storey residential dwelling behind the existing property.

Historical mapping indicates that the site remained as open farmland until the 1970s when the existing house was constructed. No evidence of significant industrial or contaminative land use was identified either on-site or in the immediate vicinity. Potential contamination sources are limited to made ground and construction/demolition waste associated with historic development. The risk of significant contamination is considered low; however, estimated soil chemistry suggests that lead concentrations may exceed residential thresholds, warranting verification through intrusive investigation.

The environmental setting reveals that the site is underlain by glacial Pelaw Clay over Magnesian Limestone, which forms a Principal Aquifer. The site lies within a Source Protection Zone (Zone III), although no groundwater abstractions are recorded within 1 km. Flood risk is minimal, with only a slight potential for groundwater flooding. Mining records confirm that coal seams were historically worked at depths greater than 400 m, eliminating the risk of shallow mining hazards. One area of infilled land is recorded within 250 m, and unexploded ordnance risk is classified as low.

Ground gas risk is assessed as low to moderate due to nearby infilled land, and as a result ground gas monitoring is advised.

The report concludes that the site is suitable for residential development subject to a Phase 2 intrusive investigation. This should include boreholes for soil sampling and geotechnical testing, groundwater and gas monitoring over a three-month period, chemical testing for metals, asbestos, and organic contaminants, and a comprehensive tree survey. These measures will confirm ground conditions, address potential contamination risks, and ensure appropriate foundation design.

I am in agreement with the recommendations of the report and recommend conditions in respect of further investigation and risk assessment, remediation, verification and any unexpected contamination.

19. STC - Lead Local Flood Authority (LLFA)

20. No knowledge of a history of flooding at the proposed development site. However, there is knowledge of a history of flooding in the surrounding areas such as Hiram Drive and Ferndale Lane.

The proposed development is considered to be at very low risk of surface water flooding, identified in the Environment Agency's flood risk maps.

Following knowledge of flood history in the surrounding area, recommend that the applicant is directed to the Environment Agency 's Standing Advice for Minor and Vulnerable Developments. Specifically, the advice regarding finished floor levels and the use of flood mitigation measures.

Recommends the use of permeable materials for the proposed driveways such as gravel or permeable block paving and recommends that the applicant undertake rainwater harvesting techniques such as water butts retrofitted to downpipes.

21. STC - Highways.

22. The amended details have been reviewed and there are a number of matters raised in an earlier response that have not been provided. The outstanding matters are:

- Clarification is required on the front boundary treatment adjacent to the site access relative to the rear of public footway, which are not shown. If there is to be no fence or gate at the site access point, then please still show the rear edge of footway across the access and open areas adjacent. The 2.4m x 43m visibility splay westward will be maintained clear if no fence or planting are located within 2.4m of the kerb line (notwithstanding the 2mx2m inter-visibility splay to the rear of the footway described below).
- 2mx2m inter-visibility splays are required to be provided at the rear of the footway, in the interests of pedestrian safety and should not be shown cutting across the footway.
- No vehicular gates have been shown on the proposed plan and it is therefore assumed that no gates will be erected. This is acceptable.
- No bin collection area has been identified at the access point, however given the proposed open area of the land to either side of the access point, there is sufficient space to store bins.

The Highway Authority have no objection in principle to the proposal providing the above matters are conditioned on any consent granted, including provision of cycle storage.

There may be a requirement for the vehicular access crossing of the footway/verge area to be reconstructed/resurfaced due to likely damage caused by construction traffic and the verge area to the rear of the footway requiring to be made up to access crossing standard. Please ensure a condition is imposed covering these works.

Sunderland Road fronting the site and its busy traffic volumes does raise concerns for the construction phase of the development, including limited/poor turning facilities for related construction vehicles. It is therefore recommended that a small-scale construction method statement be conditioned on any consent granted, which includes for storage of materials on site and provision for drop off of deliveries associated with the construction phase, in order to maintain highway safety and avoid obstruction of the public highway during the construction phase of the development. Please impose such a condition on any consent granted.

23. STC - Tree Team

24. I have reviewed the submitted Arboricultural Impact Assessment/Method Statement, Tree Protection Plan and amended plans.

Consider that the hedgerow meets the test of “importance” for the purposes of the Regulations and is therefore protected.

The Management of Hedgerows (England) Regulations 2024 introduce statutory maintenance requirements for important hedgerows. These requirements apply to the owner of an important hedgerow, or to anyone acting on the owner’s behalf.

Hedge 2 and Hedge 3 should be treated together as a protected countryside hedgerow and should be retained and protected on that basis.

In respect of the Management of Hedgerows (England) Regulations 2024, these apply to hedgerows on or adjacent to agricultural land. As this proposal would bring the application site into residential use, therefore, the Regulations would not apply to the future domestic curtilage. That said, given the proximity of the dwelling to the hedgerow, it is recommended that the strip between the building and Hedge 2 should remain as green cover/soft landscape.

Provided that margin remains undeveloped and the ground protection measures are implemented as shown, I am generally satisfied that the impact on the hedgerow root protection area is acceptable.

The plan shows an RPA for the hedgerow. BS 5837:2012 does not provide for hedgerow RPAs, so this has been based on the consultant’s judgement. In this case, the extent shown appears reasonable.

The proposed ground protection measures within the RPAs are generally acceptable. I note the proposed no-dig turning area within the RPA of T5, which will result in a raised build-up above existing ground level. Finished levels therefore need to be properly considered and detailed so that the no-dig approach is not undermined by inappropriate level changes.

Subject to the above, I am generally comfortable with the proposed tree and hedgerow protection measures.

Officer comment:

The applicant has confirmed that the hedgerow does not belong to the applicant and the hedgerow is located outside of the application boundary. As such, maintenance of this hedgerow has fallen to the landowner whereby the hedgerow is located, with agreement from the applicant. As such, in terms of the two-metre area for coverage, the centre of the hedgerow falls outside of the boundary of the application site.

Plans include details for the 2m buffer zone in relation to the hedgerow. Furthermore, plans have been amended to detail ranch style fencing for the protection of the southern hedge.

25. Northumbria Water

Our response considers the impact on our assets and the capacity of our network to accommodate and treat anticipated flows. We do not comment on aspects of the planning application that are outside our area of control.

Following the 2011 transfer of private drains and sewers, some Northumbrian Water assets may not yet appear on our records. Care should be taken before and during construction in case sewers are present on site. Further information is available at <https://www.nwl.co.uk/services/developers/>.

We have no specific comments on this application. However, Northumbrian Water promotes sustainable surface water management and recommends that the applicant develops a drainage solution in the following order of priority:

- Non potable reuse
- Discharge to ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or other drainage system
- As a last resort, discharge to a combined sewer

26. Tyne and Wear Archaeology Service

The HER and historic mapping have been checked, and the plot does back onto an extent of medieval or post-medieval ridge and furrow cultivation (HER 11686) but reviewing the LiDAR survey, there doesn't appear to be any continuation into the proposed application site. As a result, no archaeological work is required in this instance.

27. The Environment Agency

The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist.

28. East Boldon Neighbourhood Forum

Representation has been received from the East Boldon Neighbourhood Forum raising objection to the initially amended proposals. It has been identified that the East Boldon Neighbourhood Plan (NP) contains a number of policies relevant to this application. In particular: EB1, EB3, EB6 and EB7.

The NP includes a Design Code which is also relevant. Sections 3 and 4 of the Code contain several subsections which should be considered, namely: 3.1.8, 3.1.10, 3.1.2, 3.1.5; and 4.1.1, 4.3.6, 4.3.7.

We note that there are only minor changes to the original proposal and the application remains that for a two-storey dwelling built within 2 meters of a significant boundary (and that which defines the south eastern flank of the East Boldon settlement). Our original observations remain unaltered and we object to the proposal as it currently stands.

We pointed out in our earlier submission the significance of the boundary line and explained how this extended from Mundles Lane to Sunderland Road, the A184, and forms the rear of Hunters Close and Ferndale Grove. It is also the Neighbourhood Plan's Settlement Boundary and separates the village's built-up area from the green belt and agricultural land.

We highlighted that the rear building lines of Hunters Close and Ferndale Grove are set well back from this boundary, as are the neighbouring houses which adjoin the proposed site. The position of the proposed dwelling, being so close to the boundary creates a major anomaly and would interrupt significantly the 'grain' of the village. This remains a significant issue. Creating a change to the alignment of the properties in such a prominent location significantly affects the views toward East Boldon and impacts the proposed dwelling's relationship with the existing houses. This is exacerbated by the proposal for a two-storey dwelling, the design of which is so incongruous and out of kilter with the neighbouring properties.

The neighbouring property to the west is a fine example of an early 1900s Victorian/Edwardian semi-detached villa. It is of significant proportions with strong architectural features. The proposed building currently offers little consideration or concession to its quality and architectural features. This is of major concern given the impact of this property on views from the green belt, Low House Farm and Green Lane, and is especially the case if the proposed building is to have minimal screening along the boundary line.

The design of the proposed building is essentially unaltered, and the context of its use remains poorly considered. The Forum disagrees with the design statement: The contention that the existing Victorian villa is too large to be compromised by the proposed design, does not wash. The exposed position of the proposed dwelling means that it will dominate views from afar to the detriment of everything else. We have pointed out the concerns we have regarding the position of the proposed first floor balcony (this will allow overlooking into the garden of the adjacent Victorian property and noise from the balcony could also be a source of nuisance), and the impact the building may have on overshadowing. These concerns remain.

The Forum is of the opinion that the visual appearance along the settlement boundary, with its mixture of shrubs, trees and fencing should be maintained but we are unsure if it is possible to achieve this given the distance of the proposed two storey building to the boundary.

The proposed access road opens onto Sunderland Road, the A184. The existing boundary treatment at this point is a high brick wall. Given the speed and volume of traffic entering and leaving the village, there remains serious concern over this aspect.

The Forum objects to this proposal in its current form.

Summary of Representations

29. The application has been publicised by a site notice and letters to neighbouring properties. The application has been re-advertised twice; the first renotification and reconsultation was undertaken following submission of amendments which were received following an assessment of the initial proposals, for which revisions were sought and a further renotification to neighbours was undertaken following amendments to the location of external openings and internal changes as described above. This renotification expires on 13/08/2026. One response has been received which confirms that given the insignificantly minor amendments, it has been confirmed that the substantial and reasoned objections remain as previous, which are summarised below. In the event that any further representations are received following the publication of the committee agenda, these will be reported verbally to Members.

30. The 2no. representations have been received from Councillor Kilgour with an initial request for the application to be determined by Planning Committee, followed by confirmation of this position following amendments and the second re-notification. The issues raised reference incongruity with the location, impact upon visual amenity, highway safety and access.
31. 6 no. representations in total have been received in objection to the proposal. Initial comments received in respect of the original contemporary, modern design (for which the proposals have now been amended) have not been included in the summary of representations received, being no longer directly relevant. The issues initially raised of continued relevance and further comments received to amended proposals are summarised as follows:
- Objections relate to material planning considerations and demonstrate conflict with South Tyneside Council policy, the East Boldon Neighbourhood Plan (adopted 2021), and the National Planning Policy Framework (NPPF, December 2024; as amended February 2025).
 - The development would cause an unacceptable loss of privacy and amenity to the existing adjacent neighbouring dwellings, totally overshadowing and dominating private gardens and reducing natural light as well as being overbearing.
 - The application site forms part of the historic rear garden and access land associated with the large semi-detached properties along Sunderland Road. While these dwellings are substantial in scale, their primary built form is set well back, with generous garden depths forming an essential transition between the village and the adjoining Green Belt.
 - The proposal would introduce built development significantly forward of the established rear building line, extending into what has historically functioned as open garden land and landscape buffer. This would materially alter the spatial structure of the area by pushing development closer to the Green Belt boundary, thereby eroding the clear and deliberate separation between the village and open countryside.
 - The development would be out of character with the adjoining properties, which all enjoy South-facing gardens and which all face into the green-belt land immediately to the South.
 - The existing properties roughly have a uniform building line and the positioning of the proposed dwelling together with the design is not in keeping with existing properties and is far too close to existing boundaries (this is due to the constraints of the site which makes it unsuitable for residential development). There are no ancillary buildings at the rear of the site, and the siting of the proposed dwelling would erode the established plan form of the immediate area and would appear as an incongruous addition to the rear garden environment.
 - The design is not in keeping with its immediate surroundings and has essentially been “squashed” into a long narrow plot that has not been designated, nor is suitable, for development for housing.
 - The development would destroy the fabric of the area and leave a damaging and lasting legacy that will endure beyond the current owners of the properties.
 - The proposal is inappropriate and unnecessary backland development that would be incongruous and harmful to the established character, contrary to the Neighbourhood Plan and the NPPF.
 - While the surrounding properties are large, their scale is mitigated by generous plot depths and a consistent building line that preserves openness toward the Green Belt. The additional dwellings in the original grounds of Avondale are purposefully set back and discreet, barely visible from the road or fields. Introducing a two-storey dwelling at a point substantially closer to the garden

boundary and Green Belt edge would intensify built form in a location where openness is a defining characteristic; the new building would be conspicuous from both the road and field and be out of character.

- Avondale, No. 35 has private amenity spaces to the rear of the house with patios at the bottom and the side of the rear garden, at the rear and side of the house. The location of the proposed dwelling would completely overshadow the rear patios and rear garden area and create a detrimental amenity impact.
- Avondale No. 35 also has large bay and French windows with views to the side as well as to the rear elevation which serves a lounge, kitchen and bathroom at ground floor, a bedroom at first floor and a second-floor bathroom with a clear-glazed window. The property also has a ground floor sunroom. The proposal would create a detrimental overlooking impact and the perception of overlooking to habitable room windows and rear garden area (including the patios). There would be direct and sustained overlooking into private rear gardens and habitable rooms resulting in an unacceptable, and unnecessary, loss of privacy together with unwanted noise.
- Noted that the design of the property does not look directly into the gardens or property owned by the applicants (No. 39).
- The design and proposed positioning of the building would completely change the character of, and amenity enjoyed by, the existing properties in the immediate area (in the case of 2 of the properties, Avondale and Stratford House, for 120 years and the others for more than 50 years) and will cause harmful overlooking.
- There would be minimal separation distances and the building mass close to boundaries, the proposal would be overbearing and would cause overshadowing of private amenity spaces.
- The height and proximity of the building will create an overbearing presence and overshadow existing house and neighbouring gardens, reducing natural light.
- Sunderland Road and the immediate context include historically significant dwellings which contribute to the village's setting and character. These include Avondale and Stratford House.
- The immediate area surrounding the proposed development is rural with green-belt land immediately adjoining the perimeter of the properties and the narrow strip of land that forms the application site. That has been the case for over 120 years and has, to date, been respected by the applicants and their neighbours.
- There is a mature hawthorn hedge which stretches across the entirety of the area, beyond Avondale and Stratford House, and this has been regularly maintained keeping the character of the area and encourages wildlife. The application fails to demonstrate that heritage impacts have been properly assessed or mitigated, contrary to the NPPF and local policy.
- The scheme fails to demonstrate ecological due diligence or measurable BNG, contrary to national policy.
- The Edwardian drainage infrastructure is already insufficient for the large houses it serves (reference specifically to No. 43 which is located at the lowest point of several developments within the former Stratford House / Avondale boundary and has suffered repeated foul drainage failures.) It has been advised that Northumbrian Water has confirmed that the existing Victorian drainage network is already operating at capacity. The proposed further connection (which will require access onto neighbouring land which we are not in favour of and object to) risks exacerbating known deficiencies. There should be an independently verified drainage strategy that demonstrates beyond doubt that there would be no adverse effect and adequate foul and surface water management. There is no credible drainage solution presented to address an already constrained system; the risk of worsened performance is unacceptable.
- The application does not convincingly demonstrate safe, suitable access.

- The application would be inconsistent with other decisions, including that in relation to 19 Burnham Grove, East Boldon, which was refused permission and located only 0.3 miles from the site of the proposed development.
- Questions raised over land ownership – stated that the application site is registered with HM Land Registry under possessory title rather than absolute title. Ownership is therefore potentially contestable. In addition, a covenant exists granting full and unhindered access across the land, which would be materially compromised by the proposed development.
- No Planning Statement has been submitted to demonstrate compliance with the Neighbourhood Plan, the East Boldon Community Plan and South Tyneside policies (LDF).
- Previous historic development within the large boundary wall of the Edwardian grounds was permitted only on the basis of low-profile designs intended to minimise visual impact at this sensitive village entrance. The current proposal disregards this established design rationale.
- No. 43 is arranged around private garden, with principal living spaces directly facing the application site. The proposed building would result in significant and sustained loss of daylight and sunlight, creating an overbearing and oppressive environment.
- Privacy (to no. 43) would be materially harmed by direct overlooking into habitable rooms. This would fundamentally alter the quiet enjoyment of the home, which has existed for nearly 50 years. Similar impacts would affect other neighbouring properties.
- The cited separation distances (approximately 13 metres to no. 43 and approximately 3 metres to No. 39) fall far below accepted standards, where distances of around 21 metres are generally expected. At its closest point to no. 43 separation distance would stand at less than 10m.
- The submitted plans appear to show that an existing part of No.39 overlooks the main sitting room to no. 43, but this misleading. The structure is actually single storey, meaning the proposed two storey dwelling would introduce significant new overlooking and overbearing impact.
- Concerns raised regarding manoeuvring and deliveries etc to site. The existing historic 10ft boundary wall to no. 43 would be vulnerable to damage from vehicle movements in such close proximity.
- The mature hawthorn hedge along the southern boundary is over 3 metres thick and 3 metres high and extending the full length of the site and over 300m beyond is a significant ecological and landscape feature. Extensive cutting of this hedge has been observed, which appears inconsistent with its description in the submitted arboricultural information. Evidence of 'cut' boundary posts also requires investigation and may well indicate that the plot is considerably narrower than indicated.
- Request confirmation that the Council is satisfied that the Hedgerow Regulations and relevant wildlife legislation have been complied with. In addition, our garden is prone to severe flooding, and it has not been demonstrated how the proposal would avoid exacerbating surface water run-off, contrary to Neighbourhood Plan and NPPF objectives.
- There is an absence of any clear public benefits that would outweigh the multiple elements of harm to neighbouring residents and the village and its community as a whole. As such, the planning balance weighs heavily against the proposal.
- The amendments submitted are limited in scope and do not materially alter the relationship between the proposed development and neighbouring properties. In particular, the amendments fail to remove the direct overlooking of private amenity areas at Avondale, no. 35 and do not adequately reduce the scale, massing or proximity of the development.

- The proposal continues to conflict with policies requiring development to safeguard residential amenity and avoid unacceptable impacts in terms of overlooking, loss of privacy, outlook and overbearing presence.
- The amended scheme fails to overcome the objections to the original application and continues to result in unacceptable harm to neighbouring residential amenity.
- Confirmation (no. 43) that the revisions do not materially alter, address, or overcome the substantive concerns set out in original objection - request that my previous representations continue to be taken into account in their entirety and afforded appropriate weight in the determination of the application.

Case officer comments:

Where reference has been made to a previous planning decision, whilst the planning application history has been noted, the current planning application relates to a different site and must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

Where reference to covenants has been made and permitted access across the land, this is not a material planning consideration and is a separate, civil matter.

In accordance with the Tyne and Wear Validation requirements, no Planning Statement was required to accompany the planning application.

Where reference to a required separation distance of 21m has been made, it should be noted that this measurement is not included within either local policy or guidance documents.

SPD9, relating to householder developments provides guidance, which whilst relating to extensions and alterations to existing dwellings, is considered to be relevant as a benchmark for new dwellings. Paragraph 3.23 states that a reasonable outlook should be maintained from the habitable room windows of neighbouring properties... 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. It is not possible for the planning system to protect particular views from a property, for example a view of a distant landmark. SPD9 also states that windows should be positioned so that they do not directly look into the habitable room windows of neighbouring properties. Where necessary, measures to maintain reasonable levels of privacy should be considered as part of the design; such as obscure glazing in windows, use of rooflights instead of windows on exterior walls, or providing adequate ground floor screening (e.g. fences).

As summarised above and detailed within the assessment below, the council's Tree Team have confirmed that the hedgerow running along the southern boundary of the site is protected under the Hedgerow Regulations 1997. The applicant has been informed of this and amended plans include details of the 2m buffer zone from the centre of the hedgerow in relation to the proposed development.

Relevant planning policy

32. 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.

33. The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040 and the East Boldon Neighbourhood Plan. Relevant Local Plan policies are listed below:
- Policy SP1: Presumption in favour of Sustainable Development
 - Policy SP2: Strategy for Sustainable Development
 - Policy SP3: Spatial Strategy for sustainable development
 - Policy 1: Promoting Healthy Communities
 - Policy 3: Pollution
 - Policy 4: Contaminated land and Ground Stability
 - SP15: Climate Change
 - Policy 5: Reducing energy consumption and carbon emissions
 - Policy 7: Flood Risk and Water management
 - Policy 8: Flood Risk Assessment (FRA) and Drainage Strategy
 - Policy 9: Sustainable Drainage Systems
 - Policy 10: Disposal of Foul water
 - Policy 11: Protecting Water Quality
 - SP16: Housing Supply and Delivery
 - Policy 13: Windfall and Backland sites
 - Policy 14: Housing Density
 - Policy 20: Technical Design Standards for new Homes
 - SP21: Natural Environment
 - Policy 26: Delivering Sustainable Transport
 - Policy 33: Biodiversity, Geodiversity and Ecological Networks
 - Policy 34: Internationally, nationally and Locally Important Sites
 - Policy 35: Delivering Biodiversity Net Gain
 - Policy 36: Protecting Trees, Woodland and Hedgerows
 - Policy 47 Design Principles
34. The following policies of the East Bodon Neighbourhood Plan are relevant to this planning application:
- EB1 – Sustainable Development
 - EB2- General Location of New Development
 - EB3- Design
 - EB5 – Green and Blue infrastructure
 - EB6 Landscape
 - EB7- Biodiversity
 - EB12 The delivery of new housing
 - EB13 Housing mix
 - EB18 – Sustainable Transport and new development
 - EB20 Cycle storage and parking
 - EB21 Residential parking standards
35. The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time. The following policies are relevant to this planning application:
- ST1 – Spatial Strategy for South Tyneside
 - A1 – Improving Accessibility
 - SC1 – Creating Sustainable Urban Areas
 - SC3 – Sustainable Housing Provision
 - SC4 – Housing Needs, Mix and Affordability

- EA1 – Local Character and Distinctiveness
 - EA3 – Biodiversity and Geodiversity
 - EA5 – Environmental Protection
 - DM1 – Management of Development
 - DM6 – Heritage Assets and Archaeology
 - DM7 – Biodiversity and Geodiversity Sites
 - DM8 – Mineral Safeguarding and Management of Extraction
36. The following Council planning guidance documents are also relevant to this planning application:
- Supplementary Planning Document 9 – Householder Development
37. National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

38. The key issues in the assessment of this planning application are as follows:

- NPPF tilted balance
- Principle of development
- Housing land supply / delivery
- Design, layout and visual amenity
- Impact on residential amenity
- Highway capacity, safety and parking
- Landscaping and Trees
- Ecology/ Biodiversity Net Gain and Ecology
- Pollution - Contaminated land and noise
- Flood risk and drainage
- Other matters

NPPF tilted planning balance

39. The NPPF (December 2024) paragraph 11 states that ‘Plans and decisions should apply a presumption in favour of sustainable development. ... For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.’

40. The NPPF also clarifies, at footnote 8, that ‘the policies which are most important for determining the application are out-of-date’ includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
41. Having regard to NPPF paragraphs 78 and 232, as a consequence of the Council not having a demonstrable 5-year housing land supply plus a 20% buffer 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 11 d) is engaged.
42. This means that the greatest weight must be given to the NPPF as a material consideration in determining this application.
43. The NPPF clarifies, at Footnote 7, that the policies referred to in paragraph 11 d) limb (i) are those in the NPPF (rather than those in development plans) relating to: habitat sites and/or designated as SSSI, Green Belt, AONB, National Parks, Heritage Coast, irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.
44. The LPA must under NPPF paragraph 11(d) limb (i) test whether the application of one or more “Footnote 7 policies” provides a strong reason for refusing planning permission. It should be noted that the simple fact that such a policy is engaged is insufficient to satisfy limb (i). Whether or not limb (i) is met depends upon the outcome of applying the relevant “Footnote 7” policies. The application of some “Footnote 7” policies, for example Green Belt, requires all relevant planning considerations to be weighed in the balance. In those cases, because the outcome of that assessment determines whether planning should be granted or refused, there is no requirement to apply limb (ii) in addition to limb (i).
45. In relation to limb (i) it is the Footnote 7 reference to “habitats sites” that apply to the application / proposal.
46. The LPA must also consider paragraph 11(d) limb (ii) and the matter of whether or not any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole.

Principle of Development

47. The application site is not allocated for any particular type of development within the Local Plan or LDF.
48. Local Plan Policy 13 relating to windfall and backland sites identifies that residential development on sites that have not been allocated will be considered positively where the site is previously developed or within a main urban area or would make a positive contribution to the identified housing needs of the Borough.
49. The proposed dwelling would be located on land to the rear of existing dwellings and adjacent to open fields and green belt. Although the proposed dwelling would not be located on previously developed land, as defined in the National Planning Policy Framework (NPPF), it would be located within the settlement boundary of and adjacent to the built-up area of East Boldon.

50. Local Plan Policy 13 proceeds to state that the site should have access to sustainable modes of transport. The application site is located in proximity to bus stops and is in walking distance to East Boldon metro station. Pedestrian footways are also located adjacent and cycle routes accessible.
51. In respect of making the most efficient use of available land, as detailed in Local Plan Policy 13, it is considered that the proposals meet this requirement. Local Plan Policy 14 also requires proposals for residential development that optimise the density of the site. The layout, being an elongated and relatively narrow site, alongside site constraints, such as existing trees and hedges prohibits a higher density of development on the land.
52. Local Plan Policy 13 requires that there will be sufficient infrastructure capacity to support the level of development. It is considered that the proposals, to develop one dwelling could be served by the existing infrastructure including services and highways.
53. It is considered that the proposals, providing a further family size dwelling within the existing settlement, would also make a positive contribution towards creating sustainable, healthy, safe and diverse communities and contribute positively to the character of the area. Further consideration of the areas character is set out further below.
54. The proposals may also be considered backland development, with the partial use of land within the existing curtilage of no. 39. The site also historically formed part of a wider residential curtilage and access. Local Plan Policy 13 identifies that backland development should have a vehicular access that does not infringe on the amenity of adjacent dwellings, ensures it is acceptable in terms of the amenity of adjoining dwellings, and be of a form and scale that respects the local character of the area having regard to density, size and massing of existing buildings, and for both existing and proposed dwellings provide adequate privacy, outlook, and garden space for residential needs and ensure that the setting and character of the existing dwelling is not eroded. These matters are considered in greater detail later in this report.
55. It is therefore considered that the proposal for a residential dwelling on the site would not be inappropriate and as such, the principle of development is acceptable subject to consideration of other detailed matters.
56. In this regard, as the application involves the provision of housing and bearing in mind housing land supply deficiencies in South Tyneside, the tilted planning balance in NPPF paragraph 11 applies in respect of this application. As such, planning permission should be granted unless the application of policies in the NPPF provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.
57. The site is positioned on Sunderland Road and the edge of the urban area of East Boldon. The proposal accords with EBNP policies EB2 and EB12 in so far as the application site is located within the settlement boundary of East Boldon.

Housing land supply / delivery

58. The NPPF at paragraph 61 states that *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed*

without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.'

59. There is an urgent need to bring forward land for housing within South Tyneside given the Council's lack of a 5-year housing land supply with 20% buffer and poor housing delivery over the last 3 years which is substantially below what would be required by Government. In this regard, the proposal for one additional dwelling, has the potential to positively contribute to addressing the current shortfall, albeit in a small way.
60. Overall, the urgent need to bring forward land for housing remains a material consideration weighing in favour of the proposals.
61. In terms of NPPF paragraphs 83 and 84 concerning housing in rural areas, the site is considered to be located in an edge of settlement location and would not be considered an isolated dwelling.
62. Local Plan Policy 19 concerning housing mix seeks a mix of house types and sizes with reference being made to detached homes, and self/custom build housing. NPPF paragraphs 63-66 state that proposals should provide for mixed and balanced communities with on-site affordable housing provided.
63. East Boldon Neighbourhood Plan Policy EB12 relating to the delivery of new housing states that 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.
64. East Boldon Neighbourhood Plan EB13 relates to Housing mix and states that 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 East Boldon HNA suggests 26% 1 bed, 42% 2 bed, 32% 3 bed & 0% 4 bed. The proposal is for a self-build property which would be a 4 bedroom property.
65. In terms of the size and mix of housing the Council's Strategic Housing Market Assessment (SHMA) 2023 identifies a need for 309 dwellings per annum across the Borough with the SHMA indicating a need for the following overall dwelling mix: 1-bedroom (9.7%), 2 bedroom (32.7%), 3 bedroom (42%) and four / five bedroom (15.6%). Regarding dwelling type, the analysis suggests a broad split of 67.6% houses, 19.3% flats and 13.1% level-access accommodation. As such the proposal would seek to provide for an identified need.

Design, visual amenity and character of the area

66. Policy 47 of the Local Plan relates to design principles. This policy sets out that all development shall provide for high quality design that is sustainable, accessible to all users, safeguards residential amenity and contributes positively to the character and visual amenity of the borough's townscapes, landscapes and seascapes. The policy provides further specific guidance and details that development should integrate into the surroundings and contribute positively to the sense of place and character / distinctiveness. Proposals should protect important local views and reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design. The policy also provides details on built form (size, siting, height,

scale and massing, form, rhythm, plot widths, gaps, undeveloped spaces) and seeks the use of appropriate materials.

67. As detailed above, Local Plan Policy 13 identifies that backland development be of a form and scale that respects the local character of the area having regard to density, size and massing of existing buildings.
68. East Boldon Neighbourhood Plan Policy EB3 - Design seeks to conserve local distinctiveness by demonstrating high quality design which respects existing character and responds to the distinctive character of the area and should take account of the East Boldon Design Code. Specific reference is made to maintaining and where possible enhancing the character of the locality, paying particular attention to the appearance, size, scale and density of development; ensure development reflects the incremental and phased development of the village including its diverse range of architectural styles and avoids repetitive development proposals; uses materials which complement those of adjoining and surrounding buildings; takes account of the topography and natural features of the site and considers the impact of the development as part of long distance views and respects established building lines and introduces boundary treatments and roof lines that are in keeping with the street scene.
69. East Boldon Neighbourhood Plan Policy EB12 also provides details of masterplans and required details where relevant. Based on the scale of the proposals no masterplan is considered necessary.
70. LDF Policy DM1 (A) seeks to preserve visual amenity. This policy requires development to convey sensitive consideration to their surroundings; and where possible enhance their local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.
71. Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.
72. NPPF paragraph 131 states that '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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process'.
73. Furthermore, NPPF paragraph 137 states 'Applicants should, where applicable, provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy, and should work closely with those affected by their proposals to evolve designs that take account of the views of the community.'
74. The local character and surrounding built environment to the application site is varied in nature. As detailed above the site is located on the edge of settlement and is rural edge. Representations have been received to the site's location and the significance of the southern site boundary. Representations have raised concern over the proximity of the proposed dwelling (within 2 metres) to a significant boundary (and that which defines the south eastern edge of the East Boldon settlement). The significance of the boundary line has been raised with this extending from Mundles Lane to Sunderland Road (A184) and with the boundary forming the rear of Hunters Close and Ferndale Grove. The boundary forms the East Boldon Neighbourhood Plan's Settlement Boundary and separates the built-up area from the green belt and agricultural land.

75. Representations proceed to set out that the rear building lines of Hunters Close and Ferndale Grove (located on the opposite side of the A184) are set well back from the settlement boundary, as are the existing neighbouring houses located adjacent to the application site. Representations have referred to the built form with existing houses having south facing gardens of varying lengths. The current alignment and position of existing dwellings are noted. However, the application site, itself located within the settlement boundary would be seen within the context of and backdrop of existing residential properties and built development. Whilst not providing a south facing garden and rear elevation towards the adjacent green belt, it is not considered that the orientation of the dwelling proposed would be unacceptable. The site is immediately adjacent to the curtilage of existing dwellings. Furthermore, in terms of alignment, the southern boundary of the site is in near alignment to the settlement boundary and rear boundaries of properties to the east (on the opposite side of Sunderland Road) and therefore both visually and in spatial terms there would not be a marked stagger or significant difference in alignment.
76. It has been referenced that the position of the proposed dwelling, being so close to the settlement boundary would create a major anomaly and would interrupt significantly the 'grain' of the village. It has been stated that creating a change to the alignment of the properties in such a prominent location would significantly affect the views toward East Boldon and impact the proposed dwelling's relationship with the existing houses. It is further stated that this would be exacerbated by the scale and massing of the development being a two-storey dwelling, the design of which is stated as being incongruous with the neighbouring properties.
77. In respect of the grain of the village boundary, as set out above, the southern boundary of the site would be in near alignment to the settlement boundary (and the rear boundary of residential dwellings) to the east. Properties to the east are set forward of the application site and provide gardens to the rear, which provide a set back of the built form from the settlement edge, however there are a number of properties further east which do not follow this alignment and are themselves located close to the settlement boundary (2 no. properties in St Johns Terrace). It is also noted that to the west of the site, properties within Ferndale Grove and beyond, which back onto the settlement boundary, whilst including a rear garden as a buffer to the settlement edge are located closer to the settlement edge and therefore there is already some variance in the alignment of the built form and depth of gardens to the edge of settlement. As such, it is not considered within this context that the application site and location of the proposed dwelling would appear as an incongruous addition.
78. In respect of the proposals and comments received in respect of the design, height and it being out of character to the existing dwellings, it should be noted that comments on design were received in respect of both the original proposals, which proposed a modern contemporary design, and subsequently following receipt of amendments where a pitched roof, brick-built dwelling of a more traditional form and including first floor accommodation partially within the roof space, is now proposed.
79. There is a degree of variation in styles, size and heights of properties immediately adjacent and to the northeast across the A184 (along the settlement boundary). Immediately adjacent to the site are early 1900s Victorian/Edwardian semi-detached villas two storey high with further accommodation in the roof space and two detached fairly modern designed brick-built houses (constructed circa. 1970's). Further to the east at the junction of Sunderland Road and Nately Avenue are two semi-detached houses, the style of these dwellings continues along Nately Avenue with detached bungalows beyond. These properties with rear gardens and variance in boundary enclosure mark

the edge of the built settlement. Further west of the site and the immediate neighbouring dwellings, there is again a degree of variance to the style and size of properties seen along the settlement edge, including bungalows and two storey dwellings. As such, no one style or type of dwelling dominates and there is an eclectic mix.

80. Turning now to representation in respect of the architectural design and reference and comparison to the 1900s Victorian Villa and its proportions with strong architectural features, it is stated that the proposed building currently offers little consideration or concession to its quality and architectural features. The proposal is not seeking to mirror or include architectural design features from these particular properties (which are themselves the only dwellings of this architectural style and size / scale), but proposes a modern, yet traditional style dwelling. The views afforded towards East Boldon and views of these existing dwellings have been referenced. It is considered that due to the position of the application site set to the east, that these existing dwellings would continue to be visible and would continue to be a focal point to this southern boundary by the nature of their scale and massing. It is therefore considered that the proposed development within the application site, whilst changing in part the current view afforded towards the southern settlement boundary, would not obscure or screen existing properties of architectural merit.
81. Based on the amended proposals as submitted, which provide for a pitched roof, brick-built dwelling, it is not considered within this context that the proposals would appear out of character or be seen as an unacceptable form of development, based on the degree of variation in the locality. The proposals height, with an approximate ridge height of 6.3m would not exceed the height of other properties immediately adjacent. It is considered that the proposal would integrate into the surroundings and contribute positively to the existing mixed character of the area. The applicant proposes the use of traditional materials including roof tiles and brick to complement the dominant materials seen in the immediate locality. However, it is also noted that several existing properties include elements of render and cladding whilst others are rendered entirely. It is recommended that a condition is attached to any grant of permission requiring the submission and approval of all external materials, including hard surfacing.
82. Due to the orientation of the existing neighbouring dwellings to the north of the site, the rear gardens (which vary in depth) face towards the application site and green belt / agricultural fields beyond. The application site and its southern hedge boundary therefore provide a partial screen and a degree of separation. As such, the existing adjacent dwellings (No.'s 35, 39 and 43 Sunderland Road) whilst visible do have a landscaped and softened edge. Whilst the proposals would introduce a building within the site, there would be retained hedge to the southern boundary, which would continue to provide a softened means of enclosure to the site.
83. Representation has referenced the impact of the proposal on views from the green belt, Low House Farm and Green Lane, and that this would be worsened if the proposed building is to have minimal screening along the boundary line. As set out above, the existing hedge to the southern boundary would be retained and as detailed later in this report, infill sections would be sought. The proposals would provide a landscaped boundary retaining a degree of screening and a landscaped edge to soften and transition to the adjacent rural landscape. Whilst views of the dwelling would be afforded it is not considered that the proposals would be unacceptable, with a low eaves level of 3.4m and ridge height of 6.3m. The overall height has been reduced and the style and form of the dwelling amended from that originally submitted to better reflect the overall character of the area.

84. In conclusion, with respect to design, the proposal embodies an architectural style, which whilst different to existing architectural styles of other properties within the immediate locality, would still reflect architectural features and characteristics of existing dwellings, by including a pitched roof and pitched style windows at eaves level. Whilst the proposed design overall is not reminiscent of immediately adjacent properties it is considered that the design would contribute positively to the visual interest of the area, whilst representing a high standard of design in and of itself. Having regard to the above and the eclectic mix of architectural styles in the wider locality, in this instance, the overall design of the dwelling is considered to be acceptable and would not result in demonstrable harm to the visual amenity of the area.

Nationally Designed Space Standards

85. Local Plan Policy 47 (6)(i) states that development proposals should; 'Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.'
86. The East Boldon Neighbourhood Plan Policy EB12 states that as a minimum new dwellings must be built in accordance with the Nationally Described Space Standards or equivalent successor standards.
87. NPPF paragraph 135 states that 'Planning policies and decisions should ensure that developments: 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 users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Footnote 51 states; '*Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.*'
88. It is considered that the proposal would provide a suitable size and standard of accommodation for future occupiers in accordance with the Nationally Described Space Standards.

Accessibility

89. Local Plan Policy 20 requires that all residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints. Building Regulations Requirement M4(2) requires new dwellings to make reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. Reasonable provision is made if the dwelling complies with all of the following:
- a) Within the curtilage of the dwelling, it is possible to approach and gain step-free access to the dwelling and to any associated parking space and communal space.
 - b) there is step-free access to the WC and other accommodation within the entrance storey and to any associated private outdoor space directly connected to the entrance storey,
 - c) A wide range of people, including older and disabled people and some wheelchair users, are able to use the accommodation and its sanitary facilities.
 - d) Features are provided to enable common adaptations to be carried out in future to increase the accessibility and functionality of the dwelling;

e) wall-mounted switches, socket outlets and other controls are reasonably accessible to people who have reduced reach

90. The approach route to the dwelling and the point of access (car port / parking spaces off driveway access) would be accessible and include for a ramped approach. The proposals do not currently provide ground floor bedroom or bathroom accommodation; however, a ground floor WC is provided, and it is recognised that the internal ground floor layout, which is predominantly open plan could be amended and adapted to ensure suitable ground floor accommodation to increase accessibility and functionality. It should be noted that for purposes of the planning application, internal details for wall-mounted sockets etc are not included on plans.

Sustainable Urban Design

91. Local Plan Policy SP15: Climate Change seeks that to meet the challenge of mitigating and adapting to the effects of climate change, a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. In part this will be achieved by developments reducing carbon emissions by embedding sustainable principles into the design, construction, and operation of developments
92. Local Plan Policy 5: Reducing energy consumption and carbon emissions proceeds to provide further details in respect of use of sustainable materials and minimising waste.
93. East Boldon Neighbourhood Plan policy EB3 (g) seeks proposals to demonstrate a commitment to sustainable design to minimise energy use.
94. Reducing carbon emissions can be achieved by improving a building's thermal performance (i.e. fabric first approach), rather than insisting on the provision of on-site renewables (i.e. low or zero carbon technologies), which is a consideration of Local Plan policies and LDF Policy ST2.
95. It should be noted that the Building Regulations, which is a separate regulatory regime and that would apply to the proposal's construction, require buildings to have a higher thermal performance than that referenced in the LDF.
96. In respect of the application, it has been identified that energy saving items such as rainwater harvester, a passive heat exchanger and air source heat pumps will be installed.

Impact on residential amenity

97. Local Plan Policy 47 requires all development to, safeguard residential amenity. It states that development should not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare, visual intrusion or overdominance.
98. Local Plan Policy 13 identifies that backland development should ensure it is acceptable in terms of the amenity of adjoining dwellings and be of a form and scale that respects the local character of the area having regard to density, size and massing of existing buildings, and both existing and proposed dwellings should provide adequate privacy, outlook, and garden space for residential needs.
99. East Boldon Neighbourhood Plan policy EB3 states that development will be supported where it (j). ensures the development will not prejudice the amenity of its future

occupiers or that of adjacent properties in terms of overshadowing, loss of light, dominance, loss of privacy, noise or general disturbance.

100. Part 12 of the NPPF requires that a high standard of amenity for existing and future users be provided for. Paragraph 135 (f) of the NPPF states that planning decisions 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.
101. LDF Policy DM1 states that 'in determining all applications the Council will ensure that, where relevant, the development is acceptable in relation to any impact on residential amenity.'
102. The application site is located adjacent to existing dwellings located to the north. To the south are open fields / green belt and to the east highway with residential properties (to the northeast). To the west is the rear garden of No. 35 Sunderland Road. As detailed above, there is a degree of variance in the styles and heights of dwellings and it is considered that in the context of adjacent dwellings immediately to the north and further dwellings in the locality (excluding bungalows) that the overall scale of the development would be acceptable and not out of character or dissimilar to that of neighbouring dwellings. Given the site circumstances, design and orientation of the dwelling and separation distances, it is considered that the proposal would not be harmful to the properties located to the north with regards to loss of outlook or increased overdominance or overshadowing.
103. Representation has been received in respect of the loss of amenity to No. 43, from loss of outlook, over shadowing, loss of light and over dominance. It is noted that the existing property and the proposals would be largely offset, with a section of the dwelling being in alignment to no. 43 and the remaining boundary to no. 43 comprising garden curtilage and driveway / car parking. The proposed dwelling would be located 0.8m to 1.2m from the common boundaries to No. 43. The proposed side facing elevation in alignment to No. 43 would be located 13m from the rear elevation of No. 43 (a lounge at ground floor with projecting side glazed patio doors and bedroom at first floor with patio doors and Juliet style balcony and clear glazed bathroom window).
104. The rear elevation of No. 43, which itself varies due to its angled footprint, would measure approximately 13m to 20.5m from the common boundary. At ground floor level there are kitchen windows (including patio doors) and first floor level further bedroom windows, again with patio style doors leading onto a raised external balcony area.
105. It is acknowledged that the outlook to no. 43 and the existing habitable room windows as described above, will change from existing, where views towards the site, currently vacant and undeveloped land and fields beyond is currently afforded. The site is partially screened by the existing brick wall and existing vegetation, including trees and vegetation within the curtilage of No. 43. It is noted that the screening afforded to the application site from this vegetation and trees would be (in part) seasonal through variance in leaf coverage. It should be noted that the hedge vegetation to the southern boundary of the application site would be retained and therefore would continue to provide a green boundary to the south of the site and this would (in part) be visible from No. 43.

106. Whilst the change in outlook is recognised, it is considered that due to the proposed layout, the orientation of the proposal in respect of No. 43, the height of the proposal being approximately 3.4m to eaves and 6.3m to the ridge and separation distances, that the proposal would be acceptable and not result in an unacceptable outlook or result in over dominance, overshadowing or a loss of light / sunlight to the habitable rooms as described above. The applicant has provided additional information in the form of a Building Research Establishment (BRE) 25-degree test to assess the impact of the development upon the above-mentioned ground floor habitable room windows; the proposed development passes this test and therefore it is not considered that the proposal would result in a significant loss of light or visual intrusion to the habitable room window at no. 43.
107. In respect of No. 39, the proposals would be located close to the rear elevation of the existing swimming pool (an extension to the property), however the main dwelling would be set back from the proposed side gable elevation of the proposed dwelling by approximately 17m. The swimming pool extension is a largely glazed structure, and as such it is not considered that the proposal would result in an unacceptable form of development and sufficient light would still be afforded within this extension throughout the day.
108. In respect of No. 35, it is considered that the proposal would be located a sufficient distance from the main rear elevation and extensions to ensure no loss of amenity through overdominance, overshadowing or loss of light.
109. With respect to any resultant privacy impact upon the neighbouring properties, the proposals have been significantly altered from those originally submitted, removing glazed areas and external balcony features. The impact of the proposed development as amended has been assessed firstly on No. 35 Sunderland Road to the northwest of the application site. Objection has been received in respect of private amenity spaces to the rear of the house with patios at the bottom and the side of the rear garden, and to the rear and side of the house and that the proposals would impact upon the occupier's privacy and residential amenity.
110. Windows are proposed within the ground and first floor to the west (rear elevation). In terms of the ground floor openings, which would be bifold and patio doors, these would face towards existing boundary enclosures and hedging, which would be retained therefore providing sufficient screening and maintaining privacy. In terms of the first-floor window to serve the lounge within the west elevation, separation distances to the rear elevation / habitable rooms of No. 35 are considered to be acceptable, alongside consideration of the proposed orientation and the relationship between the two dwellings. The proposed first floor opening to the west elevation would be located 10.5m from the common boundary to the rear garden of no. 35. Existing vegetation / tree within the garden of No. 35 would partially screen views, however it is recognised that some views would be afforded from the proposed window into areas of the rear garden of No. 35.
111. The impact of development to a neighbour's outdoor space is a material consideration but is given less weight than impacts from within the dwelling. The rear garden area to No. 35 is quite large in width and depth and includes a number of different areas – lawn, planting beds, seating / patio areas. As such, the proposal would not result in the whole rear garden area being overlooked but only a portion. Whilst the proposal would result in overlooking from a new direction than currently occurs, it is noted that the rear garden to No. 35 is already overlooked from existing neighbouring properties. On balance and taking into consideration the separation distances and position and extent of glazing, it

is not considered that the potential loss of amenity to areas of the rear garden at No. 35 would be so severe to warrant the refusal of the application.

112. In respect of No. 39, proposals have been amended to omit habitable room windows facing towards the rear garden and habitable accommodation at No. 39. Furthermore, in respect of the rear (western elevation) of the proposal and the insertion of a first-floor lounge window, the application has been amended to locate the window more centrally on the elevation, increasing the separation distance towards the dwelling and existing habitable windows. As such, it is considered that there would be no resultant unacceptable overlooking.
113. Turning now to the assessment of any resultant privacy impacts on the neighbour to the northwest (No.43), following amendments to the proposals, removing any glazing at first floor level within the front elevation closest to the common boundary with No. 43, it is considered that there would now be no resultant direct overlooking. Whilst a window (to serve a bedroom) is proposed within the front elevation above the carport area, this would be located centrally within the dwelling and views from this window would face into the application site itself and not directly towards the neighbouring property. Any views from this window into the rear garden and rear elevation of No.43 would be at an oblique angle, and at a distance of around 17 metres to the rear elevation of the neighbouring dwelling, containing habitable windows and an external balcony area. It is therefore considered that the proposals would not result in unacceptable overlooking and loss of privacy.
114. Amended proposals have introduced a velux roof light to serve the bathroom, which would be located on the front roof slope. The applicant's agent has provided a cross section to demonstrate that based on the position of the roof slope there would be no direct views afforded from this window due to its position on the roof slope in relation to the internal floor level.
115. Overall, it is considered that the proposed development would not result in significantly harmful overlooking of neighbouring dwellings.
116. In respect to noise generated in the construction phase of the development, it is not anticipated that the development due to the nature and scale of the proposals would differ from other residential developments elsewhere in East Boldon or the wider borough in respect of unavoidable resultant noise and disturbance caused during construction works. A condition is recommended to ensure that works take place within permitted hours. As detailed further below, this condition is also recommended in respect of reasons of ecology.
117. In addition to the conditions referenced above, a further condition in respect of the removal of permitted development rights, and any future alterations and additions to the property, which may have originally been undertaken without requiring planning permission (constituting permitted development) is recommended. This would also include changes to boundaries and means of enclosure.
118. Overall, the property is set on a plot, which whilst narrow is of a sufficient size to accommodate development of the scale proposed. Therefore, whilst the proposal will result in a change of outlook for neighbouring occupiers and there would be some resultant impact upon neighbouring properties as detailed above, it is not considered that significant harm to residential amenity would arise, and it would therefore not be reasonable to refuse planning permission on this basis. Therefore, the proposal is considered to be in accordance with Local Plan Policies 13 and 47, East Boldon

Neighbourhood Plan Policy EB3 and its related Design Code, the NPPF and South Tyneside LDF Policy DM1(B).

Impact on highway safety

119. Local Plan Policy SP26 seeks to ensure that development supports sustainable transport and improves accessibility. Policy 47 requires adequate storage, waste and servicing for the use proposed, the provision of safe and secure layouts and also well-considered parking that is sensitively integrated into the built form. Local Plan Policy 13 identifies that backland development should have a vehicular access that does not infringe on the amenity of adjacent dwellings.
120. East Boldon Neighbourhood Plan policies, EB3, EB18, EB20, EB21 and EB23 (as detailed above) relate to sustainable transport, car and cycle parking provision and walking and cycling networks.
121. East Boldon Neighbourhood Plan Policy EB3 (k) states that development will be supported where it provides car parking and cycle storage in accordance with the parking standards set out in the East Boldon Design Code Annex on Parking and which is appropriately sited within the development. The standards set out that for a four or more-bedroom dwelling, three off street parking spaces are required. Cycle storage requirements identify that a four or more-bedroom dwelling should be provided with three bike storage spaces.
122. East Boldon Neighbourhood Plan policy EB21 states that 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. Policy EB20 also states that 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.
123. NPPF Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
124. South Tyneside CS Policy A1 Improving Accessibility seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible.
125. Policy DM1 (G, H and I) Management of Development, seeks 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.
126. Vehicular and pedestrian access to the site would be from Sunderland Road (A184). There is an existing gate access to the site. The proposals would seek to widen the access and provide a driveway leading to two areas of in- curtilage car parking for 5 no. vehicles, including a car port and a turning area. The application also indicates that cycle storage would be provided, although no details have been provided at this time. However, it is considered that there would be sufficient space within the site curtilage to provide appropriate and adequate cycle storage. As such, the proposal would provide sufficient in curtilage car and cycle storage provision, in accordance with East Boldon Neighbourhood Plan.
127. The Council's Transport Development Officer (as Local Highway Authority) has been consulted on the proposals and following initial comments which raised matters including

site access, visibility, and provision of a turning area, amendments were subsequently received. The Council's Transport Development Officer has provided further comments to the amendments and identified that whilst they have no objection in principle to the proposal, some matters raised previously have not been addressed.

128. Consequently, conditions have been recommended to any grant of permission. Conditions recommended include the submission and approval of details for the front boundary treatment adjacent to the site access relative to the rear of the public footway and the provision of a 2mx2m inter-visibility splay at the rear of the footway. Conditions have also been requested in respect of cycle storage provision details and a further condition requiring the submission of a condition survey following the completion of the construction phase and prior to occupation to establish whether reconstruction and resurfacing works are required to the vehicular access crossing of the footway/verge area and whether the verge area to the rear of the footway needs to be made up to access crossing standard. Finally a further condition is also commended in respect of the submission and approval of a (small scale) construction method statement including details for the storage of materials on site and provision for drop off of deliveries associated with the construction phase, in order to maintain highway safety and avoid obstruction of the public highway.
129. The Council's Transport Development Officer has noted that the amended details do not include for vehicular gates, and therefore it has been assumed that no gates will be erected. It has been clarified that this is acceptable. Furthermore, no bin collection area has been identified at the access point, however it has been clarified that given the proposed open area of the land to either side of the access point, there is considered to be sufficient in curtilage space to store bins.
130. Subject to the above-mentioned conditions it is considered the proposal would be acceptable in terms of highway safety and parking and in accordance Local Plan policies 26 and 47, East Boldon Neighbourhood Plan policies EB3, LDF Policy DM1 (G) and the NPPF.

Landscaping and Trees

131. Local Plan Policy 47 seeks to ensure that proposals incorporate and retain as far as possible existing natural features including hedgerows and trees and include new trees and landscape features and incorporate soft landscaping to ensure that the development can be satisfactorily assimilated into the surrounding area.
132. East Boldon Neighbourhood Plan Policy EB6 seeks to conserve important local landscape features and mature hedgerows, boundaries and incorporate mature and established trees into developments. Policy EB6 also seeks to secure new landscape fealties including trees and hedgerows.
133. LDF Policy DM1 (C) seeks the protection of existing soft landscaping where possible including trees and hedges, or the provision of replacement planting where necessary. In terms of landscaping, the existing arrangement is perimeter hedging, a number of trees within and adjacent to the application site and grassed / scrub areas within the site.
134. As detailed within the submitted documents that accompany the application, a number of trees on site have been previously felled and reduced, prior to the application being submitted to the Local Panning Authority. There are a number of trees which are located within adjacent and neighbouring land in close proximity or located on the common boundary and overhang the application site. T1 (Black Poplar) at the entrance of the

site, has been reduced (pollarded at 3.0m) and there is regenerative growth now present. T1 is proposed for removal. Located outside the application site boundary any works to trees would require the permission of the tree / land owner. 3 no. plum trees (T2, T3 and T4) are located adjacent to the northern boundary of the site. No works are proposed to these trees, all are proposed for retention and considered to be adequately protected by the existing brick boundary wall. A further sycamore tree (T5) located adjacent to the northern boundary, has been identified as requiring ground protection measures in the area with a no-dig surfacing required.

135. Additionally, three groups have been identified, for which no works are proposed. Whilst two group are considered to be adequately protected by existing walls, protection of group 2 (located between no. 39 and 43) during construction works has been identified.
136. The submitted Arboricultural report also identifies a number of existing hedges to the perimeter of the site. Hedge 1 (to the east) and hedge 2, to the south west of the site will be retained and will be protected by the installation of a protective barrier during construction. The hedges will be trimmed and shaped. In respect of hedge 3, this will equally be retained and protected. It has been identified that sycamore stems growing (nine in total) will be removed. Hedge 4, located to the east of the site fronting onto Sunderland Road will require partial removal, to facilitate the widening of the access and visibility requirements. The remainder of the hedge will be retained and during construction protected by the provision of a protective barrier. The hedge will be trimmed, tidied and shaped as required.
137. The council's Tree Team have advised that the native hedge that runs along the southern boundary of the site (hedge 2 and 3) is classified as a Priority Habitat under Section 41 of the Natural Environment and Rural Communities Act 2006 and meets the test of "importance " for the purposes of the Regulations and is therefore protected.
138. In respect of the Management of Hedgerows (England) Regulations 2024, these apply to hedgerows on or adjacent to agricultural land. As this proposal would bring the application side into residential use, therefore, the Regulations would not apply to the future domestic curtilage. That said, given the proximity of the dwelling to the hedgerow, it is recommended that the strip between the building and hedge 2 should remain as green cover/soft landscape. It has been clarified that providing that the margin remains undeveloped and the ground protection measures are implemented during construction that the impact on the hedgerow root protection area is acceptable.
139. In respect of the further proposed ground protection measures within the RPAs, the Tree Team have clarified that these are generally acceptable. A no-dig turning area within the RPA of T5, as referenced above, is proposed which will result in a raised build-up above existing ground level. It has been identified that finished levels will therefore need to be properly considered and detailed so that the no-dig approach is not undermined by inappropriate level changes. A condition is recommended in this regard.
140. Furthermore, a condition is also recommended in respect of ground protection measures and installation of protective barriers in accordance with the submitted Tree Protection Plan and Arboricultural Assessment.
141. Further details in respect of the landscaping, trees, native hedges and infilling of existing gaps are included within the Ecology section below with further recommendations.
142. The submitted information indicates that garden areas would be created to the back, front and side of the new dwelling. Given the location of this development, requirements for the strip of land between the proposed dwelling and hedge 2 to remain as green

cover/soft landscape, and in consideration of matters of ecology, set out further below, it is considered reasonable to attach a landscaping condition. Subject to conditions as set out above, it is considered the proposal would be in accordance with Local Plan Policy 47, East Boldon Neighbourhood Plan EB6, LDF Policy DM1 (C) and the NPPF with regards to these considerations.

Ecology matters/ Habitats Regulations / Biodiversity Net Gain

143. Local Plan Policy SP21: Natural Environment relates to the protection and enhancement of the natural environment. Policy 33: Biodiversity, geodiversity and Ecological networks require developments to avoid and minimise adverse impacts upon priority species and habitats and geodiversity in accordance with the mitigation hierarchy and secure effective compensation for unavoidable impacts and residual losses. It proceeds to refer to planning conditions and/or obligations to secure provision, maintenance and monitoring.
144. Local Plan Policy 34: Internationally, Nationally and Locally Important Sites, identifies that priority will be given to protecting the boroughs internationally important sites including SPAs, SACs, and Ramsar Sites. Appropriate Assessment and recreational disturbance is also detailed.
145. East Boldon Neighbourhood plan policies EB1 and EB7 state that proposals should protect and enhance biodiversity. East Boldon Neighbourhood plan policies EB5, EB6 and EB10 seek to secure the protection and enhancement of existing green and blue infrastructure in a manner that promotes biodiversity. EBNP policy EB7 additionally seeks to ensure that impacts on coastal European sites are mitigated. Policy EB3 (m) seeks to ensure that lighting associated with the development will not have a significant effect on residential amenity or wildlife and (n) incorporates measures to support species and habitats, where appropriate.
146. Paragraph 193 of the NPPF 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.

147. LDF 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.
148. LDF 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.
149. Comments have been provided from the Council's Countryside Team. Following initial comments, where a number of matters were raised, additional and amended details were received. The Council's Countryside Team have considered these details and have provided detailed comments, as summarised earlier in this report. A number of conditions and informatives have been recommended.
150. The Northumbria Coast Ramsar & SPA, and Durham Coast SAC are all located 3.73 km east of Site. Three Non-Statutory Sites are located within 5 km of the Site. The Site is located within a SSSI risk zone and located 0.98km north of Tilesheeds Local Nature Reserve (LNR). The Council's Countryside Team have confirmed that the Statutory Protected Sites will not be significantly impacted by the development.
151. In respect of Local Wildlife Sites, there are five non-statutory, South Tyneside Local Wildlife Sites (LWSs) within 1 km of the Site. Tilesheeds Burn LWS, located 0.66 km north of the Site, Boldon Flats West LWS, located 0.41 km northeast of the Site, which is connected to Boldon Flats North LWS, Boldon Flats South LWS, and Low House Copse LWS, located 0.57 km east of the Site. The Council's Countryside Team have confirmed that the Non-statutory Protected Sites will not be significantly impacted by the development.
152. The application site is located immediately adjacent to the South Tyneside Wildlife Corridor Network and is immediately adjacent to an Area of Particular Importance as identified in the draft South of Tyne Local Nature Recovery Strategy. The submitted Ecological Impact Assessment has identified that due to the proximity of the Site to semi-rural farmland to the south, potential impacts from the development without mitigation may include direct damage, light pollution, water pollution, litter and noise pollution, which would have an adverse impact in the absence of mitigation'. The council's Countryside Team has clarified that without mitigation the development may have an adverse impact on the adjacent Wildlife Corridor. As such conditions are recommended in respect of necessary mitigation to prevent chemical spills and air pollution and to ensure during construction works that vehicle movement and storage of materials do not encroach on habitats outside of the application site boundary, including potential impacts to the adjoining hedgerows. It has been identified that the native hedgerow that runs along the southern boundary of the site is classified as a Priority Habitat under Section 41 of the Natural Environment and Rural Communities Act 2006.

153. In respect of this specific hedgerow, details have been provided that clarify that a Ranch style fence will be constructed along the line of the native hedgerow post development to provide protection. In respect of the construction phase it has been identified within the submitted Arboricultural Assessment and Method Statement that a protective barrier is to be provided adjacent to the hedgerow and a ground protection area between the hedgerow and the development is to be provided. The Council's Countryside Team have advised that this is acceptable and should be conditioned.
154. The habitats on site are identified as modified grassland with some encroaching scrub, common ivy (*Hedera helix*) and a hedgerow, with a line of trees along half of the southern boundary. The submitted Ecological Impact Assessment (EclA) identifies that a number of trees were felled in 2025 including a number of semi-mature trees in the hedgeline and the pollarding of a Poplar. This was prior to the ecological survey work taking place. The submitted EclA identifies that trees which are to be retained should be protected during the development. In addition, an Arboricultural Impact Assessment and Method Statement has been submitted to support the application, as referenced above.
155. The development will result in a loss of habitat in the form of Modified Grassland and Scrub. Despite these being common and widespread habitats the development does still present a loss of habitat. The development has also resulted in a loss of trees and shrubs which took place before the application was submitted. It has been identified that undertaking work to infill spaces (carrying out 'gapping up') with native hedgerow planting and trees where there are gaps would partially offset the loss of trees. As such a condition has been recommended to require these works including evidence of the gapping up of the hedgerow in the form of photographs to be provided prior to occupation. The council's Countryside Team has advised that acceptable native species include predominately Hawthorn but may also include Hazel, Crab Apple, Dog Rose, Silver Birch or Holly.
156. In respect of protected species, the site is located within 400m of the Council's development Bat Risk layer indicating it offers suitable foraging habitat for bats. As set out above, a number of semi-mature trees were felled in 2025. A pollarded Poplar tree, (T1) at the site entrance has been identified as being a Preliminary Roost Feature – an Individual roost feature due to the presence of a knothole with staining around the sides. However, the submitted Arboricultural Impact Assessment identifies that T1 will be removed. As such the council's Countryside Team has advised that any further work affecting this tree should be carried out under Bat Conservation Trust Guidelines for PRF-I trees with supervision from an experienced and qualified Ecologist to ensure no harm to bats. A condition is recommended in this regard. Furthermore, in respect of other tree works taking place on site it is recommended that the applicant must be made aware of the bat informative, relating to the protection of bats under both UK and European legislation.
157. The council's Countryside Team has advised that due to the potential loss of a roosting site an integrated bat box should be built into the dwelling as recommended in the Bat Conservation Trust guidelines. As such, a condition is recommended requiring details for the design and location of the bat box to be provided before the development proceeds above foundation level and the submission of evidence of inclusion of the bat box by photograph to be provided before occupation.
158. The council's Countryside Team has clarified that all construction works must be carried out during the hours of daylight to prevent disruption to the foraging activities of bats and an hours of operation condition is recommended in this regard, alongside consideration of residential amenity as set out above.

159. Finally in respect of bats it has been identified that should security lighting be installed consideration should be given to ensuring that this is 'bat-friendly' following the Institution of Lighting Professionals and the Bat Conservation Trust guidance. An informative is recommended in this regard.
160. The submitted EclA reported that no nesting bird activity was recorded onsite, although potential for nests to be created in some of the trees and hedge present onsite is noted. The Council's Countryside Officer references the previous loss of trees on site and requests the provision of further information on landscaping proposed for the site including potential compensatory planting of trees and shrubs and any other biodiversity enhancements. It has been identified that as mitigation against the loss of nesting sites the applicant should integrate at least one Swift Brick within the dwelling. A condition is therefore recommended in respect of the submission and approval of details for the design and location of the brick to be provided by the applicant before development proceeds above foundation level. Evidence of inclusion of the Swift box by photograph to be provided before occupation.
161. A further condition has also been recommended in respect of any further vegetation clearance works if carried out during the bird nesting season from March to August exclusive, and requirements for a breeding bird check to be undertaken by a suitably experienced ecologist and suitable exclusion buffers put in place if a nest is recorded.
162. Furthermore, it has been recommended that the applicant be made aware of the Breeding Bird Informative, which identifies that Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest.
163. The Council's Countryside Officer has advised that Variegated Yellow Archangel was located onsite which is a Schedule 9 Species which means it is unlawful to allow it to escape into the environment. A condition is recommended to require works to be carried out and arisings treated correctly to ensure that the plant does not escape into the environment and involves ensuring that any Variegated Yellow Archangel removed from the site is taken to a controlled waste disposal site or burned on site.
164. Turning to other mammals on site, as detailed within the submitted EclA, due to the undisturbed nature of the grassland and scrub, the Site may support low numbers of foraging European hedgehog (*Erinaceus europaeus*) and fox (*Vulpes vulpes*), though no supplementary evidence was found during survey work. Hedgehogs may also use the Site for hibernation due to the brash piles left by felling the trees. It has therefore been recommended by the Council's Countryside Officer that contractors should be vigilant when clearing the site and when moving vehicles over the site, and should a hedgehog be identified care should be taken to protect it from harm and an ecologist should be consulted. Additionally, due to the amount of felled trees on the site the submitted EclA suggests that an ecologist should check the site just prior to further vegetation removal and a condition is recommended in this regard. A further condition is also recommended to reduce the impact to other wildlife that may use the site, and that any trenches or voids are dug and filled within the same working day. Should this not be possible, an adequate means of escape at an angle not greater than 30 degrees should be provided and/ or the trench should be securely covered overnight.
165. It has been identified that the applicant should provide further details in respect of landscaping. The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. The submitted EclA recommends that supplementary planting of night scented flowers will encourage a higher diversity of moths and other invertebrates and compensate for the loss of (bat) foraging habitat within the Site. The council's

Countryside Officer has advised that for areas of grassland the applicant should consider the planting of wildflower grass seed mixes which are also relatively low maintenance such as EH1 Hedgerow Mixture – Emorsgate Seeds.

Biodiversity Net Gain

166. In terms of Biodiversity Net Gain (BNG), the application states that it is a self-build dwelling. Planning applications for self-build and custom build dwellings submitted prior to the 6 August 2026 qualify for an exemption, subject to meeting all conditions relating to the number of units, the site area and the self-build dwelling(s) satisfying the definition of self-build (as set out in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
167. In addition to the Self-Build and Custom House Building Act 2015 (as amended), the NPPF states that genuine self-build involves an individual or group directly commissioning the building of a home for their occupation, with a substantial control over its design and layout. Government Guidance on BNG clarifies that the exemption of small -scale self-building applies only where an individual has had the primary input into the final design and intends to occupy the dwelling as their main residence. Self-build and custom housebuilding covers a wide spectrum. In this case the application form states that the project would be a self-build, as opposed to market housing, and the dwelling has been designed by an independent architect for the customer requirements. The proposals meet with this exemption and consequently the proposal is exempt from BNG rules and the mandatory requirements for 10% BNG.
168. In consideration of the applicant's declaration that the proposals are self-build and not for alternative housing, such as open market sale, it is necessary to secure this through any grant of planning permission.
169. The NPPF at paragraph 56 states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'
170. As such, in such circumstances there are two options, a Unilateral Undertaking (UU) to be completed by the applicant prior to this application being decided to ensure the development meets self-build criteria and would be occupied by the applicant for at least three years once completed or securing the provision of self build house by means of a planning condition. In this particular instance the provision of a self-build dwelling would be secured via a condition.

Habitats Regulation Assessment

171. As the proposal is a form of residential development within the 7.2km zone of influence of the Durham Coast SAC and the Northumbria Coast SPA & Ramsar Site (identified within Local Plan Policy 34 and the Council's updated South Tyneside Recreation Mitigation Strategy), Habitats Regulations Assessment [HRA] pursuant to The Conservation of Habitats and Species Regulations 2017 is a consideration. Whilst under the Council's updated mitigation strategy a contribution of £737.91 would now be sought for a planning application for a single new dwelling, this planning application was received in September 2025 some time prior to receipt on the 29 June 2026 of the Inspectors Final Report on the South Tyneside Local Plan and the subsequent decision of the Council to adopt the Plan. Therefore, at the time the application was assessed only limited weight could be given to Local Plan Policy 34 and the related Recreation Mitigation Strategy. Given this and in the interests of consistency in terms of other

applications received prior to the 29 June, it is considered that this application should be assessed against former Interim SPD23 which would not have required any coastal mitigation contributions for a residential development of the scale proposed. The proposal is therefore considered to accord with the NPPF policy in relation to these designated “habitat sites” and as such there is no strong reason to refuse it in the context of NPPF para. 11 d i and its footnote 7.

172. SPD23 included various mitigation measures and that financial contributions in relation to ‘major developments’ will be used, and where there is a slight uplift in those contributions to cover applications such as this (that are not major development).
173. The Habitats Regulations Assessment [HRA] screening and appropriate assessment, pursuant to The Conservation of Habitats and Species Regulations 2017, has been undertaken on this basis. The HRA screening concluded that the proposal would have likely effects on these designations and the HRA appropriate assessment concluded that those effects can be mitigated (in the way set out above).
174. Therefore, subject to the inclusion of the recommended conditions and informatives, the proposed development can be considered acceptable with regard to Local Plan Policy 34, East Boldon Neighbourhood Plan Policies EB1, EB3 and EB7, LDF Policies EA3 and DM7 and the NPPF concerning ecology, trees and landscaping, BNG and HRA matters.

Pollution

Land contamination

175. Local Plan Policy 3: Pollution requires development to incorporate measures to prevent and reduce pollution to an acceptable standard to avoid negative impacts on people, the environment or biodiversity.
176. Local Plan Policy 4: Contaminated Land and Ground Stability sets out requirements for investigation, remediation and validation.
177. NPPF paragraph 187 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.
178. NPPF paragraph 196 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.

179. Paragraph 197 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.
180. 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.
181. South Tyneside 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.
182. A Phase 1 Desk Study has been submitted in support of the application and concludes that the site is suitable for residential development subject to a Phase 2 intrusive investigation including boreholes for soil sampling and geotechnical testing, groundwater and gas monitoring over a three-month period, chemical testing for metals, asbestos, and organic contaminants, and a comprehensive tree survey. These measures will confirm ground conditions, address potential contamination risks, and ensure appropriate foundation design. The council's Environmental Protection Officer has been consulted on the application and has confirmed that they are in agreement with the recommendations of the report and recommend conditions in respect of further investigation and risk assessment, remediation, verification and any unexpected contamination.
183. Subject to the inclusion of the above recommended conditions it is considered that the proposals accord with both national and local policy as set out above.

Noise Assessment

184. A noise assessment has been submitted in support of the application and the council's Environmental Protection Officer has been consulted on the application confirming that the assessment is satisfactory and concludes that with a standard scheme of ventilation (opening windows) that it is unlikely that residential amenity will be negatively impacted by external noise sources.
185. In reference to the working farm to the south of the site, it has been clarified that given there are a number of existing properties within proximity and the council have not received any complaints, the council's Environmental Protection Officer is satisfied that the scheme of mitigation, namely the use of double glazing proposed, will be sufficient.

Flood risk and drainage

186. Local Plan Policy 7 relates to flood risk and water management, and Policy 8 to Flood Risk assessments and Drainage Strategy. Local Plan Policy 9: Sustainable Drainage Systems, Policy 10: Disposal of Foul Water, and Policy 11: Protecting Water Quality all relate to flood risk and drainage. Local Plan Policy 10 specifically states that development will utilise the drainage hierarchy (namely, connection to a public sewer, a

package sewage treatment plant, which can be offered to the Sewerage Undertaker for adoption and thirdly, septic tank). The proposals would connect to the existing public sewer network via connection to the Northumbrian Water Network.

187. East Boldon Neighbourhood Plan Policy EB1 concerning sustainable development states that in seeking to ensure that development is sustainable, it will be necessary to demonstrate, where appropriate, 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.
188. East Boldon Neighbourhood Plan 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.
189. East Boldon Neighbourhood Plan 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.
190. East Boldon Neighbourhood Plan Policy EB12 makes reference to the need to demonstrate how flooding and drainage considerations have informed the overall site design, including flood resilience measures, reduction of flood risk and no increase to flood risk elsewhere.
191. NPPF paragraph 181 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 187 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.
192. LDF Core Strategy policy ST2 refers to use being made of sustainable urban drainage systems and Development Management policy DM1(k) seeks to ensure that development is designed to minimise and mitigate localised flood risk, both on site and elsewhere.
193. As summarised above, representation has been received from neighbouring occupiers concerning the existing drainage system and infrastructure which is stated as being insufficient for the large houses it serves (reference specifically to No. 43 which is located at the lowest point of several developments within the former Stratford House / Avondale boundary and has suffered repeated foul drainage failures.) It has been stated that Northumbrian Water has confirmed to home owners that the existing Victorian drainage network is already operating at capacity. Concerns have been raised that the proposal will give rise to further connection risks exacerbating known deficiencies. It has been stated that there should be an independently verified drainage strategy that demonstrates that there would be no adverse effect and adequate foul and surface water management.
194. The council's Environmental Protection Officer (responding in their capacity as Lead Local Flood Authority) have clarified that the proposed development is considered to be at very low risk of surface water flooding, identified in the Environment Agency's flood risk maps, being located within Flood Zone 1. The Lead Local Flood Authority (LLFA) has advised that whilst they were not aware of a history of flooding at the proposed development site, there is a history of flooding in surrounding areas such as Hiram Drive

and Ferndale Lane and has advised that the applicant is directed to the Environment Agency Standing Advice for Minor and Vulnerable Developments. Specifically, the advice regarding finished floor levels and the use of flood mitigation measures and an informative is added in this regard. It should be noted that the Environment Agency, who were consulted on the application have provided no comments or raised any objections.

195. The LLFA also recommends the use of permeable materials for the proposed driveways such as gravel or permeable block paving and a condition is recommended in respect of details for hard landscaping to be submitted to and approved by the LPA. Furthermore, the LLFA recommends that the applicant undertake rainwater harvesting techniques such as water butts retrofitted to downpipes and an informative is recommended in this regard.
196. In addition, Northumbrian Water have been consulted on the application and have raised no objections and have confirmed they have no specific comments on the application. As the proposal is not a 'major development', drainage assessments are not required (for surface or foul drainage). This does not, however, abrogate the need for the applicant / developer to agree details with Northumbrian Water should planning permission be granted.
197. Based on the above and noting the objections received in respect of drainage, it is recommended that a condition be attached to any grant of permission requiring that prior to the commencement of development, evidence of connection to the Northumbrian Water Network for the disposal of foul and surface water is submitted to, and approved in writing by, the Local Planning Authority and prior to the first occupation of the dwelling, the approved details are implemented and retained.
198. Given the above, and subject to the recommended conditions, the proposal is considered to accord with Local Plan Policies 7 and 8, the relevant East Boldon Neighbourhood Plan Policies as set out above, the NPPF and LDF policy DM1 with regards to this consideration.

Other matters

Green belt

199. The site is located adjacent to the boundary of the Green Belt and there have been no changes to the green belt boundary in this location through the adopted Local Plan. As such, there would be no harm to the Green Belt, including harm to its openness through the proposal.

Heritage

200. As detailed above, the application site is not located within the East Boldon Conservation Area and is not located adjacent to any designated heritage assets. The Tyne and Wear Archaeology Service were consulted on the proposals and have advised that the Historic Environment Record (HER) and historic mapping have been checked and the plot does back onto an extent of medieval or post-medieval ridge and furrow cultivation (HER 11686) however it has been confirmed that there is no continuation of such features into the proposed application site. As a result, it has been confirmed that no archaeological work is required in this instance.
201. 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.

202. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

203. NPPF Paragraph 11 states that decisions on planning applications should apply a presumption in favour of sustainable development and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance (in this instance habitats sites) provide a clear reason for refusing the development proposed.
204. The application site is well located in relation to the services and facilities in East Boldon and is located within the village settlement boundary within an accessible and sustainable location for new development, where occupiers would have a choice of means of travel.
205. The proposed development of the site would contribute to the Borough's overall housing requirements, where the Council has failed the Housing Delivery test and is unable to demonstrate a 5-year housing land supply plus 20% buffer, although the benefit of one dwelling would not be overriding in this respect.
206. There would also be some social and economic benefits through support for local services and temporary employment benefits during construction.
207. It is considered that the proposal would be acceptable in terms of its visual amenity/character impacts, residential amenity impacts and in respect of highway safety/car parking, ecology matters, pollution and drainage/flood risk having regard to the guidance set out within Local Plan Policies, Neighbourhood Plan Policies, relevant Local Development Framework (LDF) Policies, Council Supplementary Planning Guidance documents and the NPPF. Overall, the proposal is considered to be an acceptable form of development, subject to the inclusion of the suggested conditions and recommended informatives.
208. Overall, and having regard to all matters raised, and the economic, social and environmental dimensions of sustainable development set out in paragraph 8 of the NPPF, it is concluded that the scheme represents sustainable development. In terms of paragraph 11 of the NPPF the application of policies that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed and there are no adverse impacts arising that would significantly and demonstrably outweigh the benefits of the proposal.
209. Having regard to the above assessment, members are recommended to grant planning permission subject to the conditions as set out below.

Recommendation

Grant Permission with Conditions

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 shall be carried out in accordance with the approved plan(s) as detailed below

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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 Prior to commencement of development above damp course level, full details (including samples, drawings and / or specifications) of all proposed external facing and roofing materials of the dwelling hereby approved, and hard surface treatments (including permeable materials for the proposed driveways such as gravel or permeable block paving) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

In the interests of both visual and residential amenity in accordance with Local Plan policy 47, East Boldon Neighbourhood Plan EB3, the NPPF and South Tyneside Local Development Framework Policy DM1(A & B).

- 4 The dwelling hereby permitted shall not be occupied unless and until full details of a soft landscaping scheme, including provision of a green cover / soft landscape strip between the side (southern) elevation of the dwelling and hedge 2 (as detailed on the Arboricultural Impact Assessment and method Statement Tree Protection Plan received 29/4/26); details for works to infill spaces with native tree and hedgerow planting; and inclusion of a wild seed mix 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.

Thereafter such landscaping works shall be implemented as approved in accordance with the approved timing details. If any such landscaping is removed, dies or becomes diseased within 5 years of its planting, it shall be replaced in the next planting season in the same location with planting of similar size and species to that which it replaces unless otherwise agreed in writing by the Local Planning Authority.

In respect of the works to infill spaces within native hedgerow planting, prior to first occupation, evidence of the gapping up of the hedgerows in the form of photographs

and corresponding plan shall be submitted to and approved in writing by the Local Planning Authority.

The green cover / soft landscape strip between the side (southern) elevation of the dwelling and hedge 2 (as detailed on the Arboricultural Impact Assessment and method Statement Tree Protection Plan received 29/4/26), shall remain in place and retained in perpetuity.

In the interests of visual amenity, ecology and to ensure the protection of native hedgerow in accordance with Local Plan policy 34, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, LDF Policies EA3 and DM7 and the NPPF.

- 5 Notwithstanding the details submitted as set out in condition 2, and before development above damp course level commences, full details for all boundary treatments and means of enclosure for the hereby approved development, shall be submitted to and approved in writing by the Local Planning Authority, including details for a ranch style fence adjacent to hedge 2. All works shall be carried out and remain in place in accordance with the approved details.

In the interests of visual amenity and biodiversity in accordance with Local Plan policy 47, East Boldon Neighbourhood plan policies EB1, EB3 and EB7, LDF Policies EA3 and DM7 and the NPPF.

- 6 Before the hereby approved development above damp course level commences, full details of on-site biodiversity enhancement measures, shall be submitted to and approved in writing by the Local planning Authority. These details shall include:
 - a) Details for a minimum 1 no. integrated roosting features for birds (swift box)
 - b) Details of a minimum 1 no. integrated bat box.

Thereafter the biodiversity enhancement measures shall be implemented as approved and thereafter, prior to first occupation, evidence of inclusion of the on-site biodiversity enhancement measures shall be submitted to an approved in writing by the LPA.

To ensure the development encourages biodiversity in accordance with Local Plan policy 34, East Boldon Neighbourhood plan policies EB1, EB3 and EB7, the NPPF, LDF Policies EA3 and DM7 and the Wildlife and Countryside Act 1981.

- 7 All works shall be undertaken in accordance with the tree and hedge protection measures, as detailed in the Arboricultural Impact Assessment and Method Statement and Arboricultural Method Statement and Tree Protection Plan received 29/04/2026 (and in accordance with BS5387 'Trees in Relation to design, demolition and construction' 2012, and NJUG guidelines).

Works, including the excavation, removal or deposit of earth or other materials shall not be carried out within the identified Ground Protection Areas), as identified within the Arboricultural Method Statement and Tree Protection Plan received 29/04/2026 without the written prior consent of the Local Planning Authority.

Furthermore, prior to the commencement of any works within the No Dig - Tree Friendly Construction area within the root protection area of T5, as identified within the Arboricultural Method Statement and Tree Protection Plan received 29/04/2026, details for finished levels shall be submitted to and approved in writing by the LPA to ensure that the no-dig approach is not undermined by any level changes.

All works within the identified No Dig - Tree Friendly Construction area within the root protection area of T5, as identified within the Arboricultural Method Statement and Tree Protection Plan received 29/04/2026 shall be undertaken in accordance with the methodology and details as set out in section 5.7 of the Arboricultural Method Statement and Tree Protection Plan received 29/04/2026.

To ensure that existing trees and hedges within and adjacent to the site, are adequately protected during the period of construction works in accordance with Local Plan Policy 47, East Boldon Neighbourhood Plan policies EB1, EB3, EB6, EB7, LDF Policies DM1 (C) and EA1, EA3 and DM7 and the NPPF.

- 8 Prior to the clearance of any vegetation on site, due to the presence of felled brash on site, a pre-works check for hedgehogs should be undertaken immediately before works commence on site and be undertaken by a suitably qualified ecologist.

To ensure the development does not harm habitats and encourages biodiversity in accordance with Local Plan Policy 34, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, the NPPF, LDF Policies EA3 and DM7 and the Wildlife and Countryside Act 1981.

- 9 During construction works any trenches or voids dug on site should be filled within the same working day. In the event that this is not possible, an adequate means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled not greater than 30 degrees should be provided and / or the trench should be securely covered overnight.

To ensure the development does not harm habitats and encourages biodiversity in accordance with Local Plan policy 34, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, the NPPF, LDF Policies EA3 and DM7 and the Wildlife and Countryside Act 1981.

- 10 Any works for the removal of any Variegated Yellow Archangel, should be carried out such that any arisings are treated correctly to ensure that the plant does not escape into the environment, this involves ensuring that any Variegated Yellow Archangel removed from the site is taken to a controlled waste disposal site or burned on site.

To ensure the development does not harm habitats and encourages biodiversity in accordance with Local Plan policy 34, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, the NPPF, LDF Policies EA3 and DM7 and the Wildlife and Countryside Act 1981.

- 11 If any vegetation clearance works are commenced during the bird nesting season of March to August inclusive, the works will require a checking survey by an ecologist in order to confirm presence/absence of nesting birds to be submitted to, and approved in writing by, the Local Planning Authority in advance of such works commencing.

In the interests of biodiversity and in accordance with the Local Plan policy 34, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, the NPPF, LDF Policies EA3 and DM7 and the Wildlife and Countryside Act 1981.

- 12 Any further works (including removal) of T1 as identified within the Arboricultural Method Statement and Tree Protection Plan received 29/04/2026, and which is a Preliminary Roost Feature - Individual roost feature, shall be carried out under Bat Conservation Trust Guidelines for PRF-I trees with supervision from an experienced and qualified Ecologist to ensure no harm to bats.

In the interests of biodiversity and in accordance with the Local Plan policy 34, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, the NPPF, LDF Policies EA3 and DM7 and the Wildlife and Countryside Act 1981.

- 13 No construction or associated works or deliveries of materials shall take place outside the hours of daylight and in addition not beyond 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 Bank Holidays. to prevent disruption to the foraging activities of bats.

To safeguard the amenity of the nearby residents and to prevent disruption to foraging activities of bats, in accordance with Local Plan policies 34, 47, East Boldon Neighbourhood Plan policies EB1, EB3 and EB7, the NPPF, LDF Policies DM1, EA3 and DM7.

- 14 Prior to the commencement of development, evidence of connection to the Northumbrian Water Network for the disposal of foul and surface water shall be submitted to, and approved on writing by, the Local Planning Authority. Prior to the first occupation of the dwelling, the approved details shall be implemented and retained thereafter.

In the interest of ensuring satisfactory drainage works and to avoid pollution of the water environment in accordance with Local Plan policies 7 and 8, East Boldon Neighbourhood Plan policies EB1, EB3, EB5, EB12, policies DM1(K), ST2 and the NPPF.

- 15 Prior to the commencement of development 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'.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted Local Plan policies 3 and 4, South Tyneside LDF Development Management Policy DM1 and the NPPF.

- 16 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 risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted Local Plan policies 3 and 4, South Tyneside LDF Development Management Policy DM1 and the NPPF.

- 17 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 risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted Local Plan policies 3 and 4, South Tyneside LDF Development Management Policy DM1 and the NPPF.

- 18 If during development ground contamination is identified and that was not previously 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 including timescales for completion of that scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. That approved remediation scheme shall thereafter be undertaken in full accordance with the approved details and timescales and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted Local Plan policies 3 and 4, South Tyneside LDF Development Management Policy DM1 and the NPPF.

- 19 The development hereby permitted shall not be occupied until the car parking and turning area, as shown on the proposed site plan listed in condition 2, has been provided. Thereafter, that car parking and turning area shall remain in place and shall be kept available for the parking and manoeuvring of vehicles at all times.

In the interests of highway safety and residential amenity, in accordance with Local Plan policies 26 and 47, East Boldon Neighbourhood Plan policies EB3, LDF Policy DM1 (G) and the NPPF.

- 20 Notwithstanding the details submitted as set out in conditions 2, and before development above damp course level commences, full details for the site access and any enclosure relative to the rear of public footway, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include for the continued provision (and clearance / maintenance) of the 2.4m x 43m visibility splay westward and the delivery of a 2mx2m inter-visibility splay to the rear of the footway.

In the interests of highway safety and residential amenity, in accordance with the Local Plan policies 26 and 47, East Boldon Neighbourhood Plan policies EB3, LDF Policy DM1 (G) and the NPPF.

- 21 Prior to first occupation of the dwelling hereby permitted, details for covered and secure cycle parking for 3 no. cycles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

In the interests of providing a sustainable development, in accordance with Local Plan policies 26 and 47, East Boldon Neighbourhood Plan policies EB3, LDF Policy DM1 (G) and the NPPF.

- 22 Development shall not commence until a small-scale construction method statement (DCMS), together with a supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period and shall ensure that all construction works, including vehicle movement and storage of materials, do not encroach on land and habitats outside of the site boundary. The CMS and supporting plan shall, where applicable provide for:

- a) highway dilapidation / condition survey of the site frontage vehicular access crossing of the footway/verge area to Sunderland Road and details for the reconstruction/resurfacing of the footway/verge area in the event that damage is caused by construction traffic and that the verge area to the rear of the footway is required to be made up to an access crossing standard.
- b) the parking of vehicles of site operatives and visitors;
- c) the loading and unloading of plant and materials,
- d) storage of plant and materials used in constructing the development;
- e) Details to identify measure to be implemented to prevent and control pollution under the Pollution and Prevention and Controls Act, including the prevention of chemical spills and air pollution (dust coverage on vegetation).

To prevent nuisance in the interests of residential amenity, highway safety and ensure the development does not harm habitats in accordance with Local Plan policies 25, 34 47, East Boldon Neighbourhood Plan policies EB1, EB3, EB7 the NPPF and South Tyneside Local Development Framework policies EA3, DM1 and DM7.

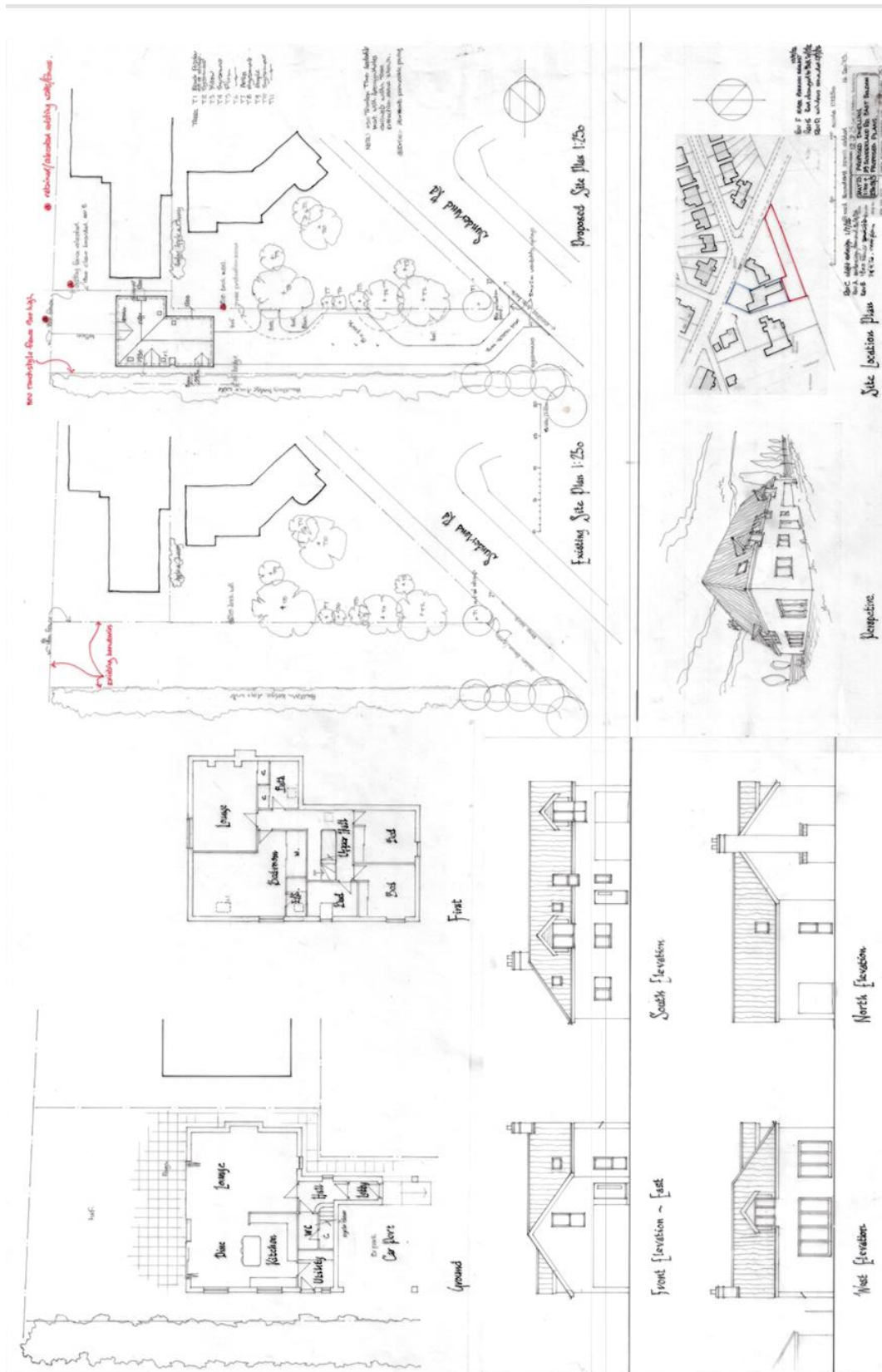
- 23 Notwithstanding the provisions of Class A, B,C, D, and F of Part 1 and Class A of Part 2 of Schedule 2; of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority.

To ensure development does not adversely affect residential amenity of neighbouring properties and in the interests of visual amenity in accordance with Local Plan policy 47, East Boldon neighbourhood Plan policy EB3, the NPPF and LDF policy DM1 (B) of the South Tyneside Local Development Framework.

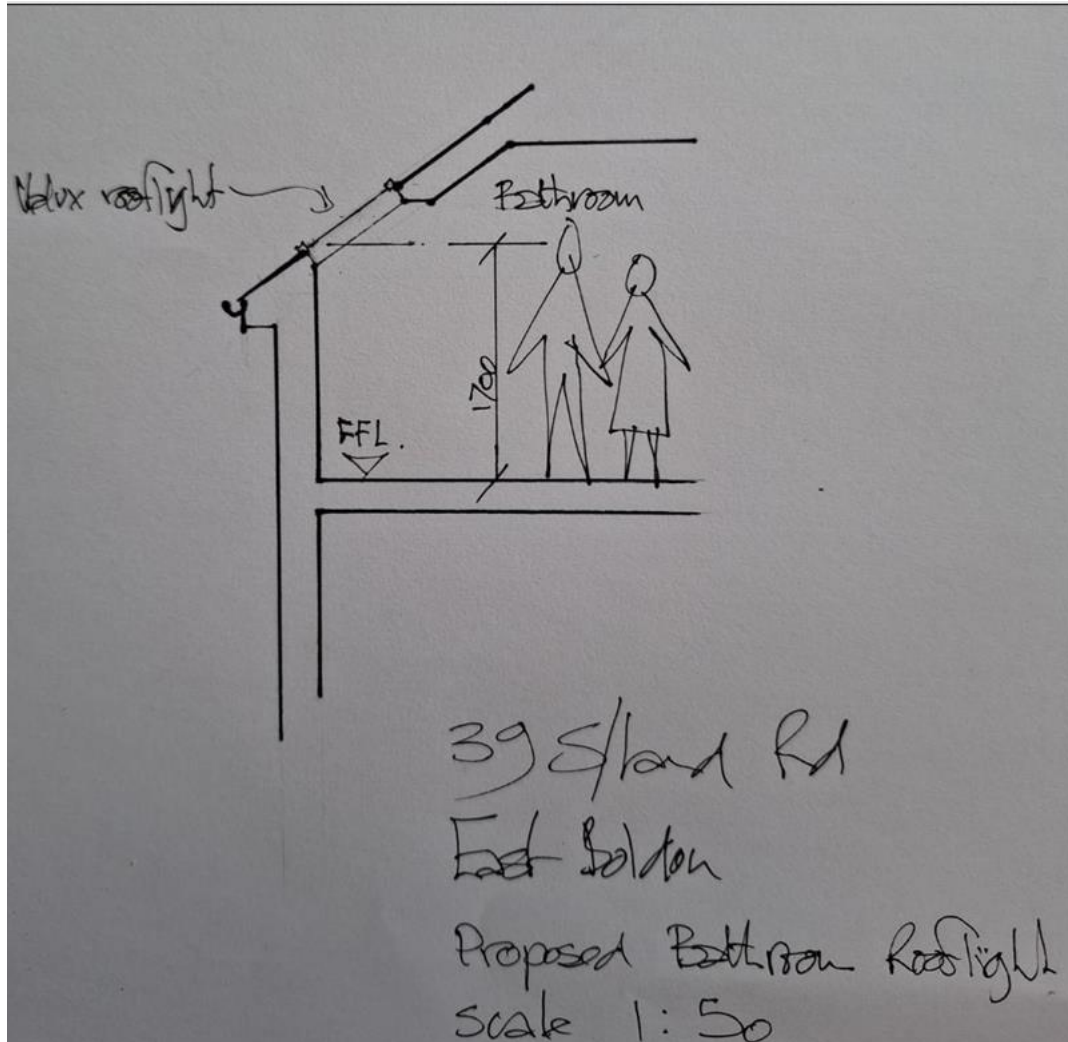
- 24 The dwelling hereby approved as implemented shall consist exclusively of a dwelling which is self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended).

To ensure effective operation of Biodiversity Net Gain (Schedule 7A of the Town and Country Planning Act 1990) and to meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended).

Plan 1 - Proposed Plans and Elevations



Plan 2- Cross section (velux bathroom window)



Photograph 1 – Sunderland Road Frontage



Photograph 2 – view towards application site from Sunderland Road



Photograph 3 – northern boundary towards No. 39



Photograph 4 – northern boundary towards No. 43



Photograph 5 – western boundary towards No. 35



Photograph 6 – eastern boundary towards Sunderland Road

