



Planning Statement

Land off Mill Lane, Whitburn

Date: Revised July 2026

The background of the lower half of the page is a photograph of a long, two-story industrial building made of light-colored stone or brick. It features a series of large, arched windows with multiple panes. The building is situated on a paved area, and the sky is visible in the background. The entire image is overlaid with a semi-transparent olive-green filter.

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0	Draft	Dec 2025	KA	SL	
1	Final	Jan 2026	KA	FB	KA
2	Revision	July 2026	KA	PH	KA

1. Introduction

Purpose of Statement

- 1.1 This Planning Statement has been prepared on behalf of Story Homes Ltd to accompany a full planning application for residential development on land off Mill Lane, Whitburn.
- 1.2 This statement will assess the proposals in the context of the adopted development plan and any material considerations that are deemed relevant to the determination of the application, including the National Planning Policy Framework (NPPF) and any relevant parts of the Planning Practice Guidance (PPG). It should be read in conjunction with the following information submitted as part of the planning application:

Document	Consultant
Planning Drawing Package	Pod
Planning Statement	ELG
Green/Grey Belt Assessment	ELG
Design and Access Statement	Pod
Statement of Community Involvement	ELG
Landscape and Visual Impact Assessment	Pegasus Group
Landscape Strategy/Plan	Pegasus Group
Heritage Assessment	BWB Consulting Ltd
Geophysical Survey	Durham University Archaeological Services
Flood Risk Assessment and Drainage Strategy	Coast Consulting Engineers
Arboricultural Assessment	Elliot Consultancy Ltd
Noise Impact Assessment	NJD Environmental Services

Document	Consultant
Air Quality Assessment	NJD Environmental Services
Transport Assessment including Framework Travel Plan	Edisons
Ecological Impact Assessment	BSG
Ornithological report	BSG
Wader Compensation Strategy	BSG
Biodiversity Net Gain report	BSG
Energy Report	Award Energy Consultants
Phase 1 Ground Investigation	Story Geo
Draft Construction Management Plan	Story Homes Ltd
Social Infrastructure Assessment Report	EFM
Housing Need Report	Marrons

1.3 Following the submission of the original planning application in January 2026 and the subsequent receipt of consultee comments, some minor amendments have been made to the layout of the scheme along with some updates to several of the supporting reports. The examining Inspector for the emerging Local Plan also published their final report on the 29 June 2026. The report concludes that the South Tyneside Local Plan 2023 to 2040 is sound subject to a number of main modifications. The Council will now consider whether to formally adopt the Local Plan, which is anticipated to be decided in the next couple of months.

1.4 This Planning Statement has therefore been updated to reflect the updates and change in status of the emerging Local Plan. As the changes were anticipated and planned for in preparing the original submission, the conclusions and findings remain the same, with the chronic need for housing continuing to be evident.

Structure of Statement

1.5 This Planning Statement has been structured as follows:

- **Section 2** analyses the context of the site.
- **Section 3** describes the development proposals.
- **Section 4** sets out the relevant planning policy context.
- **Section 5** assesses the key planning issues relating to the proposed development, including in the context of the adopted development plan, NPPF and PPG, as well as any other material considerations.
- **Section 6** outlines the draft Section 106 Heads of Terms.
- **Section 7** provides the conclusions.

2. Site Context

- 2.1 The site area is approximately 10.6 hectares in extent and lies within a rectangular area of land, bound on the southern boundary by existing residential development and on the remaining sides by Lizard Lane to the west, the A183 Mill Lane to the east, and Kitchener Road to the north with the Arthur Street residential area beyond. Inset within the rectangle formed by the road layout and existing residential development is, to the south east, Marsden Primary School, to the north east a playground and small residential development, (within the site of the former Bath House and Canteen associated with the former Whitburn Colliery) and to the northwest a triangular area formed from the earlier realignment of Kitchener Road.



Left: Aerial Image of Whitburn.

Approximate site location highlighted with dashed red line.

Above: Inset of Application Site.

- 2.2 The majority of the site area is arable farmland. The boundaries of the site are defined by a combination of stone walls and post and wire fences. There are no trees within the main body of the site, with hedgerows on the north west and south west boundaries. The site area is visually contained by a combination of landform, vegetation and existing built form.

- 2.3 Whitburn is one of several large villages in South Tyneside, and is located close to the eastern extent of the local authority area, which is formed by the north east coastline. As recognised by the LPA's evidence base for the emerging Local Plan, Whitburn is an accessible and popular settlement, with a wide range of services and facilities with good access to public transport.

- 2.4 The supporting Transport Assessment and Design and Access Statement have included an analysis of the site's accessibility by various modes of transport. This establishes that the site is currently well located to cater for trips on foot, and provides potential for a high degree of pedestrian trips between the development and the surrounding area, including Whitburn village centre, which is only a short walk from the site.

- 2.5 Despite the settlement being recognised as a sustainable location, development in Whitburn has been significantly restricted in recent years, most notably due to the Green Belt boundary, which wraps around the main built form of the settlement. It is understood that this has remained unchanged for over 40 years. As a consequence, the only notable developments in Whitburn in recent years that have come forward are on the Rifle Range site (42 dwellings, including 11 affordable housing units) and the former Bath House and Canteen site (Thill Stone Mews) (9 dwellings, with no affordable housing). Considering that Whitburn had a population of 7,448 in 2011, this lack of growth in a settlement that is evidently sustainable and popular is a missed opportunity in supporting the delivery of much needed housing for the local community.

3. Development Proposals

3.1 The proposal is set out in full detail in the submitted package of planning drawings and the supporting Design and Access Statement. Briefly, it includes:

- A total of 205 dwellings;
- 82 affordable housing units spread throughout the site, which equates to 40% of the overall provision of housing;
- A broad range of house types, including bungalows, ranging from 1 bed apartments, through to larger 5 bed dwellings;
- 100% of the house types meet the Government's nationally described space standards;
- Extensive areas of landscaping and habitat enhancement;
- Incorporation of tree-lined streets;
- Proposals to mitigate, enhance and secure long term habitat for wading birds;
- Enhancement of the adjacent play area (Corner Stone Park) and inclusion of new areas of public open space throughout the site;
- Introduction of connections through the site, linking to the existing wider network of footpaths and cycleways, which includes the National Cycle Network Route 1 that passes along Mill Lane;
- New vehicular access off the A183;
- Inclusion of 74 visitor parking spaces distributed throughout the site in accordance with local authority requirements;
- Incorporation of sustainable drainage systems (SuDS) into the layout, including an above ground basin, to allow for betterment in terms of the management of surface water drainage and impact on the local drainage network;
- Delivery of biodiversity and habitat enhancements on-site, including enhanced grasslands, scrub and hedgerows; and
- Outward facing development, which responds positively to the public realm, including Lizard Lane, Mill Lane, and the large extent of landscaping proposed to the north.

- 3.2 The design has evolved as it has progressed through the stages of consultation, including the feedback provided by the LPA at pre-application stage, and the more recent public consultation. As a result, the scheme has reduced from 234 dwellings, down to the submitted proposal for 205 dwellings.
- 3.3 Following submission of the planning application, the scheme has been further revised with the inclusion of some minor amendments to pick up on consultee comments raised during the consideration of the planning application. As the comments have been largely positive, the changes that have been made are limited in extent, and largely relate to internal highway changes (e.g. position of visitor parking bays to ensure suitable internal visibility splays, and increase width of vehicular access off Mill Lane). The landscape masterplan has also been further refined to pick up on comments from the landscape and ecology consultees, along with the inclusion of additional street trees within the site.

Other Relevant Planning History

Appeal Ref: APP/A4520/W/25/3365110

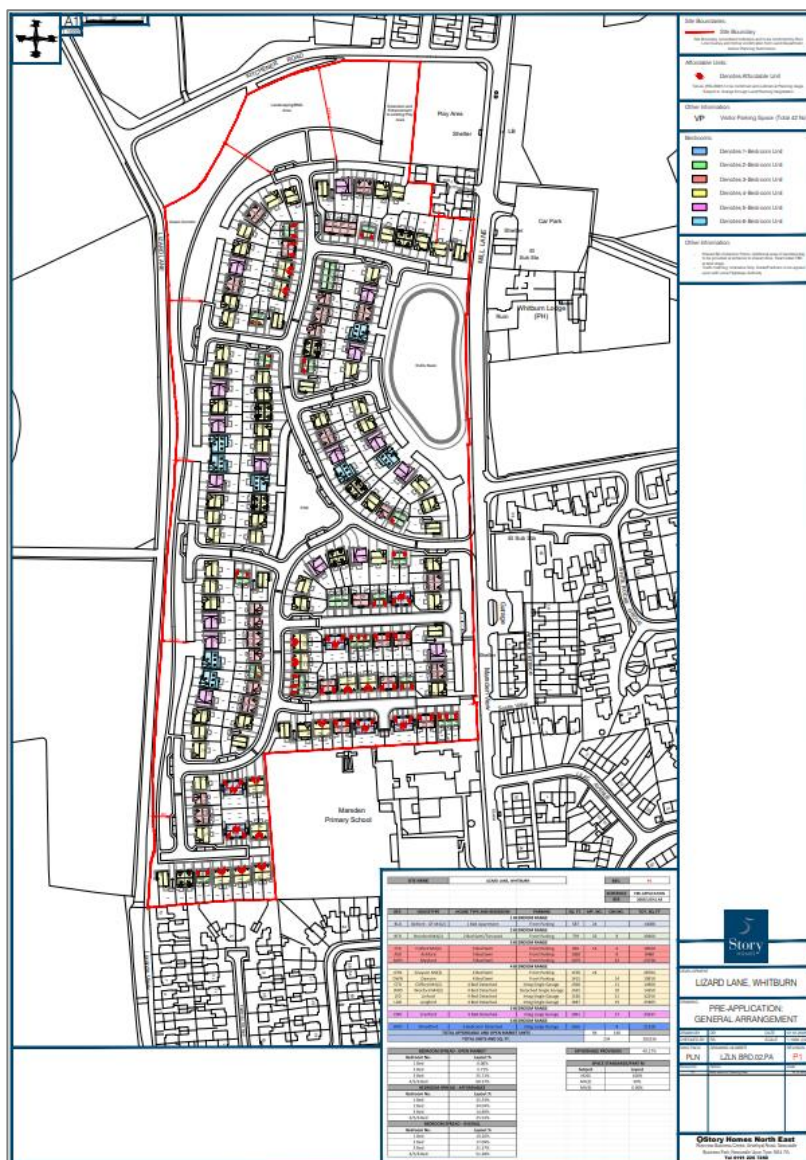
Site: Former Whitburn Lodge Public House, Mill Lane, Whitburn SR6 7BF

- 3.4 Of relevance to the site context and merits of the scheme, is a recently allowed appeal for residential development at Whitburn Lodge, which is located in the Green Belt on the opposite side of Mill Lane. The planning application was submitted in October 2023.
- 3.5 The proposal was for 32 dwellings and included the demolition of the former public house and associated structures (including non-designated heritage assets). Most of the site comprises previously developed land.
- 3.6 The site is included as a draft allocation in the emerging Local Plan.
- 3.7 The planning application was considered by planning committee on several occasions, with officer's consistently recommending approval. However, due to a variety of reasons (mainly relating to comments concerning wastewater discharges), the planning committee refused the application in March 2025.

- 3.8 The sole reason for refusal related to the concerns over increased foul drainage discharges.
- 3.9 Whilst the site was considered to be Grey Belt, the scheme was not progressed on the basis that it would accord with the NPPF's Golden Rules. This was primarily due to the scheme not meeting the increased (+15%) affordable housing requirement. Instead, the appellant made the case that there were 'Very Special Circumstances', based primarily on the consistent shortage of housing in the area.
- 3.10 In allowing the appeal and awarding full costs to the appellant, the Planning Inspector noted that the statutory consultation responses to the planning application from the relevant bodies concerned with water quality and land use, being the Council's Lead Local Flood Authority (LLFA) and Northumbrian Water (NW), raised no objections to the proposal.
- 3.11 The Inspector went on to discuss the difference between the land use of proposed developments, and matters that are controlled by separate regimes governed by separate legislation.
- 3.12 Whilst the Planning Inspector gave "*substantial weight*" to the harm to the Green Belt, they concluded that the benefits, including the delivery of much needed housing, outweighed the harm and amounted to very special circumstances.

Pre-Application Discussions

- 3.13 Paragraph 40 of the NPPF confirms that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 3.14 A pre-application enquiry was submitted to the LPA in July 2025. The enquiry was supported by a proposed site layout plan, which included a total of 234 dwellings, with a broad range of house types, ranging from 1 bed apartments, through to larger 5/6 bed dwellings.



Left: Proposed Site Plan for 234 dwellings, which was submitted in support of the pre-application enquiry.

- 3.15 The main aim of the pre-application enquiry was to establish the LPA's position in relation to the relevant planning policy context, including weight to be given to existing and emerging planning policies, housing supply and delivery, and the merits of the proposed development, including feedback on the key planning considerations.
- 3.16 The LPA provided a response in October 2025, which provided confidence that the applicant's interpretation and application of the relevant planning policy was correct. This included the site being Grey Belt; the urgent need to bring forward land for housing 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; and chronic need for affordable housing in the Whitburn sub area, which has the lowest percentage of affordable housing in the borough.
- 3.17 The Council's response to the pre-application enquiry also included helpful feedback from the Council's consultees, which has been used to help refine the design and inform the supporting reports (e.g. noise impact assessment, transport assessment, ecology).

Public Consultation

- 3.18 Prior to submitting the application, a community consultation was commissioned by the applicant to establish the views of nearby residents and local stakeholders. This included the distribution of approximately 850 consultation leaflets amongst the local area, with further details placed on a dedicated consultation website, where participants could make comments.
- 3.19 Prior to this, the applicant has also engaged with local stakeholders whilst promoting the site for residential development as part of the emerging local plan process, which has been ongoing for several years. This has helped the applicant to fully understand local issues and ensure that these have been considered and addressed as part of the submission.
- 3.20 Of the 850 leaflets that were distributed, a total of 162 members of the community responded by submitting their views via email and by post. This response from the community indicates an 19% response rate, when compared against the number of leaflets distributed. 152 objected to the development (94% objection rate), 7 were in

support of the development and 3 were neutral (requests for additional information/clarity).

- 3.21 The accompanying Statement of Community Involvement summaries the comments that were made and sets out how the submission has aimed to address these.

4. Planning Policy Context

4.1 The Development Plan comprises:

- South Tyneside Core Strategy (adopted 2007);
- South Tyneside Development Management Policies (adopted 2011);
- South Tyneside Site-Specific Allocations (adopted 2012); and
- Whitburn Neighbourhood Plan 2021 – 2036 (adopted 2022)

4.2 Other than the Neighbourhood Plan, the documents that form the development plan are of some age. Having regard to paragraph 232 of the NPPF, due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Core Strategy

4.3 **ST1 (Spatial Strategy)** sets out the spatial strategy for South Tyneside, with the supporting text confirming that development will be accommodated within the settlements of East and West Boldon, Cleadon and Whitburn.

4.4 **ST2 (Sustainable Urban Living)** promotes high quality sustainable urban living.

4.5 **A1 (Improving Accessibility)** supports initiatives that maximise the accessibility of new development. It requires Transport Assessments for any major development proposal and parking standards will be applied to new developments.

4.6 **SC1 (Creating Sustainable Urban Areas)** supports and focuses development within built up areas in accordance with the spatial strategy.

4.7 **SC3 (Sustainable Housing Provision)** sets the housing delivery rates required to meet (the now abolished) RSS housing targets.

- 4.8 **SC4 (Housing Needs, Mix and Affordability)** requires a range and choice of good quality, energy-efficient and affordable homes for all. In the Urban Fringe village there is an identified requirement (noting the Core Strategy was adopted in 2007) 2-bed starter and 3 and 4-bed family/executive homes; detached, semi-detached and terraced houses and bungalows; for owner-occupation. The policy also sets a requirement for a minimum of 25% of all new dwellings to be genuinely affordable.
- 4.9 **Policy SC6 (Providing for Recreational Open Space, Sport and Leisure)** promotes the provision of high quality recreational open space, playing fields and outdoor sport and play facilities by implementing and supporting schemes that will protect and improve the quantity, quality and accessibility; and remedying deficiencies in open space provision and quality.
- 4.10 **Policy EA1 (Local Character and Distinctiveness)** states the Council will (amongst others):
- Protect and enhance the openness of Green Belt; and
 - Preserve the special and separate characters of the urban fringe villages of Boldon Colliery, West Boldon, East Boldon, Cleadon and Whitburn.
- 4.11 **Policy EA3 (Biodiversity and Geodiversity)** states the Council will (amongst others) secure and enhance the integrity of designated sites; maintain, enhance, restore and add to biodiversity and geological conservation interests; ensure that new development would result in no net loss of biodiversity value of any of Priority Habitats; enhance the biodiversity value of wildlife corridors; and where appropriate, restrict access and usage in order to conserve an area's biodiversity value.
- 4.12 **Policy EA5 (Environmental Protection)** will control new development to protect the general quality of life from the adverse effects or risks of pollution.

Development Management Policies

- 4.13 **DM1 (Management of Development)** is a general development management policy that requires development to (amongst others) respect its surroundings, protect amenity and landscaping, and avoid unacceptable levels of harm to highway safety.

- 4.14 **DM6 (Heritage Assets and Archaeology)** requires careful consideration to be given to heritage assets, including Whitburn Conservation Area.
- 4.15 **DM7 (Biodiversity and Geodiversity Sites)** requires the protection and enhancement of the important environmental assets in the borough.
- 4.16 **DM8 (Mineral Safeguarding and Management of Extraction)** states that mineral resources, including coal, brick clay and magnesian limestone will be safeguarded against sterilisation through the designation of Mineral Safeguarding Areas.

Site-Specific Allocations

- 4.17 **Policy SA2 (Improving Physical Accessibility and Transport Infrastructure)** states that the accessibility of South Tyneside will be improved for all modes of travel, giving priority to sustainable travel. Planning contributions towards transport infrastructure schemes will be required from future development proposals.
- 4.18 **SA7 (Green Infrastructure and Recreational Opportunities)** seeks to promote the quality of the public realm and the provision of publicly accessible recreational open spaces throughout South Tyneside by (amongst others) ensuring that all major and large-scale developments include high quality landscaping with a variety of public open space, in accordance with adopted standards.

Summary of out-of-date local policy documents

- 4.19 The above policy context looks to support development within the main settlements. This includes Whitburn, which is identified as a sustainable location for development. There are also other policies that require the provision of affordable housing, support the provision of high quality design and open space, and require development to respond positively to local character and distinctiveness and respect its surroundings, protect amenity and landscaping, and avoid unacceptable levels of harm to highway safety.

- 4.20 However, the development needs that appear in the adopted Development Plan are hopelessly out of date. Accordingly, the policies relating to the delivery of housing, particularly the ones that look to restrict housing development that were established by reference to the out of date development needs, are similarly out of date.
- 4.21 These include policies ST1 (Spatial Strategy), SC1 (Creating Sustainable Urban Areas), SC3 (Sustainable Housing Provision), SC4 (Housing Need, Mix and Affordability)

Neighbourhood Plan

- 4.22 The more recently adopted Whitburn Neighbourhood Plan (NP) is an important consideration. Whilst it does not include strategic policies (or housing allocations), it helps to inform site specific details and draws out key matters that are considered to be important to the local community. The following policies are contained in the NP.

NP Policy	Requirements
WNP1: Housing	Mix of housing to meet identified housing needs in the Neighbourhood Area as shown in the latest Housing Needs Assessment On schemes of 10 or more dwellings, 20% of dwellings should be affordable of a type of tenure to be agreed with STC in accordance with the latest evidence. All schemes for major housing development must ensure that sewage and drainage infrastructure is either available or can be provided in accordance with Policy WNP12.
WNP2: Whitburn Design Guidelines	Proposals for new built development in Whitburn must demonstrate how the scheme incorporates the principles of high quality and sustainable design. In particular, regard should be had to the principles set out in the Whitburn Design Guidelines (2019).
WNP3: Sustainable Design	The design of new development and alterations to existing development should seek to include sustainable design principles and seek to reduce carbon emissions and other pollutants.
WNP4: Whitburn Conservation Area	Proposals for development which conserves or enhances the character of the Whitburn Conservation Area and its setting will be supported where it complies with policies elsewhere in the Development Plan.

NP Policy	Requirements
WNP5: Biodiversity and Geodiversity	Development proposals must demonstrate how they will deliver measurable net gains of a minimum of 10% for biodiversity within the Neighbourhood Area and how they will be secured in perpetuity.
WNP6: Green Infrastructure Enhancement and Connectivity	Development proposals which restore, maintain and enhance the connectivity and biodiversity value, landscape value and where relevant, recreational value of the areas of local green infrastructure will be supported. Major housing development should incorporate at least one of the following types of Green Infrastructure into the development: a) linking to green infrastructure adjacent or nearest to the development site; b) the creation and/or enhancement of wildlife corridors through a development site; c) the provision of sustainable drainage systems which provide biodiversity benefits; d) linking green spaces with walking cycling routes to avoid isolated green spaces. Such schemes must include details of long-term management and maintenance of any new green infrastructure.
WNP7: Local Landscapes and Seascapes	Development proposals should include consideration to the impact of the development on the character of the local landscape. The site falls within the Lower slopes of Cleadon Hills, which extends to the north west of Whitburn.
WNP8: Local Green Spaces	Inappropriate development of designated Local Green Spaces should not be approved except in very special circumstances.
WNP9: Recreational Facilities and Allotments	Proposals leading to the loss of the following recreational facilities and allotments will not be supported, unless it can be demonstrated that the facility is no longer needed or alternative provision of equivalent or enhanced size and quality is made in an equally accessible location within the Neighbourhood Area.
WNP10: Community Facilities	Proposals for development leading to the loss of the community facilities identified below will not be supported unless criteria can be met.
WNP11: Whitburn Village Centre	The boundary of Whitburn Village Centre is identified on the Policies Map as East Street (A183 from Eastfields in the south up to Myrtle Avenue in the north), Front Street (B1299 around the green oval that forms the junction with the A183) and North Guards (up to Chick's Lane).

NP Policy	Requirements
WNP12: Sewage and Drainage Infrastructure	The net increase in wastewater generation and the impact on the local sewage and drainage network must be carefully considered in any new development proposal. Development will be supported where it is demonstrated that its surface water drainage will not add to existing site runoff or cause any adverse impact to neighbouring properties and the surrounding environment. Planning proposals will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding or cause any adverse impact to the neighbourhood area environment. Development is encouraged to incorporate Sustainable Urban Drainage (SuDS), with run-off rates no greater than greenfield sites and designed, where possible, to contribute towards the landscaping and biodiversity of the development and with provision made for future maintenance. Proposals which allow surface water drainage into the combined sewer system will only be supported if the developer can demonstrate that the proposal is unable to make proper provision for surface water drainage to ground, watercourses or surface water sewers.
WNP13: Transport Infrastructure	Proposals for major housing development should where feasible, include links to existing or proposed pedestrian and cycle access to Whitburn village centre in such a way that it is a realistic form of transport to access those facilities. Where required, these measures will be secured through a legal agreement.
WNP14: Air Quality	Proposals will be supported where they can demonstrate that the proposal contributes to the improvement of air quality or where the proposal does not; a) Lead to further deterioration of air quality; Or b) Create any new areas that exceed air quality limits. Development within 200 metres of the A183 and B1299 is encouraged to undertake an air quality assessment.

4.23 Full consideration of all the policies contained in the Neighbourhood Plan is at section 5 of this statement.

Other Material Considerations

Emerging Plan

- 4.24 The emerging Local Plan has been progressing for several years. The Council's website confirms that following the publication the new National Planning Policy Framework (NPPF) in December 2024, the Local Plan (Publication Draft that was published in January 2024) was referred to Borough Council on 27 February 2025 where it was not endorsed for submission.
- 4.25 On 4 March 2025, The Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) intervened in the South Tyneside Local Plan. As a consequence, the first stage of the Local Plan examination hearing sessions commenced in early July, with the second stage hearings due to progress in early 2026.
- 4.26 Paragraph 48 of the NPPF confirms that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.27 Upon submission of the planning application, the emerging Local Plan was at a relatively advanced stage having regard to criterion a. The table below gave further consideration to criteria b. and c. when assessing the amount of weight to be given to the draft policies in the emerging Local Plan. The LPA also provided their view on the weight to be given on the emerging Local Plan policies at pre-application stage. Their position was generally consistent with the weighting set out in the table below. The main differences were in

relation to draft policies 7, 9, SP21, 33, and 39, where the LPA considered that greater weight should be given.

Draft Policy	Requirements	Weight
SP2 – Strategy for Sustainable Development to meet identified needs.	To deliver at least 5253 new homes by 2040 and create sustainable mixed communities.	Very Limited This will be the minimum housing need requirement based on the old standard method for calculating housing need. However, there are several unresolved objections that argue that the housing need should be greater, and the strategy required to ensure timely delivery.
SP3: Spatial Strategy for sustainable development	To facilitate sustainable growth by securing the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each village.	Very Limited There is general support for meeting part of the District’s housing need at Whitburn, which is consistent with the NPPF’s requirement to enhance or maintain the vitality of rural communities. However there are several unresolved objections that argue that a greater proportion of the District’s housing needs are met at Whitburn, noting the amount of housing allocated is significantly lower when compared with the other villages that the Council acknowledge are of equal sustainability.
SP15: Climate Change	Sets our requirements to help address the challenges of mitigating and adapting to the effects of climate change.	Limited There are unresolved objections to this policy.
Policy 5: Reducing energy consumption and carbon emissions	All development shall embody sustainable design and carbon reduction measures as far as possible, with an emphasis on a whole life carbon approach. Development which achieves zero carbon will be supported. Goes on to list several requirements for development to meet.	Very Limited There are unresolved objections to this policy that are seeking that any specific requirements that deviate from building control requirements are supported by suitable evidence.
Policy 6: Renewables and Low	Energy networks, enabling the supply of low carbon heat and/or cooling and electricity	Limited There are unresolved objections to this policy that are seeking

Draft Policy	Requirements	Weight
Carbon Energy Generation	generation technologies from a central source will be strongly supported.	that any specific requirements that deviate from building control requirements are supported by suitable evidence.
Policy 7: Flood Risk and Water Management	Sets out the requirement to consider to help reduce flood risk and ensure appropriate water management.	Moderate There are unresolved objections to this policy.
Policy 9: Sustainable Drainage Systems	Sets out the requirements for Sustainable Drainage Systems.	Moderate
Policy 10: Disposal of Foul Water	Sets out the requirements for disposing of foul water.	Moderate
Policy 11: Protecting Water Quality	The quantity and quality of surface and groundwater bodies shall be protected and where possible enhanced.	Moderate
Policy 12: Coastal Change	Proposals for development that have the potential to result in a likely significant effect on European coastal designations shall be subject to Habitat Regulations Assessment	Moderate
SP16: Housing Supply and Delivery	Sets out the Council's approach to housing supply and delivery over the plan period.	Very Limited There are unresolved objections to the policy with concerns over 5-year supply, slippage and lack of headroom.
Policy 13: Windfall Sites and Backland Sites	Residential development on sites that have not been allocated in the Plan will be considered positively subject to several criteria.	Limited Whilst the principle of a windfall policy is generally supported, there are several unresolved objections to the overly restrictive wording of the policy.
Policy 14: Housing Density	Proposals for residential development will be permitted provided that the development optimises the density of the site.	Very Limited The principle of making the efficient use of land is generally supported and consistent with national policy, however there are unresolved objections to the ambitions around the densities being sought by the policy.
Policy 18: Affordable Housing	Sets out the thresholds for delivering affordable housing and helping to meet the significant need in borough.	Very Limited The principle of the requirements of the policy are generally supported, including the recognition that sites in and

Draft Policy	Requirements	Weight
		around Whitburn can viably deliver a higher proportion of affordable housing compared with many other part of the District. However, it is understood that there are unresolved objections to the policy wording, including concerns with viability.
Policy 19: Housing Mix	Housing development shall deliver an appropriate mix of housing types, sizes, and tenures to meet identified needs and to create and maintain mixed and balanced sustainable neighbourhoods.	Limited The policy is based on the Council's most recent evidence base and recognises that there needs to be flexibility when assessing housing need, particularly when schemes are supported by up to date evidence. However, there are unresolved objections.
Policy 20: Technical Design Standards for New Homes	Sets out requirements for delivering accessible dwellings (M4(2) and M4(3)). The supporting text to the policy states there will be a transitional period, which confirms that these standards will only be applied to outline or full applications submitted 6 months after the date of the Plan's adoption.	Very Limited The general principle of the draft policy appears to be generally supported. However, there are unresolved objections that highlight the need to for a suitable evidence base to justify the draft policy requirements. Transitional arrangements also defer application of the policy once adopted.
Policy SP21: Natural Environment	Sets out requirements for the protection and enhancement of the natural environment, including (amongst others) biodiversity net gain, and the provision of new and maintaining existing high quality and accessible open space and green and blue infrastructure .	Limited It is understood that there are some unresolved objections to the policy.
Policy 33: Biodiversity, Geodiversity and Ecological Networks	Looks to offer protection and enhancement of networks. Where development is likely to adversely affect priority species and habitats and/or geodiversity, planning conditions and/or obligations will be sought to secure the provision, maintenance and	Moderate

Draft Policy	Requirements	Weight
	monitoring of appropriate mitigation, compensation and/or enhancement measures	
Policy 34: Internationally, Nationally and Locally Important Sites	Provides protection to designated sites.	Limited It is understood that there are some unresolved objections to the policy.
Policy 35: Delivering Biodiversity Net Gain	Sets out requirements for delivering biodiversity net gain.	Moderate
Policy 37: Protecting and enhancing Open Spaces	Where there is a need or the proposed development would generate a need, residential developments of 20 or more dwellings shall contribute towards improving open space, sport and recreation, and green-blue infrastructure provision within the borough.	Limited It is understood that there are unresolved objections to this policy.
Policy 39: Areas of High Landscape Value	Sets out locations and requirements for Areas of High Landscape Value and states that development that has a significant negative impact on the integrity and character of the landscape will be resisted.	Moderate
Policy 40: Agricultural Land	Development proposals will be expected to demonstrate that they avoid the best and most versatile agricultural land (grade 1, 2, 3a). Development of best and most versatile agricultural land will be supported where: i. There are no suitable alternative sites on previously developed or lower quality land ii. The need for the development clearly outweighs the need to protect such land in the long term.	Very Limited This draft policy is more restrictive than the NPPF, which simply requires that development recognises (rather than simply avoid) the economic and other benefits of the best and most versatile agricultural land.
Policy 44: Archaeology	Requires consideration to be given to archaeological assets.	Moderate/Significant
Policy 47: Design Principles	Sets out the plan's design requirement for development proposals.	Very Limited There are unresolved objections to the requirements of this policy.

Draft Policy	Requirements	Weight
SP25: Infrastructure	Requires developments to help meet infrastructure requirements.	Very Limited The policy references to the Infrastructure Delivery Plan (IDP), and it is understood that there unresolved objections to the policy/IDP.
SP26: Delivering Sustainable Transport	New development will be expected to support sustainable transport and improve accessibility in South Tyneside. Policy goes on to set out requirements for new development.	Very Limited It is understood that there are unresolved objections to this policy.
Policy 59: Delivering Infrastructure	Development will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of the development and make it acceptable in planning terms and contribute towards the delivery of essential infrastructure identified in the Infrastructure Delivery Plan.	Very Limited The policy references to the Infrastructure Delivery Plan (IDP), and it is understood that there unresolved objections to the policy/IDP.
Policy 60: Developer Contributions, Infrastructure Funding and Viability	New development will be required to contribute to infrastructure provision necessary to mitigate its impact.	Very Limited It is understood that there are unresolved objections to this policy.

- 4.28 In submitting the original application, careful consideration was given to the policies in the draft Local Plan to ensure the scheme reflected the emerging requirements.
- 4.29 Since the application was submitted, the Local Plan Examination has continued to progress. This included a consultation on the Main Modifications, which ran during the months of March and April 2026.
- 4.30 More recently, the examining Inspector issued their final report on the 29 June 2026. The report concludes that the Local Plan is sound subject to a number of main modifications. We would particularly highlight the following points that are set out in the examining Inspector's final report.

- The Plan period is for only 14 years on adoption. Whilst the Planning Inspector recognised the conflict with the NPPF, which requires a minimum period of 15 years on adoption, they highlighted the requirement for the Council to promptly start preparing a new local plan.
- The Planning Inspector notes that going forward, the latest housing need output for South Tyneside indicates a very significant increase on the 309dpa figure in this Plan (circa 620 dwellings per annum (dpa)).
- Whitburn is identified as a sustainable location for appropriate levels of growth, with good levels of services and facilities. The Planning Inspector noted that the scale of proposed allocations at Whitburn is markedly lower than the Boldons and Cleadon.
- The two housing allocations (Land at Whitburn Lodge (GA5) and Land to the North of Shearwater (GA6)) allocated in Whitburn, which adjoin the Mill Lane application site, are acknowledged as being well-located to existing bus stops and within easy walking distance of a convenience store and primary school. Other facilities in Whitburn such as the doctors surgery and secondary school are within occasional walking distance and recognisable cycling distance.
- The Planning Inspector formed the view that as submitted, the Local Plan would, at best, only have a 4.4 years supply of housing on adoption. However, the Planning Inspector considered that there was a strong need for pragmatism to get the plan adopted. The solution to this is the inclusions of a stepped trajectory, which reduces the housing requirement for the first few years of the plan before a significant step up for the remainder of the plan period. This allowed the Planning Inspector to be able to identify a 5.6 years supply on adoption. This would still be subject to the delivery in line with the anticipated housing trajectory.
- The Planning Inspector acknowledged that the Housing Delivery Test results (i.e. failed) will require the application of a 20% buffer when measuring supply.
- The Planning Inspector noted that the Whitburn Neighbourhood Plan already includes policy WNP12, which requires a 'rigorous analysis' that there is sufficient capacity in the local sewerage network, adding that the term is not explained in the neighbourhood plan, and the Inspector was not persuaded that such an approach would be necessary for the Local Plan. Nevertheless, they still proposed some changes to the wording of policy 10 to ensure that development proposals can demonstrate foul water treatment and disposal is available or can be made available.

The Inspector also proposed some additional wording to the supporting text, to encourage alignment with NWL's pre-planning enquiry service.

- 4.31 Considering the findings from the examining Inspector's final report, it is anticipated that the Council will now afford all the policies significant weight, up until the adoption of the Local Plan, albeit this is no guarantee that the Council will decide to adopt the Local Plan.

New Local Plan

- 4.32 Whilst the emerging Local Plan has yet to be adopted, the Council has already commenced work on their new Local Plan, with it being one of 39 local authorities in England required to prepare a new Local Plan under the new plan-making system, which will need to accommodate the significant increase in housing need and remaining and sizeable demand for affordable housing. The current timetable indicates the new Local Plan will be adopted by April 2029.

National Planning Policy Framework (NPPF)

- 4.33 The National Planning Policy Framework ("NPPF"), originally released in March 2012, sets out the Government's planning policies for England and how these are expected to be applied. It has subsequently been updated on a number of occasions, the most recent update having taken place in December 2024.
- 4.34 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is the primary statement of national planning policy and sets out the Government's objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental.
- 4.35 The relevant sections of the NPPF are outlined in the Assessment section of this statement.

Draft NPPF

- 4.36 On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage.
- 4.37 However, the introduction included in the supporting consultation document reinforces the Government's continued direction of travel, confirming that it is committed to tackling the country's housing crisis. It notes that decade of failure to build enough homes has constrained growth, pushed ownership out of reach for too many, driven rents to unaffordable levels, and seen more and more people fall into temporary accommodation – including 170,000 children.
- 4.38 It is currently understood that the new NPPF will be published later this year, albeit a date is not known.

Planning Practice Guidance

- 4.39 This adds further context to the NPPF and provides a series of guidance notes on a number of procedural elements of the planning system as well as more detailed guidance on area specific matters (e.g. Green Belt assessment).

5. Key Planning Matters

5.1 Having regard to the site context, assessment of planning policy, and the submitted package of planning drawings and supporting reports, we have given consideration to the following main matters:

- Principle of Development
- Green Belt
- Affordable Housing and Housing Mix
- Highways including connectivity and pedestrian movement
- Natural Environment
- Appearance and Design
- Landscape
- Heritage
- Flood Risk and Drainage
- Open Space
- Pollution and Amenity
- Sustainability/Energy Efficiency
- Mineral Safeguarding

Principle of Development

5.2 The current package of documents that form the development plan identify Whitburn as a suitable settlement to accommodate development (policy ST1), with policy SC1 also supporting development within the built-up area of the settlement. This in-principle support was recently set-out by officers at the LPA in determining the application for residential development at Whitburn Lodge, which had an officer recommendation for approval. Whilst the application was refused by planning committee against the officer recommendation, the scheme was recently allowed at appeal, with the Planning Inspector agreeing with the appellant and Council officers that the *“the development would be in a sustainable location”*.

5.3 The NPPF – the Government’s most up to date planning advice on housing development – places a requirement on Local Planning Authorities to “*boost significantly the supply of housing*” (Paragraph 61). It advises that, “*to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for*” (Paragraph 62).

5.4 Paragraph 78 of NPPF then advises:

“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or*
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework , and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance”*

5.5 Other than the Neighbourhood Plan, the package of documents that form the development plan for South Tyneside are more than 5 years old. As acknowledged in the Neighbourhood Plan (Policy Overview section), these ‘out-of-date’ documents include the strategic policies for the borough, and there are no strategic policies in the Neighbourhood Plan.

- 5.6 The Council has regularly failed the Housing Delivery Test (HDT). The most recent HDT for 2023 confirms that there has been a shortfall in the delivery of 352 homes over the three year period (2020 – 2023). Indeed, it should be noted that the average annual delivery rate has fallen to 182, 206 and 175 over the last three recorded years (2020 – 2023) and there is no evidence to suggest a significant upturn, with the most recent evidence¹ confirming the net delivery of 139 homes in 2024/25. This undoubtedly requires the application of a 20% buffer having regard to paragraph 78 of the NPPF, as acknowledged by the Council.
- 5.7 In addition to this, the Council’s SHLAA (February 2023) concluded that the Council was only able to demonstrate a 3.2 years supply of housing. This was based on a requirement to deliver 309 dwellings per year. The Council confirmed this position in response to the pre-application enquiry.
- 5.8 The publication of the updated NPPF and the new standard method for assessing housing need has significantly increased (i.e. more than doubled) the annual requirement to 623 units. More recent versions of the SHLAA continue to show a significant shortfall in supply, even without factoring in the new standard method.
- 5.9 The development needs (including the housing requirement of 309 dwellings per annum) that appear in the adopted Development Plan are hopelessly out of date. Accordingly, the policies relating to the delivery of housing, particularly the ones that look to restrict housing development that were established by reference to the out of date development needs, are similarly out of date.
- 5.10 Even with the application of the out of date requirement of 309 dwellings per annum (dpa), the shortage of land for housing is acute with no signs of an imminent increase. With the application of an up to date housing requirement (623 dpa), that shortage is chronic (likely to be well under a 2 years supply).
- 5.11 The consequence of the above is that policies constraining development (in locations such as Whitburn) should attract limited weight.

¹ Council’s Housing Trajectory Update Topic Paper (30 Oct 2025) forming evidence base for the Local Plan Examination.

- 5.12 **Post Submission Update** – Housing delivery in the borough continues to fall with only 139 dwellings being delivered in 2024/25, which is significantly short of the current housing requirement, let alone the very significantly increased emerging housing requirement. As acknowledged by the examining Inspector in their final report, the emerging Local Plan will take time to make a meaningful impact on the housing delivery, with a stepped trajectory being proposed to address this shortfall in delivery. Even with the inclusion of the stepped trajectory, the examining Inspector acknowledges that the Housing Delivery Test (HDT) will continue to be failed. Indeed, this was acknowledged in the Council’s Housing Trajectory Update Topic Paper from October 2025, which confirms that even with the inclusion of the stepped trajectory, at least the next two HDT results (including the delayed 2024 measurement) will be failed.
- 5.13 In finding the Local Plan sound, the examining Inspector repeatedly refers to the need for pragmatism in reaching their conclusion. They note that *“Going forward, the latest housing need output for South Tyneside indicates a very significant increase on the 309dpa figure in this Plan (circa 620 dwellings per annum (dpa))”*. They also note that as the plan was examined under transitional arrangements, the Council will need to promptly start preparing a new local plan.
- 5.14 Indeed the Council has already commenced work on their new Local Plan, with it being one of 39 local authorities in England required to prepare a new Local Plan under the new plan-making system, which will need to accommodate the significant increase in housing need and remaining and sizeable demand for affordable housing.
- 5.15 Therefore, assuming adoption of the Local Plan, the chronic need for housing and failure of the HDT will continue to trigger the tilted balance to help meets the Government’s overall objective of significantly boosting the supply of homes.

Principle of Development - Prematurity

- 5.16 Paragraph 50 of the NPPF advises that in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.17 The amount of housing proposed by this application is relatively low in the context of the overall housing requirement for the new plan period (5,253 dwellings between 2023 and 2040). This is before the need to create a further new plan to meet the increased annual housing requirement, which has more than doubled.

5.18 The development proposals will help address an immediate need for market and affordable housing, as acknowledged by the LPA, and will in no way prejudice the consideration, allocation, or otherwise, of other housing sites to meet the Council's shortfall of housing land over the plan period through the local plan preparation process.

5.19 As such, the Council must release suitable housing sites from the Green Belt on Greenfield land to achieve and maintain a 5 year deliverable supply of housing. The development proposals are therefore not premature and in line with NPPF, planning permission should be granted without delay.

Green Belt

5.20 The site is located in the Green Belt as identified in the current development plan, which wraps tightly around the core area of Whitburn. The Green Belt around Whitburn has not changed for a significant amount of time. As part of the emerging Local Plan, the Council is proposing to amend the Green Belt to meet their housing need of 309 dwellings per annum, as established in 2023. This was on the basis that the exceptional circumstances required to justify the removal of land from the Green Belt has been demonstrated. Since this decision to release Green Belt land, the publication of the updated NPPF and the new standard method for assessing housing need has significantly increased (i.e. more than

doubled) the Council's annual requirement, which is now 623 units. Therefore, evidently more Green Belt land will need to be released to meet this need.

5.21 The new NPPF introduced the concept of 'Grey Belt', which has been included as a form of development that is not inappropriate in the Green Belt. The Government describe the changes as a *"new common-sense approach"* to the Green Belt.

5.22 The NPPF describes the 'Grey Belt' as:

"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

5.23 The supporting Green/Grey Belt Assessment considers whether the application site is Grey Belt, and whether the proposed development would not constitute inappropriate development having regard to paragraph 155 of the NPPF. The assessment concludes:

- The proposal is for a major residential development.
- The site is located within the designated Green Belt as identified in the current Development Plan.
- A recent Green Belt assessment commissioned by the Council makes reference to the original purpose of the Green Belt being to further limit urban growth and prevent the coalescence of settlements, particularly the built-up areas of South Tyneside, Washington, Gateshead, and Sunderland.
- Having regard to the NPPF's definition of Grey Belt, the Green/Grey Belt assessment establishes that the site is Grey Belt, with it only having a 'weak/none' to 'moderate' impact on Green Belt purposes (a), (b), or (d). This position is agreed with the LPA and the findings of their recent Green Belt assessment, which was undertaken prior to the Government's planning practice guidance on making judgements as to whether land is grey belt.

- It has also been established that that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- Footnote 7 of the NPPF does not apply.
- The LPA is unable to demonstrate a 5-year supply of deliverable housing sites and failed the most recent HDT. Accordingly there is a demonstrable unmet need for the type of development proposed. This position is agreed with the LPA.
- The development is in a sustainable location. This position is agreed with the LPA.
- The NPPF's Golden Rules will be met. Namely, the provision of affordable housing; the necessary improvements to local of national infrastructure; and the provision of new, or improvement to existing, green spaces that are accessible to the public.
- It can be concluded that the development accords with paragraph 155 of the NPPF and is not inappropriate development in the Green Belt.
- On the basis that the proposed development meets the requirements of paragraph 155 of the NPPF, it has been established that there is no conflict with the Green Belt's purpose to safeguard the countryside from encroachment. Further, it has been established through recent appeal and court decisions that on the basis the proposal would not constitute inappropriate development, it should not be regarded as harmful to the Green Belt, including harm to its openness.

5.24 Therefore, it can be established that the development would meet the requirements of the NPPF. In the overall planning balance, it can be clearly concluded that that is no harm to the Green Belt, and the compliance with the Golden Rules should be given *“significant weight in favour of granting planning permission”*.

5.25 **Post Submission Update** - Policy 41 in the emerging Local Plan simply states that development proposals within the Green Belt will be determined in accordance with national policy. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Affordable Housing and Housing Mix

5.26 The scheme proposes to deliver a total of 82 affordable dwellings, which equates to 40% of the overall housing provision. This is a significant planning benefit, which exceeds the

requirements of the most up to date development plan document (Whitburn Neighbourhood Plan) by 20%, the more out of date Core Strategy policy SC4 by 15%, and the emerging local plan policy (policy 18) by 15%.

5.27 It also demonstrates full compliance with the NPPF's Golden Rules set out at paragraph 157, which requires the affordable housing contribution to be 15 percentage points above the highest existing affordable housing requirement which would otherwise be applied to the development. The National Planning Practice Guidance² currently confirms that site specific viability assessment should not be undertaken or taken into account for the purpose of reducing the affordable housing provision. This requirement has been adhered to.

5.28 The submitted layout plan includes a broad range of house types, ranging from 1 bed apartments, through to larger 5 bed dwellings. This varied mix extends to the affordable housing element, which includes 1, 2, 3 and 4 bed units.

Bedrooms	Open Market	Affordable		
		Rented Social Landlord	First Homes	Discount Market Value
1	-	8	-	-
2	-	24	4	2
3	27	14	16	8
4	79	-	-	6
5	17	-	-	-
Total	123	46	20	16

5.29 This mix has given consideration to various sources, including the Council's SHMA 2023, other recent applications determined by the Council, and the client's own understating of the local housing market. The Council will note that the mix is in general compliance with the overall mix identified in the SHMA 2023. This mix also includes small to medium sized family homes (3-4 bed) and smaller dwellings for first time buyers and older people (1-2 bed), which are identified in the Whitburn Neighbourhood Plan, albeit in reference to 2018 figures.

² Paragraph: 029 Reference ID: 10-029-20241212

- 5.30 Considering the various sources of information and evidence, specific feedback on the proposed mix was sought at pre-application stage. The LPA welcomed the 40% provision of affordable housing, noting the 2023 SHMA identifies the Whitburn sub area as having the lowest percentage of affordable housing in the Borough. The LPA also highlighted that the SHMA raised issues with “*limited family homes*” in Whitburn which was “*attributed to planning constraints, such as green belt*” restricting supply and increasing prices.
- 5.31 The LPA asked if consideration could be given to the delivery of small, 1 bed apartments for single people / couples, some larger affordable properties, 2/3 bed starter homes, and bungalows.
- 5.32 The scheme has been updated to incorporate the above requests, with bungalows now representing 5% of the total housing delivery. The inclusion of bungalows has also been in response to request from the local community. The scheme has also been amended to remove 6-bed dwellings that were previously proposed, in response to feedback from the local community.
- 5.33 Whilst the feedback from LPA was generally positive in response to the overall mix proposed, for robustness, the applicant has also commissioned an up to date Local Housing Mix Assessment, which has been used to inform the final mix and submitted in support of the application.
- 5.34 The assessment includes evidence to provide an update to the outdated 2018 Whitburn Housing Need Assessment, which is nearly 8 years old and fails to incorporate important data such as that from the 2021 Census. The assessment concludes that the need for housing across the Borough is acute, and that the mix of dwellings proposed will help to achieve the objectives of the Whitburn Neighbourhood Plan, the emerging Local Plan, and the NPPF objectives.
- 5.35 The proposed mix will help to attract families capable of contributing to the local economy and ensuring that existing services in Whitburn remain sustainable and satisfy the housing mix policy of the emerging Local Plan in respect of increasing the supply of detached homes in the borough.

5.36 **Post Submission Update** - The emerging policy context and supporting evidence base were given full consideration in the preparation of the submitted scheme, including the supporting Local Housing Mix Assessment. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

5.37 The affordable housing mix has also been slightly revised in response to request from the LPA. This includes changing two of the 4-bed discounted market houses to social rent. The updated mix is set out below.

Bedrooms	Open Market	Affordable		
		Rented Social Landlord	First Homes	Discount Market Value
1	-	8	-	-
2	-	24	4	2
3	27	12	16	10
4	79	2	-	4
5	17	-	-	-
Total	123	46	20	16

Highways

5.38 Policy A1 of the Core Strategy requires new development to be easily accessible, supported by transport assessment, and meet local parking standards. Parts of policy DM1 also seek to ensure acceptable impacts or suitable mitigation is included in relation to highway capacity and safety, that convenient and safe routes are facilitated, and the needs of all users are considered.

5.39 Paragraph 115 of NPPF outlines that when assessing applications for development it should be ensured that:

- sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

5.40 Paragraph 116 then goes onto advise 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”*.

5.41 The application is supported by a Transport Assessment and Travel Plan prepared by Eddisons. The Transport Assessment concludes:

- The proposed development will be accessed by safe and efficient vehicular access arrangement off A183 Mill Lane;
- The proposed development complies with national and local planning policy;
- The proposed development site benefits from being accessible on foot to local services and amenities;
- The proposed development site benefits from being accessible by cycle and will deliver improvements to enhance cycle connectivity;
- The site benefits from being located close to existing bus stops located on the A183 Mill Lane, which provide services that are well placed to cater for the needs of the development’s residents;
- The site is located within a short bus or cycle journey of South Shields Metro station, which provides access to services to destinations such as Sunderland, Gateshead and Newcastle;
- The traffic impact assessment indicates that the proposed development would not result in a severe traffic impact on the local highway network and is therefore in accordance with the NPPF; and
- A Framework Travel Plan will be implemented to encourage the use of non-car modes.

5.42 In conclusion, the proposed development complies with the requirements of the NPPF and A1, DM1 and SA2 of the development plan.

- 5.43 Policy WNP13 of the Whitburn Neighbourhood Plan also requires, wherever feasible, proposals for major housing development to include links to existing or proposed pedestrian and cycle access to Whitburn village centre in such a way that it is a realistic form of transport to access those facilities. The LPA also highlighted this requirement in their pre-application response.
- 5.44 The supporting Transport Assessment and Design and Access Statement help to set out how the site is well placed to connect with the existing footpath and cycle way network, and nearby services and facilities, including the adjacent play area. The reports highlight how the layout has looked to maximise these opportunities by providing safe, convenient and attractive routes throughout the site, providing connection between to/from Mill Lane and Lizard Lane, direct routes to the existing off-site bus stops, and pedestrian access points that acknowledge desire lines and provide the most direct routes to accessing the local services and facilities to the south of the site.
- 5.45 This connectivity is enhanced by a well-considered landscape scheme, which has identified principal circulation routes and complement these with a variety of footpath types/treatments that encourage walking/cycling and improves the user experience.
- 5.46 **Post Submission Update** – The emerging highway policies, including policies SP25 and SP26, were already taken into consideration in the design of the submitted scheme, along with the supporting Transport Assessment. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Natural Environment

- 5.47 Paragraph 187 of NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment.
- 5.48 Comprehensive ecological surveys have been undertaken by BSG ecology, including a suite of bird surveys which were collected between November 2024 to October 2025. The findings of which are outlined in the accompanying Ornithological Report.
- 5.49 Based on previous surveys undertaken by the Council, and the more recent surveys commissioned by the applicant, the site is considered to be of district level importance

for non-breeding curlew. Therefore, an offsite compensation strategy suitable to remediate impacts to curlew is proposed in perpetuity, which will also indirectly compensate for other waders that were recorded on the site, including golden plover and lapwing. This is set out in further detail in the accompanying Wader Compensation Strategy.

- 5.50 The compensation proposals will be delivered on two fields located the west of the application site, which are within the same land ownership. One of these is currently used for livestock (horse) grazing; and the other is made up wholly of a winter-sown crop.

- 5.51 Clear lines of sight are available to both fields, which will enable waders to transition between open fields unobstructed for foraging and roosting purposes.

- 5.52 The compensation proposed will be secured by the section 106 legal agreement and will allow the scheme to accord with the requirements of paragraph 187 of the NPPF, which requires planning decisions to incorporate features that support priority or threatened species.

- 5.53 **Post Submission Update** – Following the submission of the planning application, BSG ecology have continued to liaise with the Council’s ecologist to ensure the suite of ecology reports is robust and includes suitable compensation. The updated package of ecology documents has addressed consultee feedback and also includes reference to an increased area of compensation land for non-breeding curlew, to provide long-term foraging and roosting habitat. It also includes management, monitoring and performance target prescriptions associated with the proposed enhancement measures.

- 5.54 This updated package has fed into the submitted Ecological Impact Assessment, which allows the original conclusions to remain. As the relevant emerging planning policies (SP21, 33, 34) for the natural environment were fully considered in preparing the ecology/habitat strategy, and assuming adoption of the Local Plan, the position of acceptability will remain unchanged.

Biodiversity Net Gain

- 5.55 The application is accompanied by a Biodiversity Net Gain Assessment prepared by BSG ecology. The assessment notes that the site predominantly comprises modified grassland managed for hay production, with isolated hawthorn and bramble scrub along its western boundary. The habitats have a ‘poor’ condition, and no irreplaceable habitats were recorded.
- 5.56 The assessment confirms that the biodiversity net gain hierarchy has been adhered to within the proposed development. The existing habitat is calculated as totalling 22.65 habitat units, and the post-development is calculated as totalling 19.05 habitat units, with the remaining habitat units to be purchased and delivered off-site. This is a significant amount of on-site habitat delivery considering the undeveloped nature of the site. The development will also deliver a significant increase in hedgerow units.
- 5.57 Draft policy 35 (Delivering Biodiversity Net Gain) in the emerging Local Plan sets out the Council’s approach to the delivery of Biodiversity Net Gain (BNG). It requires developments to use reasonable endeavours to secure gains in the most sequentially preferable location. The scheme has looked to accommodate as much gain as physically and commercially possible on site, whilst ensuring the proposed enhancements have the opportunity to establish and mature, and deliver both the ecological and biodiversity benefits. They also tie in with the overall landscape strategy to ensure that the development will integrate sensitively within its landscape context.
- 5.58 As stressed by the Council during the ongoing Local Plan examination hearings, and set out in the supporting evidence base, the delivery of BNG on-site cannot be viewed in isolation and needs to be considered alongside other important planning requirements. These include (amongst others) the chronic need for housing, the efficient use of land, inclusion of SuDS and high-quality landscaping, highway infrastructure and connections with the surrounding area. Therefore, the Council recognises the value of delivery of some BNG on-site, alongside off-site delivery.
- 5.59 This approach is consistent with the national policy and guidance on the matter.

- 5.60 **Post Submission Update** – Following submission of the application, it is understood that the South of Tyne and Wear Local Nature Recovery Strategy (LNRS) has moved closer to publication. Therefore, in response to a request from the LPA, whilst still in draft form, the LNRS has been used to determine strategic significance with the updated BNG assessment. The assessment has also been updated to reflect further refinements to the landscape masterplan. However, the amount of on-site habitat gain and overall conclusions remain consistent with the originally submitted scheme. A draft Habitat Management and Monitoring Plan has also been submitted to detail the appropriate management interventions in order to achieve the proposed habitats at their target condition.
- 5.61 The emerging BNG policy (SP21 and 35) was already taken into consideration in the preparation of the submitted scheme. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Appearance and Design

- 5.62 The planning application is supported by a Design & Access Statement (DAS) prepared by Pod Architects who have also prepared the submitted planning drawing package including the proposed site layout plan. The DAS outlines how the scheme has evolved through an iterative process, informed by site surveys, consultation, desk-based research and assessment of local and national planning guidance.
- 5.63 The DAS sets out how the design has applied urban design principles to the scheme, including character areas, route hierarchies, connections through and beyond the site, alongside the layout of green infrastructure (open space, landscape habitats, etc).
- 5.64 The development proposals accord with the requirements of NPPF and the Local Plan policies, including DM1 and EA1, which require schemes to convey sensitive consideration of the surroundings, protect and/or replace soft landscaping, provide well designed external spaces, and design for the needs of all users.
- 5.65 Paragraph 124 of NPPF also advises that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 5.66 As set out in the accompanying DAS, the proposed development has been designed to ensure that appropriate densities will be delivered across the site ensuring that the proposals are an effective use of land but at a density in keeping with the prevailing residential character of the area. This comment is made in the context of the emerging Local Plan, which is proposing higher density developments, which has needed to be balanced against the other policy requirements including suitable housing mix, minimum space standards and accessible dwellings, sustainable drainage measures, public open space provision, habitat enhancement, tree lined streets, and in curtilage and visitor car parking.
- 5.67 In terms of existing residential amenity, and the requirements of policy DM1 and paragraph 135 of the NPPF, it is recognised that there is existing residential development adjacent to the northeastern (Augusta Terrace) and southern edges (Lizard Lane, Fairfield Drive and Wheathall Drive) of the site, along with Marsden Primary School. The layout has ensured separation distances meet those required by the Council, thereby avoiding harm to the existing and proposed occupants. This includes consideration being given to the existing boundary trees, to avoid damage to root protections areas, and allow for their amenity value to be retained.
- 5.68 **Post Submission Update** – The design policy and guidance in both the existing development plan documents and the emerging Local Plan require high quality design. This is also a requirement of policy WNP2 in the Whitburn Neighbourhood Plan and the Whitburn Design Guidelines, the latter of which set out general questions to be asked/considered when presented with a development proposal. The submitted Design and Access Statement picks up and addresses these elements, setting out the approach that has been taken, to allow a full consideration of the proposed development.
- 5.69 Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Landscape

- 5.70 The site is not covered by any designation at a national, regional or local level that recognises a specific landscape importance. The boundary of the Cleadon Hills Area of

High Landscape Value is located approximately 300m to the west on the elevated ground as identified on the Site Specific Allocations Proposals Map.

- 5.71 This designation is referenced in the Whitburn NP, which extends the coverage of the designation to include the outer extents of the village and up to the western edge. Policy WNP7 of the Neighbourhood Plan requires that development proposals consider the impact of developments on the character of this local landscape.
- 5.72 The emerging Local Plan proposes to designate the land to the north west of the settlement as an Area of High Landscape Value, however this does not include the application site.
- 5.73 The submitted scheme has been developed with the benefit of early input from Pegasus landscape consultants, and the scheme has been supported by a detailed Landscape and Visual Impact Assessment. The assessment includes the following findings:
- *From a landscape and visual perspective, the proposed development represents an acceptable extension of Whitburn village that responds appropriately to landscape context while providing comprehensive mitigation of potential adverse effects through sensitive design and comprehensive landscape integration. The development's design and landscape strategy demonstrate a thorough understanding of local landscape character and visual context, ensuring that development contributes positively to rather than detracts from local environmental quality.*
 - *The site's east-west slope has been carefully considered in the development layout, with the attenuation basin positioned at the lower eastern side to work with natural drainage patterns and the linear park placed along the higher western boundary to maximize screening effectiveness and provide an appropriate transition to the wider countryside. This topographically-responsive approach ensures the development works with rather than against the natural landform, minimising earthworks requirements while creating a development that sits comfortably within its landscape setting.*
 - *While significant effects would occur on the site itself and in immediate views, reflecting the inevitable change associated with residential development of agricultural land within the Green Belt, the development would not result in unacceptable impacts on wider valued landscape of Cleadon Hills or the setting of the Area of High Landscape Value. The*

comprehensive landscape mitigation strategy ensures essential landscape character and value would be maintained while providing opportunities for enhancement that extend benefits to existing as well as future residents.

- *The positioning of the site immediately adjacent to the existing settlement edge, combined with comprehensive landscape integration measures and adherence to design principles that respect local character, confirms that development would provide a balanced approach to housing provision while respecting landscape context and providing meaningful environmental and recreational enhancements that benefit both new and existing communities within the wider Whitburn area.*

5.74 The assessment concludes that, subject to implementation of proposed landscape mitigation measures and adherence to design principles established in the masterplan, the development would not result in unacceptable landscape and visual impacts and would comply with relevant planning policy requirements for landscape protection, enhancement, and design quality.

5.75 The submitted LVIA shows full compliance with policy WNP7, as it includes a detailed consideration of the impact of the development on the character of the local landscape and the Lower slopes of Cleadon Hills. The scheme has been landscape-led, taking on board the detailed analysis of landscape character and visual amenity constraints, with particular attention to maintaining important views, protecting the setting of the adjacent Area of High Landscape Value, and providing appropriate transition between the built settlement and the rural landscape. The design approach recognises the importance of landscape structure in creating successful residential environments while contributing positively to the wider landscape character.

5.76 The scheme also accords with LDF policies EA1 and DM1, which require developments to preserve the special and separate characters of the urban fringe villages and protect landscaping.

5.77 The application is also accompanied by a detailed landscape plan, which applies the principles and recommendations set out in the LVIA and shows how the scheme will integrate sensitively within its landscape context.

5.78 The landscape plan also shows how it works with the overall layout to provide an attractive environment for the residential of Whitburn. Features include:

- *The creation of a substantial linear park along the western boundary would provide a strong landscape buffer between the built development and the wider agricultural landscape, serving multiple functions including visual screening, habitat enhancement, recreational provision, and drainage management.*
- *The positioning of the linear park along the higher western boundary takes advantage of the site's topography, creating opportunities for eastward views across the development and toward the coast from this elevated edge while providing an appropriate landscape transition to the wider countryside.*
- *Green corridors aligned with key view corridors would maintain visual connections to the wider landscape while providing habitat connectivity throughout the development, ensuring that the built development does not create barriers to landscape appreciation or ecological movement.*
- *The attenuation basin in the eastern portion of the site would be designed as a positive landscape feature, incorporating wetland planting that provides biodiversity enhancement while serving essential drainage functions and flood risk management.*
- *A comprehensive tree and hedgerow planting strategy throughout the development would include structural boundary planting to filter views and provide screening, using native species that reflect local landscape character and provide habitat value, street trees within residential areas to provide environmental quality and visual structure, selected to provide appropriate scale and seasonal interest while accommodating utility infrastructure, specimen tree planting within open spaces and key locations, chosen to provide landmark features and contribute to sense of place, and native hedgerow planting to reinforce landscape character and provide habitat connectivity, using traditional hedgerow species appropriate to the Magnesian Limestone landscape.*
- *Enhanced boundary treatments, particularly along the southern boundary to provide appropriate interface with Marsden Primary School beyond the site boundary, would*

provide appropriate separation and screening through structural hedgerow and tree planting.

- 5.79 This high quality approach to landscape allows the scheme to accord with the requirements of policy SA7, which seeks developments to include high quality landscaping with a variety of public open space; and policy DM1.
- 5.80 **Post Submission Update** – The submitted landscape masterplan has been further refined to pick up on some suggested changes from the Council’s landscape officer. It has also been updated with input from the consultant ecologist to deliver high-quality habitat gains alongside the delivery of attractive pedestrian and cycle connections, and useable areas of public open space.
- 5.81 The emerging policy 39 (Areas of High Landscape Value) was taken into consideration in the supporting Landscape and Visual Impact Assessment and factored into the design, proposed mitigation and conclusions. These found that the proposed development would not result in unacceptable landscape and visual impacts and would comply with relevant planning policy requirements. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Heritage

- 5.82 The application has been informed and supported by a Heritage Assessment, which has been prepared by BWB consulting. The assessment confirms that the study area does not lie within a World Heritage Site, nor does it contain a Scheduled Monument, Registered Battlefield or designated Registered Park and Garden, as defined by Historic England.
- 5.83 The National Heritage List for England records six designated assets within the study area. The nearest designated asset to the application site is the Scheduled Monument Area of Lizard Farm, which is a Heavy Anti-Aircraft Battery. Occupying a level site within view of the North Sea, approximately 300m to the northwest of the Site, the Scheduled Area includes the buried, earthwork and standing remains of a multi-phase Second World War heavy anti-aircraft gun battery and radar site, as well as a Cold War heavy anti-aircraft gun and radar site.

5.84 Other identified assets include:

- Grade II* Listed Souter Point Lighthouse located approximately 500m to the north of the site. The engine house with foghorn is also grade II listed, as are the walls extending from Mill Lane enclosing the Lighthouse and linked buildings.
- Further to the north along Mill Lane (A183) is the Scheduled Monument Area of the 19th century Marsden Lime Kilns.
- Grade II Listed 18th century Whitburn Mill (List Entry 1355075; HER 1029) is also located off Mill Lane (A183) to the southeast of the Site and within the residential area of north Whitburn.

5.85 The heritage assessment considers the impact on the setting of the listed buildings and Scheduled Monument Area. It notes that the site is shielded to the north by higher ground and to the south and southeast by a school and residential buildings. The Anti-Aircraft Battery to the northwest of the site lies on a much higher elevation than the site and it is likely the proposed two-storey residential homes will not impede the intended clear view from the Battery to the North Sea.

5.86 In respect of archaeology, BWB consulting commissioned Durham University Archaeological Services to undertake a Geophysical Survey. The findings of the survey identified large concentrations of probable dumped material and ground disturbance including an area of former colliery buildings. Some other features were also identified, but nothing of archaeological significance, with no further investigation required.

5.87 Based on the findings of the Heritage Assessment and Geophysical Survey, it can be concluded that the scheme accords with the requirements of the development plan, including policy DM6, and emerging Local Plan policies 43 and 44. It also accords with the requirements of the NPPF, which gives great weight to the conservation of heritage assets, which is achieved by the proposed development.

5.88 **Post Submission Update** – The limited nature of the amendments made to the scheme do not have any impact on the heritage conclusions previously formed. The emerging heritage policies (SP24, 43, 44, and 45) are also consistent with the existing heritage

policy requirements and the NPPF. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Flood Risk and Drainage

- 5.89 The site is located within flood zone 1, which has the lowest probability of river flooding. The supporting flood risk assessment and drainage statement also confirms that the risk of groundwater flooding is low, and there is no risk of flooding from reservoirs.
- 5.90 The applicant is fully aware of the local sensitives around drainage, with the drainage strategy forming a key component of the proposed design.
- 5.91 The supporting drainage strategy establishes the existing drainage conditions, noting the following:
- A Geo-Environmental Assessment undertaken at the site recorded a limited thickness of Made Ground, which is in turn underlain by Glaciofluvial Deposits in the east and Devensian Till in the west with bedrock of the Roker Formation.
 - The nearest watercourse is an unnamed ditch c.1.9km away to the south located off a residential estate in South Bents. The nearest body of water is the North Sea, c.550m away to the east.
 - The nearest surface sewer is located within White Rocks Grove c.100m to the east of the site.
 - The nearest foul water sewer is located within White Rocks Grove c.100m to the east of the site.
 - The nearest combined sewer is located within the A183.
- 5.92 In respect of surface water disposal, it is proposed to discharge to the existing sewer, in line with positive pre-planning enquiries with Northumbrian Water, with agreed discharge rates.
- 5.93 The drainage strategy sets out the SuDS techniques that have been incorporated into the design of the surface water network, which include:

- **Detention basin:** effective in peak flow reduction of surface water, and water quality treatment.
- **Flow Control:** A vortex flow control will be used for the development catchment area to restrict flows to predevelopment greenfield rates.
- **Permeable Paving:** This is proposed to private driveways and shared private driveways, and will be effective in slowing run off rates and removal of pollutants.

5.94 The drainage strategy has been prepared in the knowledge of the existing surface water flow path, which is being maintained and directed to the SuDS detention basin, with the proposed floor levels of the adjacent plots at a level that ensures that they are not risk of flooding as a result of the development.

5.95 This allows the scheme to meet the requirements of the NPPF, with the submitted flood risk assessment clearly demonstrating that the proposed layout, design and mitigation measures will ensure that occupiers and users will remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere³.

5.96 Currently, the existing surface water flood flow path has potential to find its way into the combined sewer via the road gullies in A183. Importantly the proposed development will provide betterment to the combined sewer by capturing some of the surface water flooding within the positive drainage system on site and discharging it at a restricted rate into the surface water public sewer.

5.97 Foul water will be discharged in the combined sewer to the east of the site, with Northumbrian Water having already provided confirmation that this is acceptable, and confirmed that the Hendon Sewage Treatment Works are able to accept the additional flows.

5.98 The approach to drainage is consistent with that proposed at Whitburn Lodge, where the Planning Inspector noted that the,

³ Paragraph: 027 Reference ID: 7-027-20220825 of the national Planning Practice Guidance confirms that in such situations, a sequential test need not be applied.

“...discharge control overall would provide a certainty as to what is entering the combined sewer and would ensure improvements locally, when compared with the existing situation at the site. This would provide a betterment to the network, protecting the local capacity as discharge rates would be controlled and no longer affected by local rainfall. There would also be water quality improvements prior to any surface water leaving the proposal and protection from flooding to the development and communities downstream.”

- 5.99 It is important to also note that the betterment from the drainage strategy proposed will be seen most at times of increased rainfall, due to the separation of the foul and surface water flows.
- 5.100 It can therefore, safely be concluded, that the proposed development would be an acceptable use of the land and the effect on the proposal on water quality arising from the site is acceptable. Indeed, as was the case with the Whitburn Lodge scheme, the surface water drainage measures proposed will result in a betterment when compared with the existing situation, particularly at times of high rainfall, when the betterment will help most.
- 5.101 This allows full compliance with policies WNP1 and WNP12 in the Neighbourhood Plan, the other drainage policies contained in the Core Strategy and Development Management Policies document, and emerging Local Plan policies 7, 8, 9, 10, 11, which relate to drainage and water quality.
- 5.102 **Post Submission Update** – The submitted Flood Risk Assessment and Drainage Strategy has been updated to pick up on feedback received to date, with the above conclusions remaining unchanged.
- 5.103 The examining Inspector’s final report notes that the Whitburn Neighbourhood Plan already includes policy WNP12, which requires a ‘rigorous analysis’ that there is sufficient capacity in the local sewerage network, adding that the term is not explained in the neighbourhood plan. The Inspector adds that they were not persuaded that such an approach would be necessary for the Local Plan. Nevertheless, they still proposed some changes to the wording of policy 10 to ensure that development proposals can demonstrate foul water treatment and disposal is available or can be made available. The

Inspector also proposed some additional wording to the supporting text, to encourage engagement with NWL's pre-planning enquiry service.

- 5.104 As the scheme and supporting drainage strategy has already been developed to meet the requirements of policy WNP12, which requires a rigorous analysis; alongside positive engagement with NWL's pre-planning enquiry service, the emerging policy requirements have already been met. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Open Space

- 5.105 Policy WNP9 in the Whitburn Neighbourhood Plan lists seven existing recreational areas, which includes the *"playground at Mill Lane / Kitchener Road"* (WNPf) located next to the application site. The supporting text describing it as *"an important play space for the north of the village"*.
- 5.106 The policy also identifies allotments on Arthur Street to the north of the site (WNPl), which provides 27 plots totalling 8,920 sq m.
- 5.107 The policy requires development proposals to avoid the loss of recreational facilities and allotments. The submitted scheme is proposing to enhance the existing play facilities and introduce new areas of public open space throughout the site, thereby exceeding the requirements of the policy.
- 5.108 Core Strategy Policy SC6 also supports schemes that protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the Borough. Policy EA2 also seeks to consider the nearby coastal zone as a high-quality natural environment and resource for biodiversity and outdoor recreation. Policy SA7 in the Site Specific Allocations document also requires that major developments include high quality landscaping with a variety of public open spaces.
- 5.109 In providing pre-application advice on the matter of public open, the LPA focused their response on the more recent NPPF and the 'Golden Rule' to improve Green Spaces, which is expanded on at paragraph 159 of the NPPF. The LPA advised that the proposals *"would*

need to include areas of public open space / amenity space and incorporate landscaping proposals and seek to provide connectivity to existing areas of open space”.

- 5.110 The submitted scheme achieves this requirement. The areas of open space being provided through the site have been highlighted in the accompanying Design and Access Statement. These open spaces have been designed with input from the landscape consultant, ecologist, and engineering disciplines (e.g. highways, drainage). As a result, the submitted landscape plan helps to demonstrate where areas have focused on habitat enhancement, high-quality public realm, usable and convenient connections to the adjacent open spaces and network of footpaths, and the wider landscape framework to help the site integrate with the surrounding environment and complement the established landscape character and setting.
- 5.111 In addition to the site being adjacent to an existing play area, it is also within convenient walking distance of the Whitburn Coastal Park, which provides a large area of high quality natural green space and is designated on the Site Specific Allocations Proposals Map as a Strategic Recreational Open Space.
- 5.112 The scheme therefore fully complies with the requirement to protect and improve public open space. This view was endorsed by the Council’s open space consultee at pre-application stage, where they confirmed that they supported the proposed approach to enhance the existing play area and equipment, which the applicant is keen to deliver as part of the proposed development.
- 5.113 **Post Submission Update** – Policy 37 in the emerging Local Plan continues to require the provision of open space, which has been considered and included in the proposed development. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Pollution and Amenity

- 5.114 The application is supported by a Noise Impact Assessment prepared by NJD Environmental Consultants. This confirms that the required noise levels in gardens and internal noise levels can generally be achieved across the site, with a small number of properties located on the boundaries requiring some limited mitigation in the form of

glazing and alternative means of ventilation. The assessment is able to conclude that subject to the recommended mitigation measures being implemented, noise should not be a prohibitive factor in the determination of the planning application.

5.115 NJD Environmental Consultants has also prepared a supporting Air Quality Assessment which includes a qualitative assessment of the potential impacts on local air quality from construction phase activities. It concludes the following impacts:

- The residual effects of dust and particulate matters generated by construction activities on air quality will be ‘not significant’.
- Development traffic flows will have a ‘not significant’ impact on local air quality.
- The review of available measured roadside and mapped background pollutant concentrations, indicated that all pollutants considered are below the relevant AQOs and target value, without the risk of exceedance. The residual effect of the Proposed Development on air quality is therefore, judged to be ‘not significant’.
- With regards to Marsden Quarry, which is located a short distance to the north of the application site with existing house in between, the risk assessment demonstrates that the risk of a disamenity dust effect at the Proposed Development is slight adverse at worst, based on robust assumptions. This is considered to be ‘not significant’.

5.116 The assessment is able to conclude that air quality should not be a prohibitive factor in the determination of the planning application.

5.117 Overall, the scheme accords with the relevant development plan policies (DM1, EA5) and emerging Local Plan policies 2 and 3, which all require development proposals to incorporate measures to prevent or reduce pollution to an acceptable standard.

5.118 The application has also been supported by a ground investigation report, which clearly establishes that ground conditions and historic use of the site does not present a significant constraint to development, allowing the scheme to meet the requirements of policies DM1, EA5 and emerging Local Plan policies 3 and 4.

5.119 **Post Submission Update** – The aims and objectives of the emerging policy requirements (1, 2, 3 and 4) are consistent with those in the existing development plan and NPPF, and were already factored in when preparing the submitted application. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Agricultural Land

- 5.120 The development plan does not include any policies that specifically require the benefits of the best and most versatile agricultural land to be taken into consideration when determining applications for development. Draft policy 40 in the emerging Local Plan indicates that development of the best and most versatile agricultural land will only be supported where (amongst others) the need for the development clearly outweighs the need to protect such land in the long term. However, only very limited weight can be given to this draft policy at this stage considering the level of objection to the emerging strategy and proposed allocations.
- 5.121 Paragraph 187(c) of the NPPF requires planning decisions to contribute and enhance the natural environment recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Paragraph 188 goes on to say that plans should allocate land with the least environmental or amenity value, where consistent with other policies in the Framework. Footnotes 65 adds that where ‘significant’ development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.122 The term ‘significant’ is not defined in the NPPF, however Natural England applies the threshold of 20 hectares as the statutory trigger for consulting them and assessing the impact of development on the best and most versatile agricultural land. In the instance, the site is 10.6 hectares, so well below the threshold, and provides a reasonable basis to conclude the loss of less than 20 hectares is not considered to be significant in NPPF terms.
- 5.123 Nevertheless, Natural England’s Agricultural Land Classification (ALC) Map for the north east region indicates that all the agricultural land within South Tyneside is Grade 3. This includes the land included within the application site, which abuts land that is predominantly in urban use. None of the application site is within the higher categories of Grade 1 (Excellent) or Grade 2 (Very Good) agricultural land.
- 5.124 As highlighted on the ALC map, any development that is proposed in South Tyneside on agricultural land is going to require grade 3 land. Indeed, several of the draft SP7 (Urban

and Village Sustainable Growth Areas) allocations along with the strategic SP8 (Fellgate Sustainable Growth Area) allocation in the emerging Local Plan lie on “*high quality soils*”, as acknowledged in the submitted Sustainability Appraisal, which notes that such effects are inevitable in meeting the significant need for housing. This was before the housing need for the area had doubled as a result of the new standard method. There is acceptance by the Council that the need for the development clearly outweighs the need to protect such land in the long term. Whilst the emerging Local Plan policy 40 can only be afforded very limited weight, its requirements can be met, along with overall aims and objectives of the NPPF, with the impact of the loss of agricultural land only having a limited impact.

- 5.125 The development has also fully considered the impact of the proposed development on the existing farm business, with the relatively small area of land being used to accommodate the development only forming a small proportion of the land that is currently owned and operated by the farm. Therefore, it will not have a detrimental impact on the existing farming business.
- 5.126 **Post Submission Update** – Policy 40 in the emerging Local Plan was already taken into consideration when preparing the submitted application, with the submission prepared and considered on the assumption that it would result in the small loss of some best and most versatile agricultural land. As set out in the overall planning balance and conclusions, the substantial benefits of the scheme continue to outweigh any limited harm caused. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Sustainability/Energy Efficiency

- 5.127 Policy WNP3 in the Neighbourhood Plan seeks that the design of new development incorporates on-site energy generation from renewable sources such as solar PV panels, air/ground source heat pumps or community energy generation schemes and criterion (e) seeks the provision of electric car charging points in all new dwellings. Whilst the latter part of this policy, and other ‘energy efficiency’ policies in the other dated development plan policies have somewhat been overtaken by current building regulation requirements, the application has been accompanied by an Energy Report prepared by Award Energy

Consultants. The report has also given consideration to policies 5 and SP15 in the emerging Local Plan.

- 5.128 The report is able to conclude that the applicant's approach to the design and construction of the proposed development is predicted to reduce Fabric Energy Demand by 2.87% through the use of enhanced fabric. As well as this, carbon emissions will be reduced by 2.29% above Part L1 2021 building regulations, and energy demand will decrease by 33.05% due to the introduction of renewable technology in the form of solar photovoltaics (PV).
- 5.129 This meets the requirement of relevant local planning policies, including policy WNP3 in the Neighbourhood Plan.
- 5.130 **Post Submission Update** – The emerging policies were given full consideration in preparing the submitted scheme, Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

Mineral Safeguarding

- 5.131 Policy DM8 states that mineral resources will be safeguarded against sterilisation through the designation of a Mineral Safeguarding Area, which covers the entirety of the borough. As acknowledged by the Council in determining similar schemes, is not considered for a site of this relatively modest size that it would be economically viable to extract any mineral resources that may lie beneath the site.
- 5.132 It has also been demonstrated throughout this Planning Statement that there is an immediate need for the Council to release suitable sites for housing development in view of the lack of a 5 year supply of housing land and failed Housing Delivery Test. Therefore, the need for such housing in suitable locations would outweigh the need for the mineral resource.
- 5.133 **Post Submission Update** – Emerging policy 56 continues to safeguard mineral facilities from unnecessary development, in a similar manner to the existing policy context. Therefore, assuming adoption of the Local Plan, the position will remain unchanged.

6. Draft S106 Heads of Terms

6.1 Paragraph 57 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

6.2 It is anticipated, subject to further discussions with Officers during the course of the planning application, that the proposed planning obligations included within the Section 106 Agreement, will likely include the following areas:

- **Affordable Housing** – to secure 40% affordable housing provision in line with the Golden Rules.
- **Open Space** – to secure provision and maintenance of on-site public open space and enhancement of the adjacent play area. This will be discussed in further details during the course of the application.
- **Biodiversity Net Gain and Habitat mitigation measures** – detail to be discussed and agreed during the course of the application, and to capture the compensation proposed in the Wader Compensation Strategy.
- **Highways** - to be discussed during the course of the application and may include Nexus contributions.
- **Education** - to secure a contribution to primary and secondary education in line with the Council's standard formula and having regard to the accompanying Social Infrastructure Assessment report prepared by EFM. This concludes:
 - Primary – There are two primary schools within a two mile walking distance of the development, and while between them they do not currently have sufficient space to meet the needs of the proposed development, the wider group forecasts indicate that sufficient spaces will become available in the short to medium term.

- Early years – There is insufficient data available at this point to enable a position to be advised. It is recommended that any request for contributions will need to be fully evidenced by the Council.
- Secondary – The secondary position is very similar to the primary, with the schools having admitted almost fully over the last few years. This is not expected to continue and the authority forecasts for the two catchment schools indicate sufficient surplus capacity becoming available to meet the needs of the development.
- **Health** - The accompanying Social Infrastructure Assessment prepared by EFM concludes that there is no evidence that physical expansion of local practices is necessary, nor, given the funding arrangements in place, that any such expansion should be funded through a developer contribution. This position was reinforced by the Council at pre-applications stage, where it was confirmed that primary healthcare contributions will not be sought - to be discussed and agreed during the course of the application.

7. Conclusions

- 7.1 The Council are unable to demonstrate 5 year supply of deliverable housing sites as required by NPPF and has also failed to meet the Housing Delivery Test. Even with the application of the out of date requirement of 309 dwellings per annum, the shortage of land for housing is acute with no signs of an imminent increase. With the application of an up to date housing requirement based on the new standard method, that shortage is chronic.
- 7.2 As a result, this application must be considered under the presumption of sustainable development (tilted balance) as set out at paragraph 11d of NPPF.
- 7.3 The NPPF advises that where the policies which are most important for determining the application are out of date planning permission should be granted unless:
- 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
 - 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.
- 7.4 It has been demonstrated that the development accords with the existing and emerging spatial and distribution strategy and the site would represent a sustainable location for development. The submitted planning drawing package and Design and Access Statement also demonstrate how it is proposed to make the effective use of land and deliver a well-designed development that responds positively to its context. Importantly, the development will also make a very significant contribution to the delivery of affordable housing, when there is a chronic need that exists now, and continues to grow.
- 7.5 It has also been demonstrated that the previous key constraint that existed by the Green Belt designation has been removed by the site's Grey Belt status and ability to fully meet

the NPPF's Golden Rules, which should be given significant weight in favour of the proposed development.

- 7.6 In conclusion, having regard to the policies in the NPPF taken as a whole, and as demonstrated in the accompanying technical documents and further in this statement, the development will not give rise to any adverse impacts which could be considered to demonstrably outweigh the substantial benefits that will flow from granting planning permission.
- 7.7 For the reasons outlined in this statement and in line with paragraph 11 of NPPF planning permission should be granted without delay.