

**Committee Report**

<b>Application No:</b>	<b>DC/16/00698/OUT</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>13 July 2016</b>
<b>Applicant</b>	<b>Persimmon Homes</b>
<b>Site:</b>	<b>Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>Outline application for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information and amended 07/02/18, additional information 29/05/18 and amended 10/09/18).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Outline Application</b>

**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 with a recommendation for refusal with 7 reasons. 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.

1.2 The applicant submitted some additional information, which was reviewed in detail by officers and was considered address the SuDS reason for refusal only. The application was due to be heard by Planning and Development Committee on 21<sup>st</sup> June 2017 with a recommendation of refusal with 6 reasons. However, in advance of the meeting the decision was made to defer the application again to give the applicant more time to address as many reasons of refusal as possible prior to the application being heard by Planning and Development Committee. After several meetings with the applicant following June 2017, and the submission of amended/additional information by the applicant (that has included a modest reduction in the maximum number of houses from 155 to 144), that has been reviewed by officers, the following pages set out the assessment of the application and the information submitted.

- 1.3 Due to the amount of time that has passed, and a number of changes to the membership of Planning and Development Committee, since this application was first presented; at the Committee meeting on 21<sup>st</sup> November 2018, Members agreed to undertake a further site visit. This visit took place on Thursday 6<sup>th</sup> December.
- 1.4 **DESCRIPTION OF THE SITE**  
The application site extends 5.6 hectares in total and is made up of two adjoining parcels of land that are in separate ownership, which collectively make up the former Wardley Colliery site. The application site is located on land northeast of Wardley, outside of the defined settlement of Wardley, within Green Belt land that forms the strategic gap between Wardley and Hebburn that prevents Gateshead from merging with South Tyneside. It falls within a designated Wildlife Corridor and sits immediately adjacent to Wardley Manor Local Wildlife Site.
- 1.5 The smaller western portion of the application site (1.5 hectares) contains the dangerous ruined remains of several buildings associated with the historic operation of the colliery. The site is also heavily contaminated and contains 4 mineshafts. The western area is co-owned by Mr Colin Ford and Mr David Wilson. This site is considered abandoned in planning terms, as it has had no meaningful lawful use since the colliery closed in the 1970s, having been neglected for the last 40 years since the colliery closed. This portion of the application site has no prescribed right of access along Wardley Lane.
- 1.6 The western portion also has an Enforcement Notice served upon it in respect of the untidy nature of the site, extremely poor state of repair of the buildings and the fact the site perimeter fencing is not properly maintained. This permits the Council to force the demolition of the buildings. The notice requires the landowners to keep the site secure at all times to prevent public access.
- 1.7 The larger eastern portion of the application site (4.1 hectares) is the site of the former JW Coats and Sons Ltd yard, which is currently vacant save for one warehouse building. That said, 1.4 hectares along the southern/western edge of the eastern portion is made up of the 10m high steep sided spoil heap associated with the former colliery, which was reprofiled in the past to form a landscaped bund to screen Mr Coats operation from the properties in Wardley. The bund is made up of contaminated colliery waste, but it was covered with a clay cap as part of the reprofiling and landscaping works. The remaining 2.7 hectares of the eastern portion consists of extensive hard cored/concreted areas of land that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also used to contain two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business, of which one has been demolished. The eastern portion is also considered to be heavily contaminated due to its historic use as a railway siding and since the early 1980s as a vehicle breakers/reclamation yard.
- 1.8 The eastern portion does have planning permission as a commercial vehicle end of life dismantler and breaker, albeit the business closed in early 2015, including the removal of all the open air stored items and the demolition of one

of the two large buildings. In terms of the permitted use the eastern portion has remained vacant ever since. The eastern portion is owned by Mr Bill Coats and his wife. The planning permission for this part of the site, (ref. 336/97) granted retrospective consent to regularise the following... Change of use of former colliery land to form extension to adjacent vehicle dismantling and workshop compound (use class B2) and associated works including screen landscaping and fencing (partly retrospective).

- 1.9 In addition to the planning permission referenced above the eastern portion also benefits from a Certificate of Proposed Lawful Use, which was issued in 2010, as it was able to demonstrate through case law that the industrial process associated with vehicle dismantling and breaking was effectively waste recycling and therefore recycling of other waste materials that involves a similar industrial process of subdividing, sorting and processing of materials would not result in a change of use, as it would fall within the same use class B2. Any such use must not include any incineration or chemical treatment of the materials, 90% must be recyclable and able to be reused or sold on, with only a small percentage to be landfilled, which must not happen on site. It must also adhere to the conditions attached to 336/97 regarding hours of operation (8am-5pm) and not stacking materials higher than the height of one truck body.
- 1.10 The certificate of lawfulness for the recycling of materials, other than vehicles and their parts, is a clear distinction from a waste transfer station, which is a site used for the temporary storage of waste, primarily before being taken elsewhere for incineration or to be landfilled and does not typically involve any recycling or industrial processing. A waste transfer station does not fall within a defined use class and thus is classed as "sui generis" and is specifically excluded from the certificate of lawfulness. Therefore, in order to operate the eastern portion as a waste transfer station would require planning permission, as it cannot be considered as a permitted use of the land.
- 1.11 The eastern portion has no current Enforcement Action active against it and Mr Coats and his wife have a deed of easement over Wardley Lane for access to their site.
- 1.12 As of July 2017, the eastern portion no longer has an "Operators License" attached to it. This is needed to transport goods and freight (scrapped/broken vehicles in this case) on British roads when operating from a defined base where the recovered materials are stored, and the recovery vehicles operate from. Therefore, to re-open the site the complex application process would need to be undertaken with the DVSA (formerly VOSA). This would apply to whoever operated from the site, as because the Wardley site is no longer attached to a valid operator's license it cannot simply be "transferred" to a new occupier. This is out with the planning process and hence is referenced as a point of note only.
- 1.13 As part of the Operators License application process the applicant is required to advertise their intention in the local press through a public notice to enable the public and public authorities to make representations to the DVSA on issues

such as environmental impacts and the unsuitability of a site i.e. the quality of the access.

- 1.14 The eastern portion also no longer benefits from a Scrap Metal Site Licence, which are regulated and issued by the Council's Licensing Section.
- 1.15 The Environment Agency (EA) waste permit for the eastern portion is still valid.
- 1.16 The application site lies within Green Belt, outside and to the northeast of the Wardley settlement within the strategic gap between Gateshead and South Tyneside. The western portion is defined with Heras style fencing that was installed by the owners following the Council serving a notice upon them due to the insecure nature and untidy appearance of the land and on-going issues with anti-social behaviour. A recent site visit on 21<sup>st</sup> November 2018 has identified that the site is again not being kept secured.
- 1.17 The eastern portion 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 that is actively monitored for methane gas) 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.
- 1.18 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 eastern portion of the application site is adjacent to the Wardley moated site, a Scheduled Monument (SM), of a former 13th century manor house with a surrounding moat.
- 1.19 **DESCRIPTION OF THE APPLICATION**  
This outline application, with all matters reserved, seeks consent for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The developable area of the application site extends to 4.2 hectares, with a further 1.4 hectares that would be left undeveloped because it forms the existing screening bunds that define the southern and western boundary of the former vehicle reclamation/breakers yard.
- 1.20 Applications for outline planning permission seek to establish whether the principle, scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.

- 1.21 This type of planning application allows fewer details about the proposal to be submitted. If outline permission is granted, the developer would then need to ask for approval of the details ("reserved matters") before work can start. These details would be the subject of a "reserved matters" application at a later stage.
- 1.22 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 north-western 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.
- 1.23 A range of amended, albeit entirely indicative, plans and layouts have been submitted showing a combination of 2 and 3 storey detached, semi-detached and terraced properties and detached garages, with red brick and slate grey roofs and a "gateway" feature at the entrance.
- 1.24 The reduction in total possible numbers proposed by 11 to 144 houses, is illustrated on the amended layout plan by setting the east facing properties further back from the eastern edge of the site to provide a larger buffer and opportunity for SuDS. The plan is indicative, not to scale, and based upon it, it is not possible to say what the size of the buffer would be or therefore ensure it was retained at Reserved Matters stage. Nonetheless, the applicant has stated they intend to retain an appropriate sized buffer along the eastern edge of the former Coats Yard and would be happy for a condition to be applied to ensure its delivery.
- 1.25 The other amended/revised documents submitted include further ecological survey work, a proposal to provide lighting for a section of footpath, a revised viability statement and site investigation works into the suitability and stability of the existing landscaped bund made from colliery spoil.
- 1.26 **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 an 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.

1.27 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



Historic England	No objections subject to conditions.
Nexus	No objections subject to conditions.
Northumbria Water	No issues provided it is carried out in accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy".
Tyne And Wear Archaeology Officer	No objection subject to conditions.
South Tyneside Council	Objects to the application on three grounds: <ul style="list-style-type: none"> <li>• Harm to the Green Belt.</li> <li>• Insufficient information in terms of impact upon ecology.</li> <li>• Inaccurate Transport Assessment information.</li> </ul>

### **3.0 Representations:**

- 3.1 The above application was received and made valid on 13th July 2016.
- 3.2 Prior to submission, the applicant undertook public consultation by way of a flyer drop in the local area and subsequently a public drop-in session was held at Priory Court, Manor Gardens, Wardley on 9th June 2016.
- 3.3 Following receipt of the application the Local Planning Authority also notified a total of 63 local residents by letter to give them the opportunity to make representations on the application and 3 site notices were displayed around the site. The development was also advertised in the press. On the back of this, a letter of support from Ward members Stuart and Linda Green was received, as well as one letter of objection and one letter of support from local residents.
- 3.4 As mentioned above, the application was reported to Planning and Development Committee on 25th January 2017 and was deferred for a site visit. The site visit took place on 9th February 2017 prior to the application being debated at Committee on 15th February 2017. At this meeting, the decision was taken to defer the application to allow further discussions between the applicant and the Local Planning Authority (LPA) in respect of Green Belt, ecology and the other key issues highlighted in the officer report.
- 3.5 Following extensive discussions with the applicant further information was submitted to the LPA on 7th February 2018, which included reducing the total possible number of houses down from 155 to 144 and further information in respect of Green Belt impact, Ecological impacts, viability, drainage, access and landscape. The LPA issued further neighbour notification letters to local residents on 9th February 2018 and a total of 6 letters of support were received and a further letter neither supporting nor objecting.



- 3.6 Separate from the LPA's neighbour notification process the landowners undertook their own public consultation process, which took the form of letter drops and door knocking. This resulted in a total of 140 individual letters of support, all individually signed, being received in one bundle by the LPA on Friday 20th April 2018. During the process of recording the letters as part of the application one was discovered that purported to have been written and signed by the spouse of a member of the LPA's planning team. Upon contacting this person, they confirmed that they had not written any letter and had not signed any document in support of this application. The decision was taken to issue bespoke acknowledgement letters, rather than the standardised proforma letter, asking the individual to contact the office to confirm whether they had written a letter and signed their name giving their support to the application.
- 3.7 Of the 140 letters issued, the office received 44 responses, of which 23 said they had written in and 21 who said they had not signed anything offering their support to the application, some saying they had never heard of Wardley Colliery or what the application proposes. The catchment area of these letters extended several miles beyond the application site, including letters from addresses in South Tyneside and even Northumberland.
- 3.8 Overall, 48% of the people who responded and 15% of the total number of letters received are known to be false representations, which officers consider reduces the weight that can be given to the rest of the bundle of letters, which should be treated with some caution in terms of being a true reflection of the level of support for this application.
- 3.9 Over the weekend 24-25 November 2018 the landowners, in agreement with the applicant, have hand delivered glossy flyers and questionnaires to properties in the Wardley area, asking people to support their application. Having seen the content of material distributed, officers have serious concerns due to the factual errors contained, especially in relation to stating that Mr Coats' yard will open as a waste transfer station (WTS) if permission is not granted. Mr Coats' yard does not have permission to operate as a WTS and would need a change of use to operate lawfully and would be open to Enforcement action without it. The LPA considers that these documents are misleading as they do not factually represent the application and could be perceived by a recipient as exaggerated and intimidating, as well as showing imagery that is not a true representation of the application site.
- 3.10 On the back of this exercise 9 questionnaires/letters of objection to the application have been received citing the following concerns:
- A scrap yard would be better than houses and employ local people.
  - Houses would be damaging to the local ecology.
  - We are running out of space for wildlife.
  - The area is crowded already with too many people.
  - The questionnaire is trying to scare me with talk of anti-social behaviour but does not talk about the impact of the development at all.
  - Fly tipping is a problem, but this is not the answer.
  - The flyer from Persimmon is misleading and inaccurate.

- The flyer is trying to 'con' people into supporting the scheme.
- There is ample housing stock in Wardley.
- The local road network struggles already to cope.
- Wardley Lane is not suitable due to having an active Metro bridge, which is too small and A185 is already congested.
- The bridge to Manor Gardens is not suitable and would be disastrous in terms of traffic movements.
- The site could easily be converted to parkland, wildlife reserve, etc.
- The historical use of the sites means they are likely unsuitable for housing and are adjacent to a former landfill site.

3.11 45 questionnaires/letters in support of the application have been received offering the following points:

- A waste transfer station would be unacceptable.
- The site is untidy.
- Wardley needs more housing.
- Anti-social behaviour is a major problem.
- Fly tipping is an issue.
- Existing buildings are dangerous.
- Site needs remediating.
- Would enhance the area.

#### **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

CFR25 Countryside Recreation

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

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 the principle of the development in respect of green belt and ecology, as well as considering the impacts upon viability, landscape, design, amenity, sustainability, highway safety, flood risk/drainage, scheduled ancient monument, contaminated land and coal mining legacy.

### **5.2 GREEN BELT**

#### Strategic Green Belt gap between Gateshead and Hebburn

The application site is in Green Belt and 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 Core Strategy and Urban Core Plan 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.

- 5.3 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.
- 5.4 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.
- 5.5 The importance of preserving the strategic gap has been carried forward through 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.
- 5.6 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.
- 5.7 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 precedent that would likely form the justification for housing development on any site within the Green Belt.

- 5.8 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.
- 5.9 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).
- 5.10 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 cleared with the exception of one building.
- 5.11 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.
- 5.12 Effect on openness

It is considered that the proposal represents a substantial intensification of development on the site and is contrary to paragraph 133 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 vehicle reclamation/scrapyard 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, neither would it be 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 mostly 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 illustrative 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.

- 5.13 The applicant has submitted a Green Belt Assessment which claims that the proposal reduces the "footprint of the developable area" by 52%. This claim emphasises that only the physical footprint 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 sheds 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 and increased urbanisation, are not considered by the applicant to involve even a potential reduction in openness. The proposal is for a housing estate and housing estates, taken as a whole, do not provide the openness which is an essential characteristic of the Green Belt.

5.14 Whether inappropriate development

The applicant suggests that the proposal does not constitute inappropriate development, and the very special circumstances test does not need to be applied, because the final bullet point of NPPF paragraph 145 indicates that redevelopment of previously developed land "whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority" will not be inappropriate development.

- 5.15 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 logically, 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; (ii) it is considered that the proposal would have a greater impact on the openness of the Green Belt and (iii) the development would cause significant harm to the openness relative to the existing uses.

- 5.16 The vehicles that were stored on the Coats' site were not buildings, or permanent or fixed surface infrastructure, and therefore the site can be considered previously developed insofar as it represents the curtilage of buildings or fixed surface infrastructure. Para. 145 of the NPPF indicates that it should not be assumed that such curtilages should be developed in their entirety. Much the same applies to the Colliery part of the site, which has no defined use and is also largely open, with the ruined buildings only taking up a small percentage of the site.

- 5.17 The Council accepts that applicant's point that this is a previously developed site. However, the statement needs to be qualified by the above point regarding curtilages and whether what was there accords with the exception. Saying the sites are previously developed does not mean that anything goes, and the developer can do what they want.
- 5.18 On that basis, it is clear that the proposal does not satisfy the requirements of the exception test referred to and hence the proposal can only be considered as inappropriate development.
- 5.19 Very special circumstances

Paragraph 143 of the NPPF states that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 144 goes on to say that *substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*.

- 5.20 Therefore, consideration of very special circumstances is in fact a two part assessment of the impact upon the Green Belt and the impact upon other things, such as ecology, for example.
- 5.21 The applicant sets out that removing and cleaning up a derelict site (western portion), removing and cleaning up an incompatible use (eastern portion), which in turn would address anti-social behaviour problems associated with the sites amounts to very special circumstances.
- 5.22 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.
- 5.23 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.
- 5.24 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 use, for example to address an identified public safety concern.

- 5.25 With regard to the larger site, notwithstanding the road planings that have recently been deposited on the site without consent, 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 90, 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.
- 5.26 Officers consider that the position is clear; the vehicles have been removed, so that, regardless of the stated reason, any argument that the development is desirable to improve the appearance of the site is further weakened. The fact the vehicles have been removed to leave an open site and little indication of the former use, whereas the ruined buildings in the former colliery linger on even though the site has had no lawful use for in excess of 30 years illustrate the point perfectly. Therefore, it is clear that the Coats site has almost no harm to openness in its current state and even in its previous state the harm to openness is far less significant than what is now proposed.
- 5.27 Separate from any assessment of the harm to the Green Belt, paragraph 144 of the NPPF also sets out that the weighing up process should demonstrate that the very special circumstances outweigh “*any other harm resulting from the proposal*”. As will be detailed in the Ecology section later in the report, this proposed development would have such a significant and detrimental impact upon ecology and biodiversity that it cannot be suitably mitigated against. Therefore, it is considered that the proposal also fails the second part of the very special circumstances test.
- 5.28 Moreover, following the adoption of the CSUCP, Gateshead has in excess of 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 allocated housing sites, which have been identified as suitable and sustainable through the process of public consultation and examination leading to adoption of the Local Plan. 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 role as a strategic gap in the Green Belt, as well as the impact the development would have on biodiversity and the level of contamination on site.
- 5.29 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 145 of the NPPF, which underpins their Green Belt position.

- 5.30 An appeal case has been cited by the applicant that relates to the approval of 12 houses in Green Belt on a site similar to how the Coats site operated previously. This case was approved by the inspector on the basis of very special circumstances being demonstrated to outweigh the harm to openness. The Council in question had publicly stated that they would look to develop on Green Belt land due to the demand for housing in the area and they also did not have a 5 year land supply. The inspector placed significant weight on the Council's statement about seeking to build on Green Belt land, their lack of a 5 year land supply and the modest scale of development. Officers consider that the appeal decision does not give significant weight to the applicant's position in this case, as Gateshead are not seeking to develop on Green Belt land, Gateshead has a 10 year land supply and also the scale of this proposal is more than 10 times the size of the appeal site cited.

5.31 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 141. 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 141 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.

5.32 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.

### 5.33 ECOLOGY

This outline application was submitted back in 2016 with a botanical report and bird breeding survey, which raised a number of concerns to officers. Following these concerns being expressed to the applicant about the level of survey work undertaken, the Council's Ecologist met the applicant's appointed Ecologist to discuss the situation in more detail. This resulted in an updated Baseline Ecological Survey (September 2017), which failed to address the concerns previously raised. A further Baseline Ecological Survey has been submitted in September 2018, but again it is not considered sufficient to address the concerns raised as part of the original submission, as they go to the heart of the development.

5.34 The following paragraphs set out the Local Planning Authority's reasoning.

5.35 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 submitted 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.

5.36 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.

5.37 There is insufficient 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.

- 5.38 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.
- 5.39 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 monetary figure offered and what it is proposed to be used for, given the multiple significant adverse impacts that this will inevitably have upon the area.

#### 5.40 PRINCIPLE OF THE HOUSING DEVELOPMENT

##### Windfall housing

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

- i. the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- ii. the capacity of the existing and potential infrastructure;
- iii. the ability to build or sustain communities;

- 5.41 As things currently stand 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 nearest bus stop on Manor Gardens at Rannoch Close would not be within 400 metres of any dwelling on the site (approximately 500m to the nearest dwelling). The nearest property would be approximately 1200m from Pelaw Metro Station (800m is recommended maximum walking distance) and that would involve the use of an unlit and isolated path. Therefore, as things stand public transport accessibility is relatively limited and would place a greater reliance on the use of private cars.
- 5.42 The existing arrangement resulted in Nexus objecting to the application because *"none of the site falls within 400m of a bus service or 800m of a Metro station"*. The applicant has since submitted a revised Travel Plan that sets out they have reached agreement with Nexus to move the west bound bus stop on Manor Gardens at Rannoch Close 150m closer to the application site, bringing some of the development within the 400 metre guideline. Nexus have

subsequently confirmed that they are happy with the proposed relocation, stating "*following a review of all possible options, the proposals included in the travel plan are the most appropriate for a development of this size and best meet the needs of new residents while not being to the detriment of existing residents*". Nexus have therefore withdrawn their objection, subject to conditioning the relocation of the bus stop at the applicant's expense.

5.43 Notwithstanding the above, officers consider that 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 also 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.

5.44 Overall, whilst it cannot be said that the proposal is fully in accordance with saved policy H4 of the UDP, on balance, it is considered that the relocation of the bus stop on Manor Gardens at Rannoch Close is sufficient to address the previous reason for refusal.

5.45 Housing choice

The proposal is for no more than 144 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.

5.46 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 proposing 5% affordable units, as discussed in the Viability section below, it is considered that the site's post-development value cannot support a planning obligation, requiring any level of affordable housing and so in that regard the proposal is in accordance with policy CS11 of the CSUCP.

5.47 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.

5.48 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.

5.49 Children's play

The applicant is proposing 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.

5.50 Regarding off-site contributions towards junior and teenage provision, pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010, which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.

5.51 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area. Therefore, the Council cannot seek any further obligations in respect of these matters.

5.52 Consequently, while it cannot be concluded that the proposed development would comply with saved policies CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for play provision in this case, based on the above assessment.

5.53 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. Having assessed the issues raised, including the additional information on sales values at the nearby Bellway Cottage Mews site, in connection with revenue streams, build costs and land remediation that does support the view that the site is unviable by industry standards, even without any planning obligations.

5.54 Therefore, officers consider that it would be unreasonable to request any provision of affordable housing, despite the applicant's offer of providing 5% affordable housing.

5.55 LANDSCAPED BUND/PUBLIC SAFETY

The applicant states that the mound along the west/southwest boundary will remain and continue to function as a landscaped screening bund. However, the mound is steep sided, approximately 10m high colliery spoil heap with a clay cap that was not envisaged to function as the applicant is proposing, in that it has no public access and screens an industrial site. 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.

- 5.56 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. This is because the additional testing that has been undertaken is superficial and has not established what is at the heart of the mound and hence what contamination and stability risks that may exist. However, the additional testing did establish that the mound has a high calorific content due to being mostly colliery waste.
- 5.57 Officers consider the highly calorific, combustible colliery ash within the main body of the mound is a serious concern and if there is insufficient inert capping layer to the entire mound then this mound poses a potential risk to the development should a surface fire start.
- 5.58 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.
- 5.59 Overall, it is not possible to say that the proposal would accord with the NPPF, policies CS14 and CS18 of the CSUCP and saved policies DC1(c) and DC2 of the UDP.
- 5.60 **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.
- 5.61 The applicant has submitted a revised Transport Assessment (TA) that is considered to raise a number of concerns regarding the impact of the

development. However, given the anticipation that this scheme would not come forward for several years, as it is outline with all matters reserved and hence the layout of the scheme could also change significantly, it is considered that further TA work will be required in the future. Therefore, should outline permission be granted, it is recommended that a revised TA be submitted at reserved matters stage and subject to it the proposal would accord with the NPPF and policy CS13 of the CSUCP.

#### 5.62 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.

- 5.63 The FRA correctly assesses that the site is located within flood zone 1 i.e. low risk of tidal and fluvial flooding.
- 5.64 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.
- 5.65 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.
- 5.66 The FRA does not refer to the risk of groundwater flooding. Consequently, insufficient information is available in relation to the risk of groundwater flood risk and mitigation measures, given the outcomes from the preliminary ground investigations which identifies ground water ingress at shallow levels.
- 5.67 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.
- 5.68 The FRA includes correspondence from Northumbrian Water who have confirmed that there are no sewer flooding incidents in the vicinity of the site.
- 5.69 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.
- 5.70 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 adjacent

to 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.

- 5.71 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.
- 5.72 **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". Officers have assessed the submitted supporting information and agree with the following comments contained within the report:
- 5.73 1. 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.
- 5.74 2. 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.
- 5.75 3. 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.
- 5.76 4. 2 of 4 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.
- 5.77 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". Officers also agree with the comment "further site investigation to delineate the extent of contamination identified within the site will be required before a true reflection of remedial actions or a remedial specification for the site can be determined".

5.78 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.

#### 5.79 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 these elements are conditioned to come forward in more detail at Reserved Matters stage.

5.80 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.

#### 5.81 SCHEDULED 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 Monument to enable redevelopment of the salvage yard. 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.

#### **5.82 REFUSE STORAGE AND COLLECTION**

From a waste servicing perspective there are considered to be no major issues with the proposal. The indicative 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.

#### **5.83 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.

5.84 Outline applications are still liable for CIL but the liability is calculated at reserved matters stage when the details are known. If an outline application includes phasing of development, each phase is treated as a separate development for the purpose of paying CIL. CIL liability for each phase is calculated at reserved matters stage for that phase.

#### **5.85 OTHER MATTERS**

Were members minded to approve this application it would have to be referred to the Secretary of State to see whether they would wish to call it in for further consideration or to allow the decision to be issued locally. This is because an approval would represent a departure from the adopted Local Plan.

### **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 a substantial development that would significantly harm the purpose and the openness of the Green Belt at this vulnerable, yet key strategic location, where no Very Special Circumstances to justify this inappropriate development exist.

6.2 The development would result in significant harm to ecology at the adjacent Wardley Manor Local Wildlife Site and to the integrity of the Wildlife Corridor that cannot be suitable mitigated against.

6.3 The application fails to provide insufficient information regarding former spoil heap and consequently the impact that its retention or remodelling cannot be fully assessed.

6.4 Furthermore, the development of this site for housing is not required in order for the Council to meet its housing delivery targets. The site was assessed as part

of the process of review of the Green Belt boundaries and associated allocation of former Green Belt land for housing development, as part of the Core Strategy, but after careful review, it was considered that this land contributes too greatly to the separation of Gateshead and Hebburn, and it was therefore retained in the Green Belt. It is therefore subject to the same rigorous scrutiny that other inappropriate development in the Green Belt is subject to.

6.5 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):

1

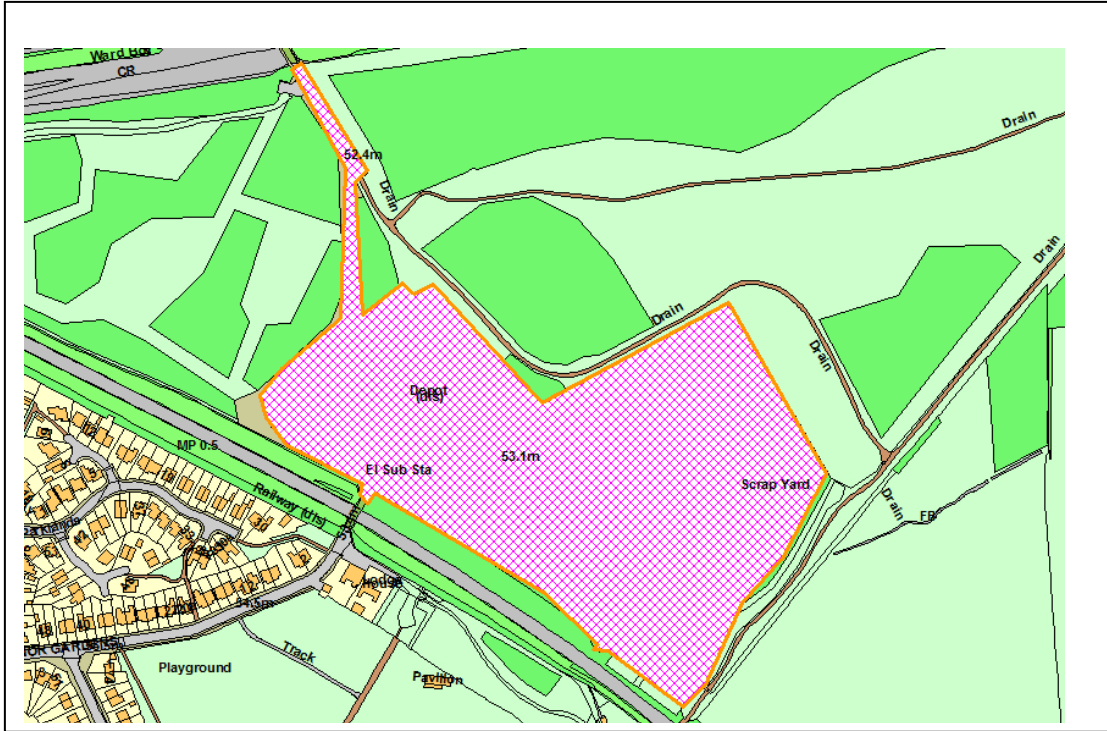
The proposal represents inappropriate development in the Green Belt that has been unable to demonstrate any very special circumstances and hence is contrary to the NPPF and policy CS19 of the CSUCP.

2

The proposed development would have such a detrimental impact upon, a designated Wildlife Corridor and the adjacent Wardley Manor Local Wildlife Site that could not be appropriately mitigated against. Therefore, the proposed development is contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

3

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 an acceptable impact upon landscape quality or provide a safe environment for future residents. As a result, it is not possible to say that the proposal would accord with the NPPF, policies CS14 and CS18 of the CSUCP and saved policies DC1(c) and DC2 of the UDP.



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