

Committee Report

Application No:	DC/16/00698/OUT
Case Officer	Andrew C Softley
Date Application Valid	13 July 2016
Applicant	Persimmon Homes
Site:	Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA
Ward:	Wardley And Leam Lane
Proposal:	Outline application for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information received).
Recommendation:	REFUSE
Application Type	Outline Application

1.0 The Application:**1.1 BACKGROUND**

The application was deferred at the Planning and Development Committee of 25th January 2017 for Members to visit the site on 9th February 2017. The application was therefore considered at the Planning and Development Committee on 15th February 2017. The decision was taken to defer the application again to allow for more detailed discussions to take place between planning officers and the applicant in an attempt to address the reasons for refusal before being re-considered at Planning and Development Committee. The applicant submitted a suite of additional information, which has been reviewed in detail by officers. The additional information submitted by the applicant is assessed over the following pages in conjunction with the information submitted originally.

1.2 DESCRIPTION OF THE SITE

The application site is made up of two adjoining parcels of land that are in separate ownership, which collectively make up the former Wardley Colliery site. The smaller of the two sites contains the remains of the former original colliery buildings that are predominantly single-storey units laid out in linear strips, save for a small number of two/three-storey tower like buildings. The buildings are in a very dilapidated, semi-ruinous state due to being neglected for the last 40 years since the colliery closed, with no lawful alternative use established during the intervening period. The larger of the two sites is the former Wardley Colliery No. 2, which is immediately adjacent to the original site and historically formed an extension to the colliery operation, including the colliery spoil heap on part of the site. However, in 1985 it began operating as a

commercial vehicle dismantling and repair yard known as JW Coats and Sons. The site is made up of extensive hardstanding that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also contained two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business. The use ceased in the early to mid-part of 2015, including the removal of all the open air stored items and the demolition of one of the two large buildings. The site has remained vacant ever since.

- 1.3 The application site lies within the Green Belt, on the north eastern side of Wardley. The smaller site is defined with Heras style fencing that was installed by the owner at the request of the Council due to the previously insecure nature and untidy appearance of the land and on-going issues with anti-social behaviour. The larger site is defined by 2m+ high metal palisade fencing along its northern and eastern boundaries and is screened along its western, and part of its southern boundary with mounding formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its east/northeast by Wardley Manor Country Park (restored former landfill) and to its north/northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.
- 1.4 Lighter vehicles can also access the site via Manor Gardens over Wardley Bridge, but HGVs can gain access only from Wardley Lane to the north. The open land around the site generally forms part of the Wardley Manor Country Park, in accordance with an adopted Strategy for this country park (supported by UDP policy CFR25). The site itself also partly lies within the Wardley moated site, a Scheduled Ancient Monument (SAM), of a former 13th century manor house with a surrounding moat.
- 1.5 **DESCRIPTION OF THE APPLICATION**
This outline application, with all matters reserved, seeks to establish the principle for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The application site extends to 4.2 hectares but that does include the existing screening bunds that would remain and the proposed dwellings would be constructed on the flatter, developable area following the demolition of the remaining buildings and structures.
- 1.6 Although only indicative at this stage, the main access is proposed to be via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets Wardley Railway Bridge and the entrance to the estate positioned towards the northwestern part of the site where the current former colliery buildings are located. The smaller bridge over the Leamside Line that links to Manor Gardens would be pedestrianised to remove the issue of vehicle rat-running between Wardley and Hebburn.

1.7 An indicative layout has also been submitted showing a combination of 2 and 3 storey detached and semi-detached properties and detached garages, with red brick and slate grey roofs and a "gateway" feature at the entrance.

1.8 PLANNING HISTORY

The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:-

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

DC/12/00363/OUT - Outline application for residential development with access to be considered. All other detailed matters reserved. Withdrawn - 31.07.2012.

DC/10/00251/CPL - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE: Use of land red-edged within site as shown on drawing NE/1141/07/Rev1 (dated May 1997, pursuant to planning permission 336/97) for waste recycling (use Class B2), to comprise the processing of recyclable waste delivered to the site by road, by means of its sorting by manual and/or mechanical means, both indoors and outdoors, into separate recyclable materials, including soil, aggregates, ferrous metals and aluminium, green waste, timber, paper, cardboard, and plastics. Further processing of some of these materials to include crushing, shredding or compacting/baling to form and end product which can be sold on for recycling. No sales (other than any ancillary to the use) to be direct to visiting members of the public. Recyclable materials to comprise not less than 90% of the incoming waste and the waste fraction arising to be exported to appropriate landfill sites. No incineration or chemical treatment of waste to take place on the site, nor waste to be disposed of on the site. All waste passing through the site to undergo processing of some sort - Granted - 05.05.2010.

DC/08/01286/FUL - Erection of three industrial buildings and extension and modification to screening mounds involving erection of 2m high retaining wall. Refused - 05.02.2009. Appeal dismissed 04.01.2010.

Earlier applications are noted below:-

BX7/40 - use of land for coal stocking -1963

322/76 - a temporary mobile plant to recover coal from Wardley Colliery - granted- 16.3.1976

501/81 - use of 1.5 acres of vacant land for vehicle dismantling and reprocessing - refused - 14.07.1981

502/81 - erection of a 5,000 sq.ft. building for use in association with vehicle dismantling and reprocessing compound - refused - 14.07.1981

834/81 - change of use of storage compound to vehicle repair and reprocessing plant - refused - 14.07.1981

1119/81 - Section 53 Determination - change of use from plant repair shops and storage compound to vehicle repair and reprocessing plant - refused - 14.10.1981

1505/81 - extension to existing motor vehicle and plant repair buildings - granted - 18.01.1982

1417/83 - Erection of a single storey building to provide workshop- refused -17.06.1985

224/84 - erection of sixteen industrial units - refused - 13.06.1984

730/85 - erection of motor repair and plant repair building - refused. Appeal allowed -21.06.1986

1169/86 - erection of fabric-covered steel arch structure for use as motor and plant repair accommodation (for temporary period of 12 months) - temporary permission granted - 12.01.1987

1257/86 - change of use of 1.9 acres of former colliery spoil heap and surrounds to form extension to adjacent vehicle dismantling compound - refused - 9.03.1987

1387/87 -retention of fabric-covered steel arch structure for use as motor and plant repair accommodation for further temporary period of 12 months (renewal of planning permission 1169/86) - granted - 5.04.1988

166/89 - retention of fabric-covered steel arch structure for use as a motor and plant repair accommodation for further temporary period of 12 months (renewal of permission 1387/87) - granted - 27.04.1989

1166/89 - erection of motor and vehicle repair building in vehicle dismantling premises - granted 6.11.1989

1349/89 - erection of 2.4m high boundary fence and repositioning of gate at end of access road (retrospective application) - granted - 2.04.1991

1197/90 - erection of single storey extension to motor vehicle repair building to provide storage, office, canteen and toilet facilities - granted - 18.10.1990

97/92 - erection of extension at western end of existing workshop to provide additional workshop area, storage and office accommodation - granted -3.03.1992

463/92 - change of use of 0.2ha of former colliery railway land to open storage/parking of motor vehicles in association with adjacent vehicle dismantling premises - granted - 9.06.1992

206/94 - erection of additional storage building (230 sq.m. floorspace) in vehicle dismantling compound- granted - 3.05.1994

549/94 - erection of additional storage building (230sq.m. floorspace) in vehicle dismantling compound (pursuant to outline permission 206/94) - granted - 19.05.1995

336/97 - change of use of former colliery land to form extension to adjacent vehicle dismantling and workshop compound (retrospective) and associated works (including screen landscaping and fencing (partly retrospective) - granted - 14.02.2000

1300/01 - installation of 10KV Electro fence security system cranked at a distance of up to 200-350mm behind existing fence line and extending at a maximum 600mm over the existing palisade pales - granted - 20.12.2001

2.0 Consultation Responses:

Coal Authority	No objections subject to conditions.
Historic England	No objections subject to conditions.
Nexus	Objects to the application.
Northumbria Water	No issues provided it is carried out in accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy".
South Tyneside Council	Objects to the application.

3.0 Representations:

- 3.1 Ward Councillors Stewart and Linda Green have offered their support to this application.
- 3.2 One letter neither objecting nor supporting the application has been received from a local resident and raises the following points:
- Use of the bridge over the Leamside line by motor vehicles must be stopped to prevent rat-running and to promote pedestrian and bicycle use.
- 3.3 One letter of support has been received from a local resident and raises the following points:
- The development would massively improve this part of Gateshead and could also benefit the country park.

- It would remove an eyesore from a derelict piece of land to the benefit of the local environment.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 - Green Belt

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

CFR25 Countryside Recreation

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are viability, the principle of the development, green belt, ecology, landscape, design, amenity, highway safety, flood risk/drainage, scheduled ancient monument, contaminated land and coal mining legacy.

5.2 VIABILITY

It is accepted that this site will require significant remediation in order to provide a residential development and these costs are likely to be considerable, which would impact on the value offered to the land owner. However, having assessed the issues raised in connection with revenue streams, build costs and land remediation that does not currently support the view that the site can only be reasonably delivered without any planning obligations. Furthermore, the submitted documentation does not provide any justification as to why a figure of 155 properties is required in order to make the development viable.

5.3 The additional information submitted attempted to address the concerns previously raised by officers but following detailed consideration of the additional information it is considered that the concerns raised previously in respect of viability still stand and hence the applicant has not been able to demonstrate to officers that the site can only be reasonably delivered without any planning obligations.

5.4 PRINCIPLE OF THE DEVELOPMENT

Windfall housing

Saved Unitary Development Plan (UDP) policy H4 indicates that windfall and small housing site proposals should be assessed in terms of

- (c) the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- (d) the capacity of the existing and potential infrastructure;
- (e) the ability to build or sustain communities;

5.5 There is relatively poor access to public transport. The bus service on Victoria Road West/Wardley Lane is further away than the 400 metre guideline by any practicable walking route (approx. 1km), and the bus stop on Manor Gardens at Rannoch Close will not be within 400 metres of any dwelling on the site

(approximately 500m to the nearest dwelling). Therefore, in practice public transport accessibility is relatively limited and would place a greater reliance on the use of private cars. This is backed up by Nexus who have objected to the application on the basis that "none of the site falls within 400m of a bus service or 800m of a Metro station". The nearest property would be approximately 1200m from Pelaw Metro Station and involve the use of an unlit and isolated path.

- 5.6 The site is relatively distant, by awkward and indirect pedestrian routes, from shops, community facilities (except Wardley Park) and the nearest Metro station at Pelaw. It is not evident that this somewhat isolated site would contribute to building or sustaining the local communities in either Wardley or Bill Quay and these are not areas which have been identified as requiring regeneration. Therefore, it is considered that the proposal is contrary to saved policy H4 of the UDP.
- 5.7 The additional information submitted amounts to an arrow drawn on a layout plan indicating that a new footpath link through the existing landscaping bund onto the public right of way (Bowes Railway path) beyond the southern boundary of the site and the offer of a financial contribution of £12,000 towards providing low level lighting along the unmade link between Manor Gardens and the bus stop at Wardley Lane. This provides little comfort that the proposed solution is a viable solution and could raise its own concerns in terms of impact upon Green Belt and ecology that have not been previously considered.
- 5.8 Firstly, the proposal is only to provide lighting for the existing link, however, since the link is unmade and in part susceptible to flooding it would remain unattractive as a pedestrian route for public transport users on a regular basis unless these other issues were also addressed.
- 5.9 Secondly, only approximately a quarter of the length of the route is owned by the Council. The remainder is either in private or unknown ownership and the status of the route and any prescriptive rights of the owners is unknown. Therefore, if the Council were to accept a financial contribution it would need to first establish the ownership of the whole route and any rights or reservations on it. The Council would then need to reach agreement with each landowner before any works could proceed. Similarly the ongoing revenue costs and future maintenance liability for the lighting would need to be agreed. Legal agreements with all of the owners would likely to be required. Therefore, at this stage it is unknown whether the proposed works are deliverable.
- 5.10 Thirdly, no information has been provided as to the basis of how the proposed contribution has been calculated therefore there is no certainty that the sum proposed would be sufficient to carry out the works and any associated legal costs even if it were deliverable.
- 5.11 Regarding the proposed physical connection of the site to the public right of way, whilst the principle of this is not a concern, the applicant has not provided any details to show that it is deliverable, i.e. consideration of land levels,

drainage, etc. and would seem to conflict with their stated aim of preserving the bund between the site and the public right of way.

5.12 Furthermore, this link would be to a bus stop only served by two bus routes and with a stated level of service of every half hour, which is a very poor level of connectivity for the Tyneside conurbation, exacerbated by the distance and indirect access to the bus stop. The two bus routes are the number 67 that terminates at The Metrocentre with a frequency of every 30 minutes and the number 69 that terminates at Winlaton with a frequency of once an hour.

5.13 Based on the comments above it is considered that the issue of being in an isolated location stands and hence the proposal is contrary to saved policy H4 of the UDP.

5.14 Housing choice

The proposal is for no more than 155 dwellings. No breakdown of numbers of bedrooms in each dwelling is given but the cubic volumes of the houses shown does include a specific mix of house types. The majority of properties indicated are three and four bedroom family houses.

5.15 CSUCP policy CS11 requires that 60% of new private dwellings constructed, over the plan period and plan area, are family houses of three or more bedrooms. In order to meet this target, a development on this scale would be expected to meet or exceed this guideline. In addition, policy H5 requires large developments (25 or more dwellings or more than 1 hectare) to offer a range of housing choices taking account of the needs of different groups, including families with children and the elderly. Policies H9 and H10, respectively, require 10% lifetime homes and 2% wheelchair homes. The site is relatively suitable for wheelchair homes because it is flat. Policy CS11 also requires 15% affordable dwellings on sites of 15 or more dwellings, subject to viability. In this case the applicant is not proposing any affordable units due to viability concerns. However, having assessed the applicant's viability submission, it is considered that the site could support planning obligations and therefore the lack of affordable housing provision is contrary to policy CS11 of the CSUCP.

5.16 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards. It is considered that this issue could be addressed at the reserved matters stage, should permission be granted.

5.17 Public open space

The neighbourhood in which the site is located is not deficient in public open space and there is no requirement for the development to provide any.

5.18 Children's play

There are no toddler play facilities within the maximum distance specified by policy CFR28 of the UDP. As the proposal is for more than 75 dwellings, equipped provision for toddler play should be made on site in accordance with policy H15 of the UDP and the Council's guidelines in SPG4.

5.19 There is one junior play facility, within the maximum distance specified by policy CFR29 located at Wardley Park, but there is still a deficit of junior play provision for the catchment population. In accordance with policy H15 provision should be made for junior play, and in accordance with SPG4 this should be on site as the proposal is for more than 110 dwellings.

5.20 There is one teenage recreation facility within the prescribed distance set out in policy CFR30 at Wardley Park. However, this is not adequate to serve the needs of the catchment population. In accordance with policy H15, if provision is not made on-site, a financial contribution should be secured towards the installation and maintenance of teenage recreation facilities to be provided off-site; and if on-site, a contribution to maintenance or acceptable alternative arrangement should be secured.

5.21 The applicant has amended the indicative site layout plan to incorporate an on-site open space/toddler play area. Based on this plan officers are satisfied that on-site provision could be accommodated and could be conditioned into an approval, should outline planning permission be granted. That said, the applicant is still not proposing any off-site contributions towards junior or teenage provision and is citing viability as the reason. However, for the reasons set out above, it is considered that the site could support such provision and therefore the proposed development is considered to be contrary to saved policies CFR29 and CFR30 of the UDP.

5.22 GREEN BELT

The site is in the Green Belt. The site is wholly or mainly previously developed land (PDL) and accommodates the remains of several derelict buildings and a substantial area previously given over to the reclamation of commercial vehicles, which remains a lawful use of the site. Nevertheless, substantial parts of the site, especially around the remaining derelict colliery building, are open. Furthermore, the definition of PDL excludes temporary buildings and structures and "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".

5.23 Effect on openness

It is considered that the proposal represents a substantial intensification of development on the site and is contrary to paragraph 79 of the National Planning Policy Framework (NPPF) in that it would reduce the openness of the Green Belt. Houses on the colliery buildings site would intensify the volume and footprint of development on that site. Houses on the former scrapyards site would do likewise. The calculation of the cubic volume of the houses, as opposed to the truck bodies and parts, tyres and other associated non-permanent features is difficult to judge, not a complete reflection of reduction in

openness since more than just the houses themselves should be taken into account, and in any case the lorries have been removed and the site is currently vacant and open. Moreover the vehicles and parts were transient and not rooted to the ground like a house and thus cannot be considered as permanent. Therefore, it is not considered that the blocks shown in the submitted documents can be relied upon to say that the volume of the new development would be less than the previous use.

5.24 The submitted Green Belt Assessment claims that the proposal reduces the "footprint of the developable area" by 77%. This claim emphasises that only the physical volume of the proposed houses and garages is being considered in the applicants' calculation of the respective impact of the recent use and of the proposal. Gardens, roads and pavements, likely future additional structures such as shed and conservatories, residents' vehicles (as opposed to the scrap vehicles kept on the site until recently), street furniture and any other land uses or structures included within the proposed housing estate, which would in fact contribute to reducing openness, are not considered by the applicant to involve even a potential reduction in openness. The proposal is for a housing estate; housing estates, taken as a whole, do not provide the openness which is an essential characteristic of the Green Belt.

5.25 Whether inappropriate development

The applicant suggests that the proposal does not constitute inappropriate development, and the very special circumstances test should not be applied, because the final bullet point of NPPF paragraph 89 indicates that redevelopment of brownfield land "whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development" will not be inappropriate development.

It is not considered that this applies in this case because (i) the exclusion of temporary buildings indicates that they should not be taken into account when assessing whether a proposal would have no greater impact on openness than the existing use; if temporary buildings are excluded then surely the use of land for storing vehicles would also be intended to be excluded, and the intention of the NPPF is to refer to land covered by permanent buildings only; and (ii) it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing use.

5.26 Very special circumstances

Paragraph 87 of the NPPF indicates that inappropriate development in the Green Belt should only be approved in very special circumstances. Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will only exist if any potential harm to the Green Belt is clearly outweighed by other considerations.

5.27 It is not considered there are any very special circumstances to justify the inappropriate development which the proposed development constitutes. Derelict sites and buildings and unsightly land uses do not constitute a very special circumstance precisely because they are not exceptional, and if they

were held to do so there would be an incentive for landowners to worsen the appearance of their sites.

- 5.28 It is accepted that the derelict and damaged buildings on the smaller of the two sites are unsympathetic from a visual perspective and undoubtedly removing them would lead to a visual improvement. However, for the most part they are single-storey and of low density and ultimately, in their current form, have a relatively modest impact upon the openness of the Green Belt. Replacing these structures with approximately fifty, 2 and 3 storey houses of much higher density would have a far greater impact upon the openness, which could not be outweighed by any perceived visual improvement. Furthermore, the Council has enforcement powers available to it to require landowners to demolish dangerous and untidy buildings that are posing a significant health risk. Therefore, officers do not consider that a housing scheme is the only way in which the visual impact of former colliery buildings can be addressed. This includes other regulatory controls that are entirely separate from the planning system that the Council can consider using, for example to address an identified public safety concern.
- 5.29 With regard to the larger site, the site has been completely cleared of vehicles and parts, one of the buildings has been demolished and the site is well screened from the south and west by landform and planting. Therefore, the harm it has upon openness and visual amenity is currently very small and cannot be used to justify the construction of approximately 100, 2 and 3 storey houses. Furthermore, even if this use were re-instated, its recent clearance demonstrates that it is unnecessary to construct a housing estate to deal with the visual unattractiveness of this use - or to increase the openness of the site.
- 5.30 Moreover, following the adoption of the CSUCP, Gateshead has a five-year supply of housing land and therefore no very special circumstances exist in terms of housing supply. Indeed, the proposal would potentially undermine the viability of development on sites, which have been identified as suitable and sustainable through the process of public consultation and examination leading to adoption of the Local Plan. In fact, this site was assessed as part of the Council's consideration when compiling a 5 year land supply and it was rejected as unsuitable, amongst other things, due to its Green Belt classification.
- 5.31 Overall, it is considered that no very special circumstances have been demonstrated despite the additional information submitted. The case which is alleged to amount to very special circumstances is in fact an accumulation of relatively common circumstances; the existence of contamination, dereliction, and possible public support for redevelopment, singly or in combination, apply in a number of locations locally and nationally. It is important that uncongenial industrial/commercial activity, and dereliction, are not encouraged in the Green belt as a precursor to housing development. It should also be remembered that pursuing the very special circumstances route also contradicts the applicant's position in respect of paragraph 89 of the NPPF, which underpins their Green Belt position.

5.32 Strategic Green Belt gap between Gateshead and Hebburn

The proposal would reduce the gap between Gateshead and Hebburn. The maintenance of the full width of strategic Green Belt gaps between towns, particularly where, as here, they are narrow, is recognised as making an important contribution to the objective of preventing the merger of neighbouring towns. In this case, policy CS19 of the CSUCP refers to the function of the Tyne and Wear Green Belt to prevent the merging of settlements and specifically refers to preventing the merger of Gateshead and Hebburn.

5.33 This area of land that separates Gateshead from South Tyneside was first identified as important in the Heworth/Wardley Local Plan that was adopted by the Council in November 1987. Policy HW18 of the plan identified this area as a "Green Wedge separating Bill Quay, Pelaw and Wardley from Hebburn to ensure that the existing settlements retained their separate identity, where no uses other than agriculture or open space would be permitted". This policy was in effect a precursor of Green Belt designation.

5.34 The "Green Wedge" was formally designated as Green Belt land with the adoption of Gateshead's first UDP in 1997. The plan designated 1500 hectares of land, described as the remaining "extensive areas of open land outside settlements and not required for development", to safeguard their open character and to promote sustainable patterns of development, including the recycling of urban land". These were in three areas, of which the Green Wedge was one of them and is described as follows in the 1997 plan: "the narrow gap between Pelaw/Wardley and Hebburn", which the plan describes as "strategically important and its designation critical and appropriate". The designation was made in conjunction with a similar action by South Tyneside Council to protect its part of the same block of land.

5.35 The importance of preserving the strategic gap has been carried forward subsequent adopted development plans, including the replacement UDP in 2007 and the new Core Strategy in 2015. Therefore, preserving this fragile yet very important gap is as important as ever and has been part of Council policy for the last 30 years.

5.36 As part of the assessment of this application South Tyneside Council were consulted as a neighbouring authority and they have formally objected to this application on the basis that it represents inappropriate development within the Green Belt without any very special circumstances and that it would encroach into the strategic gap between Gateshead and Hebburn, which is in breach of the Local Plans of both Councils.

5.37 Sprawl of the built-up area into the Green Belt

The applicant asserts that the proposal would have no adverse impact on the Green Belt's purpose of checking unrestricted sprawl of large-built up areas, as the site will not be deleted from the Green Belt. It is true that a grant of permission would not result in the site being deleted from the Green Belt, however, in due course it is considered likely that the status of the site as Green Belt would be reviewed, as its value would be significantly diminished as a consequence of housing development taking place. Accepting this logic could

set a dangerous precedence that would likely form the justification for housing development on any site within the Green Belt.

- 5.38 One of the five nationally-laid down purposes of Green Belts is to prevent settlements from merging. The application site at Wardley occupies part of the gap between Wardley, and hence the built-up area of Gateshead as a whole, and Hebburn.
- 5.39 At the time that the Green Belt designation was made, the land making up the whole area between Wardley and Hebburn was predominantly open, but large parts of it were in the process of restoration from previous industrial uses through planting etc. There was no identifiable boundary between the area that remains in commercial use now, and the now green land to the east of it and extending north as far as the Sunderland Metro line, and north of that line, much of the land was the former Red Barns Quarry, which was still in the process of landfill and reclamation (now reclaimed and part of the Country Park).
- 5.40 The essential characteristic of Green Belts is their openness, that is, that they are not predominantly covered by built development and there is no requirement for Green Belts to actually be green (i.e. covered in vegetation). The application site is the only part of the wider area that could be argued to be still in commercial/industrial use. However, in truth, it is considered that the smaller element of the application site that contains the former colliery buildings has no established use due to being largely vacant since the colliery closed in 1974 and the lawful use of the larger element of the application site has not operated since early 2015 and the site has been completely cleared with the exception of one building.
- 5.41 In addition, national guidance, both then and now, indicates that Green Belt boundaries should, as far as possible, follow clear, well-defined features on the ground which would be capable of enduring as defensible Green Belt boundaries in the long-term. The railway line (Leamside Line) on the southwest boundary of Wardley (adjacent to Manor Gardens) was identified as such a feature. Therefore, approving this application would result in housing extending beyond the defined boundary of Wardley and hence Gateshead as a whole into the strategic gap, undermining its security going forward.
- 5.42 Beneficial use of land in the Green Belt
The applicant asserts that the proposal would enhance the beneficial use of land in the Green Belt in accordance with NPPF paragraph 81. This is a good description of the Council's long-standing and partially-realised plan to create the Wardley Manor Country Park, which the applicant claims would be more attractive to visitors as a result of their proposal, on the basis that visitors may be discouraged by the unsightliness of the existing site and the antisocial behaviour which is stated to take place there. This is considered to be a weak argument, since there are many measures such as landscape screening and/or improved security which could have been, or could yet be, taken to hide the unsightliness and still be consistent with Green Belt policy. It is considered that paragraph 81 is clearly intended to refer to enhancing land so that it can be

used for purposes which are appropriate in the Green belt, not for housing development.

5.43 Strategic green infrastructure network / Wardley Manor Country Park
The site is identified (with the adjoining Wardley Manor Country Park) as part of the Strategic Green Infrastructure Network. Policy CS18 of the CSUCP indicates that the integrity, connectivity, multi-functionality and accessibility of the network will be maintained, protected and enhanced, and that improvements will be made in "Opportunity Areas", of which this is identified as one. Furthermore, it is a crucial link between the Green Belt and wider countryside with the River Tyne. Like all parts of the Strategic Green Infrastructure Network it is important both for wildlife and people and its identification as an Opportunity Area derives from the Green Infrastructure Delivery Plan. Section 3.3, item 8, page 9 of the Delivery Plan indicates that this in turn derives from the Council's Wardley Red Barns Strategy, which includes this site in the long-term commitment to create the Wardley Manor Forest Park, which is being implemented over time. The Green Infrastructure Delivery Plan states that the proposed boundary of the Forest Park remains unchanged from that in the Wardley Red Barns Strategy, and that it is intended that it will be given the status of a statutory development plan policy through the forthcoming land allocations and development management policies element of the Local Plan, Making Spaces for Growing Places.

5.44 ECOLOGY

It is considered that the proposed development would have a significant adverse impact on the value and integrity of the adjacent Wardley Manor Local Wildlife Site (LWS) and its associated features of interest, including priority habitats and species, through the direct loss of part of the LWS/priority habitat through inappropriate tree/shrub planting, and secondary impacts including increased trampling of sensitive vegetation, the disturbance of wildlife by people and dogs, an increase in soil fertility and a loss of botanical diversity associated with increased dog fouling, the increased predation of wildlife particularly by domestic cats, increased noise and light disturbance and the increased mortality of wildlife by road traffic. The proposed measures set out in section 5.3 of the Botanical Report in no way constitute adequate compensation for the destruction of priority habitat within the proposed development site, perpetrated in the run up to the submission of this planning application.

5.45 The construction of proposed development would result in a significant physical narrowing of the designated Wildlife Corridor. The significant increase in unmanaged recreational pressure within the adjacent Wardley Manor Local Wildlife Site, which forms a key element of the Wildlife Corridor, will also serve to further reduce its value and integrity, which are contrary to policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

5.46 There is a lack of up to date ecological information to enable an adequate assessment of the likely impacts of the proposed development on potential ecological receptors, including bats and priority invertebrates (i.e. butterflies). The application fails to adequately assess the likely impacts of the proposed

development on the adjacent Wardley Manor Local Wildlife Site and its features of interest including priority habitats and species. The application also fails to assess the likely impacts of the development on ecological connectivity including the designated Wildlife Corridor.

- 5.47 Overall, it is considered that proposed development would have a detrimental impact upon ecology, in particular Wardley Manor LWS that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is considered to be contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.
- 5.48 The additional information provided by the applicant is inadequate and does not address the concerns set out previously. Therefore, it is still considered that the proposed development would have a significant and unacceptable impact on the designated Wardley Manor Local Wildlife Site, ecological connectivity (in particular the value and integrity of the designated Wildlife Corridor), and priority habitats and species, and as such is contrary to both national and local planning policy. The developer's position in respect of ecological mitigation is not considered to represent adequate mitigation/compensation, both in terms of the figure and what it is proposed to be used for given the multiple significant adverse impacts that this will inevitably have upon the area.
- 5.49 **LANDSCAPE**
The applicant states that the mound along the west/southwest boundary will remain and continue to function as a screening bund. However, the mound is not a landscape bund but a steep, high colliery waste heap that was not envisaged to function as the applicant is proposing. As such there are a range of reasons why it may not be retained unaltered, and the treatment will potentially change its appearance and size significantly, affecting the amenity and visibility of the development. The applicant is relying upon the mound staying at the scale it is as part of their justification for the development despite the strong likelihood that it is contaminated and would need to be reclaimed. The applicant suggests that this can be addressed at Reserved Matters stage and should significant amounts of the mound need to be removed they would replace it with clean earth. It is considered that this would be a very expensive exercise and is something that has not been costed by the applicant, despite their assertion that viability is critical with this development due to the extensive contamination concerns across other parts of the site.
- 5.50 Therefore, it is considered that insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. The applicant considers that this issue can be addressed by condition, should planning permission be granted. However, officers maintain that the issue goes to the heart of the application because the uncertainties surrounding the stability, gradient, make up and scale of the existing bund as well as the cost of reclaiming it and possible land take issues mean that it cannot be addressed by conditions. As a result, it is not

possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.

5.51 HIGHWAY SAFETY

Plan reference 114570/1001 Rev A "In Principle Highway Arrangement" is considered to be an acceptable approach to bringing the existing track up to adoptable standards and indicates that the applicant has sufficient land within their control to undertake the proposed highway works. It also gives initial details about how vehicular flows across Wardley Railway Bridge would be managed. This does provide some comfort as to how this development may come forward from a transport strategy perspective but, as all matters are reserved, it is still only an indicative layout. Therefore, should permission be granted, full details would need to be provided at Reserved Matters stage. The same applies to the bridge link to Manor Gardens to make it for pedestrians/cyclists only and developing a detailed travel plan for the site.

5.52 Overall, it is considered that the level of information submitted is insufficient to make a comprehensive assessment of the site but the reserved matters would provide the opportunity to address these issues and ensure that NPPF and policy CS13 of the CSUCP are complied with.

5.53 FLOOD RISK AND DRAINAGE

The submitted flood risk assessment (FRA) has assessed the risk of a range of flooding sources and has had regard to the Strategic Flood Risk Assessment in accordance with policy CS17 of the CSUCP and NPPF paragraph 103.

5.54 The FRA correctly assesses that the site is located within flood zone 1 i.e. low risk of tidal and fluvial flooding. The FRA assesses surface water flood risk, however there are pockets of the site which are at high risk of surface water flooding based upon the Environment Agency's Updated Flood Map for Surface Water is different to the surface water flood map from the Strategic Flood Risk Assessment which is referred to in the FRA. The FRA has had regard to the risk from ordinary watercourses and there does not appear to be any watercourses on the site. However the FRA has made no reference to the Environment Agency's detailed drainage network which identifies a possible watercourse to the south of the site. The FRA does not refer to the risk of groundwater flooding. Further information is required on the risk of groundwater flood risk and mitigation measures, given the outcomes from the preliminary ground investigations, which identify ground water ingress at shallow levels.

5.55 The site is located within a Critical Drainage Area within the Strategic Flood Risk Assessment and therefore it is important that the greenfield runoff rates are maintained using SuDS.

5.56 The FRA includes correspondence from Northumbrian Water who have confirmed that there are no sewer flooding incidents in the vicinity of the site.

5.57 Taking that into account it is considered that, should outline planning permission be granted, at reserved matters stage a fully detailed assessment of

groundwater flood risk and appropriate mitigation measures would be required, to ensure there are no risk to properties and the drainage scheme. This could be addressed through conditions.

5.58 Sustainable Drainage System (SuDS)

The applicant's proposed surface water drainage states in the FRA that SuDS, such as permeable surfaces and rain gardens will be integrated within the existing landscaping. It states that surface water will collect on site by a SUDS and/or piped network and discharged into the unnamed watercourse to the north of the site. The surface water flows will be attenuated on site by creating storage areas within the development. Initially, no conceptual drainage layout had been provided by the applicant and thus it was not clear from the landscape masterplan where the overland flow routes and discharge points have been accommodated, where the permeable paving and rain water gardens will be located and where the on-site surface water attenuation will be located. However, as part of the additional information submitted the applicant has addressed this point by providing a conceptual drainage layout and also indication of overland flow routes, which ties-in with the design and access statement that states there will be filter drains and detention basins. That said it is unclear whether the public open space 'the village green' will include any surface water attenuation.

5.59 Based on the additional information submitted officers are satisfied that the principle of providing a suitable SuDS scheme on site has been demonstrated and subject to appropriate conditions the proposal would accord with the NPPF and policy CS17 of the CSUCP in respect of SuDS.

5.60 CONTAMINATED LAND/COAL MINING LEGACY

The site is known to be 'contaminated' by the Council and has been assessed as being in Priority Category 2 i.e. "Site may not be suitable for present use and environmental settings. Contaminants probably or certainly present and likely to have an unacceptable impact on key targets. Action may be needed in the medium term".

5.61 The Preliminary Phase 2 site investigation undertaken by Patrick Parsons has proven the presence of contamination, including;

- gross hydrocarbon contamination in soils and perched groundwater at the site
- the presence of Asbestos Containing Materials,
- the presence of 'potentially combustible' colliery ash fill.
- The presence of elevated methane and depleted oxygen.

5.62 Further extensive site investigation will be required to determine the extent of contamination at the site and to allow the scope of the extensive required remedial actions to be considered and designed.

5.63 A large amount of 'hazardous waste' will need to be removed from site and substantial volumes of 'clean' capping soils will need to be imported. These lorry movements are likely to impact on the surrounding residential streets during these works.

- 5.64 Two of four potential mine shafts have been identified to date. Further investigation will be required to locate the 2 shafts not found to date. The shaft locations are likely to represent a sterile area for development which will also require a stand-off area for any development.
- 5.65 The report concludes that further significant reclamation works will be required at the site, including demolition, site clearance, asbestos removal, bioremediation of hydrocarbon impacted soils and earthworks to accommodate the colliery spoil materials present". "Further site investigation to delineate the extent of contamination identified within at the site will be required before a true reflection of remedial actions or a remedial specification for the site can be determined". Furthermore, it is considered that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This stance is supported by the Council and the Coal Authority and should permission be granted, it is suggested that a number of conditions be added for attention at the reserved matters stage.
- 5.66 **DESIGN AND RESIDENTIAL AMENITY**
Due to this being an outline application with all matters reserved, the level of information submitted is very limited and only indicative in any event. Nonetheless it is considered that ensuring a high quality design that responds well to its surroundings would be crucial. The indicative Design and Access Statement makes reference to creating several key features within the estate that the applicant calls "The Gateway", "The Spine", "Village Green" and "Park View", as well as referring to a possible palette of materials. If permission was granted it is suggested that they elements are conditioned to come forward in more detail at Reserved Matters stage.
- 5.67 With regards to residential amenity, again the limited information does not allow for particular comment regarding the layout within the estate and relationships between dwellings. However, should permission be granted it is expected that at Reserved Matters stage the detailed layout would take account of privacy and ensure that future residents would enjoy the appropriate levels of amenity relative to each other. In terms of wider issues, the site is close to the Metro line and is also immediately adjacent to the mothballed Leamside Line, which may be brought back into service in the future. Therefore, should permission be granted, it is considered that a comprehensive noise assessment would need to be undertaken to establish the potential noise implications for future residents and how house design and layout would need to respond.
- 5.68 **SCHEDULED ANCIENT MONUMENT**
Investigations have revealed that the survival and condition of any archaeological remains on Wardley moated site has been severely compromised as a result of 19th and 20th century development. A reassessment of the known activities on site and the most recent archaeological investigation on this site in 2014 led to the de-scheduling of part of the Wardley Moated Scheduled Ancient Monument to enable redevelopment of the salvage yard and former colliery area. However, further archaeological

work is required in the area of the colliery buildings (north-west corner) and in the south east corner where the medieval features were located during archaeological evaluation in 2014. This work can be undertaken under planning conditions, as the previous evaluations established that these archaeological assets are of local significance. The features included ditches, gullies and postholes possibly representing ancillary settlement activity beyond the medieval manorial complex. Therefore, should permission be granted, it is considered that conditions would be sufficient to allow the proposal to accord with the NPPF and saved policies ENV21 and ENV22 of the UDP.

5.69 REFUSE STORAGE AND COLLECTION

From a waste servicing perspective there are considered to be no major issues with the proposal. The layout design in terms of waste servicing is suitable with each cul-de-sac having a turning point so reversing will be minimised. It also appears from the outline layout that each plot has ample space for the storage of their wheeled bins with easy access to put them out for collection. Therefore, subject to finalising the details at reserved matters stage, it is considered that the proposal can accord with the NPPF and policy MWR28 in this regard.

5.70 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development because it is housing related. The CIL charge would be calculated at Reserved Matters stage, should Outline permission be granted.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that outline planning permission be refused, as the proposal would result in an unsustainable isolated development, would fail affordable housing and play provision obligation policies, would significantly harm the Green Belt and Ecology and provide insufficient information regarding landscaping and SuDS. Furthermore, the applicant has failed to submit any supporting information that would outweigh officers concerns. Therefore, it is considered that the proposed development does not accord with national and local planning policies and the recommendation is made taking into account all material planning considerations, including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

The application site is in an unsustainable and isolated location in respect of access to public transport, shops and facilities and therefore would place undue reliance upon the use of private cars. The development is therefore contrary to saved policy H4 of the UDP.

2

The application proposes no affordable housing provision and has been unable to demonstrate a viability justification for not providing affordable housing. The development is therefore contrary to the NPPF and policy CS11 of the CSUCP.

3

The application proposes no off-site contribution and has been unable to demonstrate a viability justification. The development is therefore contrary to the NPPF and saved policies CFR29 and CFR30 of the UDP.

4

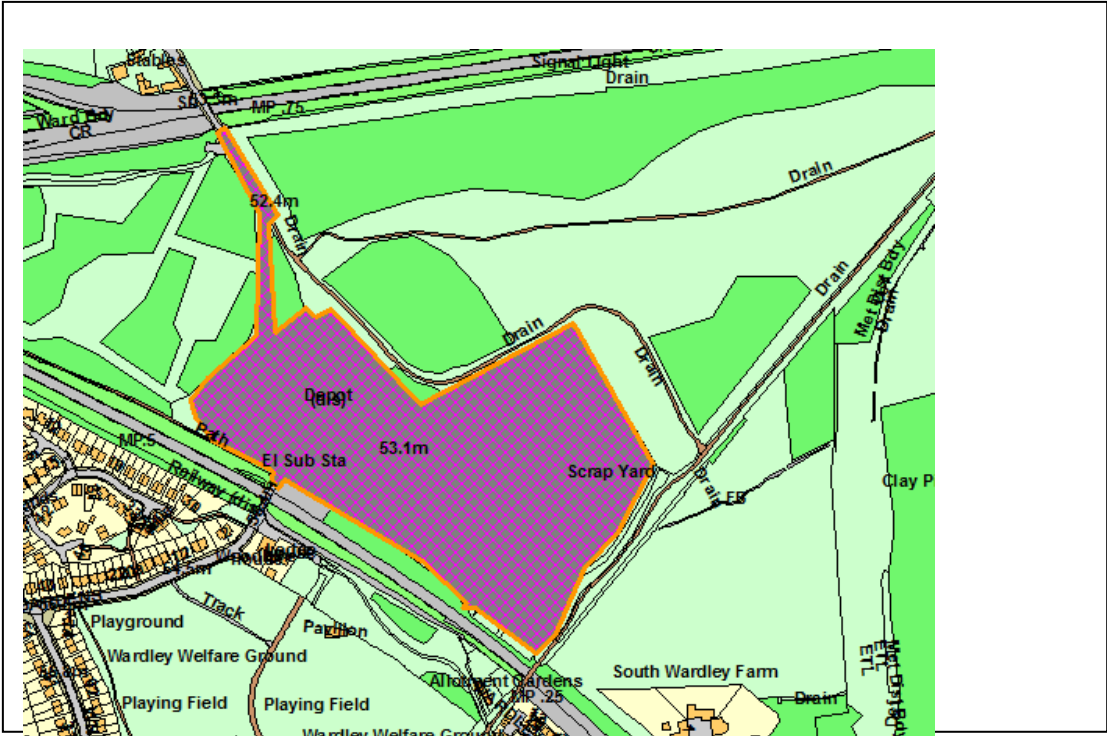
The proposal represents inappropriate development in the Green Belt that has been unable to demonstrate a very special circumstance and hence is contrary to the NPPF and policy CS19 of the CSUCP.

5

The proposed development would have a detrimental impact upon Wardley Manor Local Wildlife Site that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

6

Insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. As a result, it is not possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.



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