

Development Control
(Hetton, Houghton and Washington)
Sub-Committee

SUPPLEMENT

Number:	S1
Application No.	09/01189/LBC
Proposal:	Refurbishment and change of use of listed former 'Power Station' building to mixed commercial use (D2, B2, A1, A2, A3 and A4) refurbishment of a further five listed buildings and stopping up of highway and change of use to residential / commercial use
Location:	Philadelphia Complex Philadelphia Lane Newbottle Houghton-Le-Spring

Listed Building Consent is sought for the refurbishment and change of use of listed former 'Power Station' building to mixed commercial use (D2, B2, A1, A2, A3 and A4) refurbishment of a further five listed buildings and stopping up of highway and change of use to residential / commercial use.

As detailed on the main report, the main issues to consider are:

- Relevant Planning Policy
- The impact of the proposed change of use of the former Power Station upon the historic fabric of the listed building.
- The impact of the proposed renovation works to five listed buildings located within the Philadelphia Complex upon the historic fabric of those listed buildings.
- The impact of the proposed renovation works and change of use of listed buildings upon the development proposed by planning application 09/01187/SUB (for the comprehensive redevelopment of the Philadelphia Complex).

Relevant Planning Policy

In the assessment of this application for Listed Building Consent, the relevant Unitary Development Plan (UDP) policies are B2, B8, B9 and B10.

Policy B2 dictates that the scale, massing, setting and layout of new developments should respect

and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy and that large scale schemes creating their own individual character should relate harmoniously to adjoining areas.

Policy B8 dictates that there will be a presumption in favour of the retention of listed buildings and that demolition, either in whole or in part will only be permitted where all other avenues for retention have been explored and found not to be feasible or it is considered that the redevelopment would benefit the community in a way which would decisively outweigh the loss resulting from demolition.

Policy B9 seeks to preserve and enhance the character and quality of listed buildings by refusing permission for extensions or alterations which would adversely affect their historic interest.

Policy B10 seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In view of the need to consider policy coverage beyond the period of the adopted UDP, Authorities have had to seek a ¿direction¿ from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed ¿saved¿ policies was submitted to the SoS via Government Office for the North East.

Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Unfortunately, due to an administrative error, policy B9, detailed above, has not been saved, thus the Council is now reliant on Policy 32 of the Regional Spatial Strategy (RSS) and Planning Policy Guidance note 15 (PPG15) in the consideration of works impacting upon Listed Buildings, which were duplicated by policy B9 in any case.

Paragraphs 3.12 to 3.15 of PPG15 provide planning guidance on alterations to listed buildings. It is dictated therein that it is important to balance the effect of any changes on the special interest of the listed building against the proposed use. It is further noted that features of special interest should be protected.

Paragraphs 3.16 to 3.19 of PPG15 provide guidance relating to instances where the demolition of listed buildings is proposed. It is noted therein that the destruction of such buildings is seldom necessary for reasons of good planning and notes that clear and convincing evidence will be required that all reasonable efforts have been made to sustain existing uses or find new ones to avoid the need for demolition.

RSS policy 32 dictates that planning proposals should seek to conserve and enhance the historic environment of the region through an understanding of heritage assets, their contribution to the environment and identifying options for their sensitive management.

The impact of the proposed change of use of the former Power Station upon the historic fabric of the listed building.

It is considered that the level of intervention into the listed structure of the former power station is great, although in parts, quite sensitively and innovatively handled. Nevertheless, the forming of expansive new openings and the addition of balconies etc to such a landmark listed building, albeit clearly discernible as modern additions, will undoubtedly affect the character of the listed building and must be fully justified in the context of bringing the building back into beneficial use. In this respect, it is considered that the design statement justifies in part the proposed alterations / additions. Notwithstanding the above, there are concerns in relation to the proposed hanging of the steel members from the corbel features, both from a structural and visual point of view, whilst no details of the material for the surrounds of the picture windows have been provided.

The open spacious character of the interior of the Power Station is an especially distinctive feature of the building, where a number of interesting features survive, most notably the cast iron staircase and balustrading. The proposed use of the building as a children's play area is well suited to the internal space in that it does not require subdivision and should allow the main surviving internal features to be retained, although should the proposal be considered acceptable, the full extent of surviving and retained features needs to be substantiated through a recording exercise. It is also noted that there is no mention in the submitted documentation of the switch gallery, control cabin, crane supports, tiled lower walls or iron roof trusses, all of which were identified as important surviving features in 1995 as part of English Heritage's assessment under the Monument Protection Programme.

In addition, a schedule of all surviving internal features and what is proposed to be retained / removed should have been submitted for consideration in relation to all listed and historic buildings in the application site along with the application and in the absence of such information, the impact of the proposed development upon the listed power station and other listed buildings cannot be fully assessed. Such an assessment should include plant and machinery of historic / archaeological value which may need to be retained.

A number of buildings are proposed to be demolished to make way for the proposed housing development. Whilst many of these buildings are of little significance, the yellow brick depots directly to the south of the Power Station are considered to be of considerable historic and architectural merit and should therefore be retained. These buildings were built in 1914 and are significant in that they form part of the industrial context to the Power Station, having been built only 8 years later and in a similar style and matching materials. They are also 'listed' by virtue of being physically linked and / or erected in the curtilage of the listed station. The brickwork detailing on the building matches the Power Station and is a particularly attractive feature that gives the listed group an architectural cohesiveness, especially when viewed from Philadelphia Lane. The retention of these buildings would result in the loss of four dwellings from the proposed scheme and also a reconsideration of the layout of the development in the area immediately to the south of the depot and power station.

In light of the above, it is considered that the proposed works to the listed power station have not been fully justified and are in some details unacceptable. In addition, the proposed demolition of

the brick depots immediately south of the power station is considered to be unacceptable.

The impact of the proposed renovation works to five listed buildings located within the Philadelphia Complex upon the historic fabric of those listed buildings.

In addition to the listed Power Station, the site also accommodates a group of five listed buildings which form the former Lambton Engine Works site, a collection of late Victorian and early 20th Century industrial structures.

The proposed works to the Listed / Historic Buildings at the Engine Works site largely involve the sympathetic repair and restoration of the listed engine sheds / workshops etc. This also includes the unlisted 'High Sheds' outside of the main nucleus of the Engines site. It is considered that this element of the scheme is acceptable in allowing for the retention of the buildings, which will be suitably repaired and restored.

The impact of the proposed renovation works and change of use of listed buildings upon the development proposed by planning application 09/01187/SUB (for the comprehensive redevelopment of the Philadelphia Complex).

As detailed above, the presence of a number of listed buildings across the application site impacts significantly upon the comprehensive redevelopment of Philadelphia Complex. As detailed above, the retention of the brick depots to the south of the power station will require further consideration of the proposed development in this area of the site.

Any new development must be designed as to not overwhelm or adversely transform the character of the settings of the historic nucleus of the Lambton Engines site and the Power Station group.

In this regard, the impact of the proposed development on the setting of these groups of listed / historic buildings has been assessed above. Whilst its impact on the Engines site is limited, being physically separated by a buffer zone, the impact of the development on the setting of the listed Power Station group and general street scene of Philadelphia Lane raises some issues of concern.

The impact of the proposed development on views of the Power Station from Philadelphia Lane is not considered to be acceptable in the submitted form. In particular, there are reservations over the proximity and positioning of house nos 121-122 in relation to the Power Station and it is considered that they will detract from the setting and views of the listed building.

As such, it is not considered that the impact of the need to renovate the existing listed buildings on the site has been given thorough enough consideration in the application, which in its current form is considered to be detrimental to the established character of these buildings.

Conclusion

It is not considered that sufficient justification has been provided for the proposed demolition of the group of listed buildings immediately to the south of the Power Station. In the absence of such information, it is considered that these buildings should be retained and as such, the proposal falls

contrary to Paragraphs 3.16-3.19 of PPG15 and UDP policy B8

It is further considered that the alterations proposed to the Power Station building have not been sufficiently justified and as such, the proposal falls contrary to Paragraphs 3.15 to 3.15 of PPG15 as well as RSS policy 32.

In addition, it is considered that the proposed redevelopment of the Philadelphia Complex would detrimentally impact upon the amenity and historic value of the Power Station Building, particularly when viewed from Philadelphia Lane and as such, the proposal falls contrary to UDP policy B10.

In light of the above, it is considered that the proposed development would adversely impact upon the listed buildings located on the Philadelphia Complex.

Members are therefore recommended to refuse the application for Listed Building Consent for the following reasons:

**Recommendation: REFUSE
for the following reasons:**

Reasons

1) The proposed demolition of the brick depots immediately south of the Power Station is considered to be unacceptable due to the loss of historic listed buildings with insufficient justification and as such, the proposal fails to accord with Planning Policy Guidance Note 15 and Policy B8 of the Unitary Development Plan.

2) The proposed alterations to the Power Station, by reason of their design and siting, would appear as an obtrusive and unsympathetic feature and would have a significant adverse impact upon the character and appearance of the Listed Building and, as such, fails to accord with Planning Policy Guidance Note 15 and RSS Policy 32.

Number:	S2
Application No.	09/01187/SUB
Proposal:	Erection of 303 dwellings and associated garages, roads, landscaping, open space, new access road to retained employments area, refurbishment and change of use of listed former 'Power Station' building to mixed commercial use (D2, B2, A1, A2, A3 and A4) refurbishment of a further five listed buildings and stopping up of highway and change of use to residential / commercial use (AMENDED DESCRIPTION)
Location:	Philadelphia Complex Philadelphia Lane Newbottle Houghton-Le-Spring

Further to the report contained on the main agenda, the main issues to consider in the determination of this application are:

- Principle of the proposed development
- Highway access and car parking/impact on surrounding road network
- Design and layout of proposed residential dwellings
- Impact upon the residential amenity of occupiers of existing, neighbouring residential areas.
- Relationship between the retained employment use (B1, B2, B8 and sui generis uses) and proposed residential use (C3).
- Impact upon listed buildings and archaeology
- Impact upon protected species
- Benefits of the development

Taking each point in turn:

- **Principle of the proposed development**

Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states that:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Therefore in order for a proposal for development to be considered acceptable, that development must be in accordance with the policies contained within the development plan unless material considerations indicate otherwise.

- Principle of the proposed development

Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states that:

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under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Therefore in order for a proposal for development to be considered acceptable, that development must be in accordance with the policies contained within the development plan unless material considerations dictate otherwise.

REGIONAL PLANNING POLICY

The Regional Spatial Strategy (RSS) is now part of the Development Plan for the City (in addition to the UDP). In the event of a contradiction between policies within RSS and the UDP, the most recently adopted prevails (in this case the RSS is most recent).

RSS Policies

Para 3.93 “whilst housing on previously developed land is important, the reuse of such land for employment is also important. The managed release of housing land can protect employment sites from re-development for other uses like housing, even where these uses would be regarded as sustainable. This is particularly important when considering the compatibility of alternative land uses such as housing and the future operability of employment land adjacent to “unneeded” employment sites”.

Policy 4 of the RSS advises that local planning authorities should select locations for development in a priority order starting with suitable previously developed sites and buildings within urban areas. However, although it is clear that the site is currently in use for a variety of uses including, industrial processes, employment uses, allotment etc. it is not considered that the proposed development site can be identified as a “suitable” site in terms of RSS Policy 4. The site is allocated as Employment Land in the adopted Unitary Development Plan and the application offers some £4.5 million to be invested in the refurbishment of buildings, including heritage buildings as part of the proposals.

RSS Policy 18 seeks to protect employment land from redevelopment and states that:

In determining the land portfolio in accordance with the provision set in para 18.1, planning authorities should undertake sub-regional and local employment land assessments based on a 25 year level of supply and take up, taking into account of:

- a. the need to protect employment land and premises from redevelopment to alternative uses, where they are an essential part of the long-term employment land and premises portfolio;
- b. the potential of existing employment allocations no longer required for employment purposes for reallocation to alternative uses or de-allocation;
- c. a presumption in favour of regenerating and upgrading existing employment land and premises in advance of allocating new sites on greenfield land;
- d. the need to ensure that employment land provision is of an appropriate scale and nature,

particularly at employment sites outside the conurbations; and

e. the need for the Tyne and Wear authorities to seek to maximise opportunities to meet any shortfall of employment land supply through the intensification of sites around transport hubs and on previously developed land.

Sunderland is in the process of completing an employment land review. On the one hand there is an identified shortage of employment land in the Tyne and Wear conurbation but on the other hand there are sites including this one which are not well located in relation to the road network with little prospect in qualitative terms of attracting new employment investment.

Policy 28 of the RSS apportions the City some 14,950 net additional dwellings to 2021 as a minimum.

Policy 29 of the RSS is of relevance :.

Policy 29.3(c) requires an average density of 30-50 dwellings per hectare and the proposed density is 34 per hectare.

Policy 29.4(b) requires that LDFs should bring forward previously developed land first, taking into account their potential in up to date Strategic Housing Land Availability Assessment (SHLAA).

Policy 29.5(c) considers the re-use of employment sites for housing only where they are not required for long term employment use. As has been noted the emerging Employment Land Review questions the long term viability of this site.

Policy 29.5(d) considers the compatibility of housing with the operation of adjacent employment land.

The location of the proposed residential development alongside existing industrial processes which include 24 hour operations, sheet metal working etc. is considered to be unacceptable and very likely to compromise the residential amenity of those living closest to the employment land. It is therefore considered that the location of residential development in such close proximity to employment land is considered unacceptable and contrary to Policy 29 of the RSS.

RSS Policy 35 refers to Floodrisk and states that when considering planning proposals, a sequential risk-based approach to development and flooding should be adopted as set out in PPS25: Flooding. A floodrisk assessment was submitted to support the application. However, an objection to the proposed development was received from the Environment Agency who recommend refusal of the proposed development as the Flood Risk Assessment submitted does not comply with the requirements set out in Annex E, paragraph E3 of PPS 25. It is considered that the submitted floodrisk assessment fails to clearly state where surface water runoff from the site will be discharged to.

Policy 38 of the RSS considers the importance of sustainable construction of new development, and states that:

Strategies, plans and programmes, and planning proposals should:

- a. ensure that the layout and design of new buildings and development minimise energy consumption;
- b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
- c. Encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption, and
- d. Promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set the DPDs, major new developments of more than 10 dwellings or 1000msq of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

The application submitted contains no information relating to sustainable construction.

No details are provided within the application that explains the sustainability measures incorporated into the scheme, other than to the sustainability of the site itself. The development scheme is of a sufficient scale to achieve a shared heat/power installation. A 'bolt-on' approach to sustainability would not be considered acceptable. The development should aim to achieve a minimum of Level 3 of the *Code for Sustainable Homes* or similar assessment. The proposed development is therefore considered contrary to Policy 38 of the RSS and as such is considered to be unacceptable.

UDP

Whilst part of the application site is allocated for residential development (ie HA4.5) the Philadelphia Complex is largely allocated in the adopted Unitary Development Plan as an Existing Employment Site (subject to Policy HA1) which states that:

Established industrial/business areas and available sites within them will be retained and improved for the primary uses: offices, research and development, light industry, general industry, warehouses and storage (Use Classes B1, B2, B8 as defined in the Town and Country Planning Use Classes (amendment) Order 2005).

The Complex is also subject to Policy EC4 which requires that existing business and industrial land will be retained and improved for B1 (offices, research and light industry), B2 (General industry), Warehouses and Storage (B8) with some possible ancillary use where, required to meet the needs of each site, of shops up to 50msq individual sales area, offices where services are provided for the

general public (A2), food and drink outlets (A3-A5), Hotels (C1), Community Facilities (D1), assembly and leisure (D2) and open space.

Uses designated as being unacceptable on sites subject to Policy EC4 include:

- Other Shops (A1)
- Residential institutions (C2)
- Housing (C3)
- Warehouse Clubs

The proposed development of 303 residential properties on the site of the Philadelphia Complex is therefore contrary to the requirements of Policies HA1 and EC4 of the adopted UDP through proposing a land use (residential) which is not compatible with the land use policies (HA1 and EC4) relevant to the site.

Policy EC4 also states that where proposals involve incompatible or bad neighbour uses they will also be required to conform to Policies EC12-EC15.

Policies EC12 and EC15 are concerned with the control of incompatible uses (particularly industries). Policy EC12 states that proposals for the development of potentially polluting industries will normally be required to *"have adequate physical and visual separation from other developments to ensure both safety and general amenity (especially in respect to residential areas)"* and to *"have transport routes available to the primary road/rail network which avoid densely built up areas and provide for the safe passage of hazardous materials"...*

Policy EC15 is concerned with "Bad Neighbour Uses" such as scrap yards and the sorting and storage of waste materials and states that such uses will only be permitted in areas identified as suitable providing that (amongst other things):

"there will be no significant nuisance to adjacent premises or highways users by virtue of dust, smell, vibration, smoke, noises, pollution of controlled waters, mud or slurry".

Although Policies EC12 and EC15 are generally used to control proposals for industrial uses it is considered that these policies are equally applicable to developments that propose new residential development in close proximity to existing industrial areas as the effect of these uses in close proximity to one another would be identical.

Policies EC12 and EC15 are primarily concerned with the effect that industrial use will have upon the general safety and amenity of residential occupiers of nearby dwellings and of highway users. Policies EC12 and EC15 aim to safeguard amenity through ensuring that industrial processes producing hazardous materials and/or nuisance through noise, dust, smell, vibration, mud, visual intrusion, and continuous 24 hour operations are located appropriately and that adequate visual and physical separation is achieved from residential development.

It is considered that the proposed development is contrary to both Policies EC12 and EC15 through proposing residential development in a location (on allocated Employment Land) which is has

neither adequate visual or physical separation from proposed residential development. (The dwelling proposed on plot 252 is located approximately 24 metres from the red line boundary of the application site which effectively delineates the proposed residential scheme from the existing established employment/industrial area). These issues and the implications of non-compliance with UDP Policies EC12 and EC15 will be further explored in the “likely impact upon residential amenity” and “highway access, layout and car parking” sections of this report.

In addition to the allocated Employment Land which comprises approximately 70% of the proposed development site, there are also areas included within the red line boundary of the planning application that are allocated in the adopted UDP as Green Belt, allotment land and for housing (subject to Policy HA4.5: Land East of Raglan Row). Taking each in turn:

Green Belt

A small area of the site (located on the south eastern boundary of the application site) is allocated in the adopted UDP as Green Belt. As such this area of the site is subject to the requirements of PPG2: Green Belt and UDP Policies CN2, CN3 and HA17.

PPG2 states that there is a general presumption against development in the Green Belt. However, the proposal indicates that a bus turning circle and area of landscaping will be located in this area. As such it is considered unlikely that the proposed development will have any detrimental impact upon the openness of the green belt. This element of the proposal being located within the defined green belt is therefore considered to be acceptable in principle.

Allotment Land

The area of the application site located to the north of Voltage Terrace is shown on the UDP proposals map as an area of “white land”. Such areas are generally subject to Policy EN10 of the adopted UDP which states that:

“Proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood”.

As this portion of the proposed development site is located between an area of established employment land and an area of established residential development, in normal circumstance either type of development would be considered to be acceptable in principle (subject to other material considerations). However, in this instance this area of the proposed development site is shown as an area of allotment and is included on the City Council’s Open Space Register, 2003.

Allotments are afforded protection from development by policies L8 and L9 of the adopted UDP.

Policy L8 states that the Council will encourage and enhance the provision of allotments of a high standard, distributed in accessible locations to meet a range of requirements but not normally the keeping of horses or other large livestock.

Policy L9 states that

Land for allotments will be retained for this purpose except where:

- (i) Alternative provision is made in the locality;

This application proposes no such alternative provision.

- (ii) The site is allocated for another purpose elsewhere in the plan;

There is no such alternative allocation within the adopted UDP.

- (iii) The site is identified by the Council as being surplus to requirements;

No such identification of the allotment site as surplus to requirements has been made.

- (iv) A site has become disused or significantly under used through lack of local demand. In this case the Council will give prior consideration to the need for public open space or other recreational uses of the site.

The site appears to be in a tidy, well maintained condition with the majority of the site being grassed (adjacent to Voltage Terrace). There are some allotment plots (approx 2/3) adjacent to the boundary with the Philadelphia Complex that remain in use.

It is considered that the allotment garden/open space (as recorded on the Council's register, 2003) forms an important area of open amenity space for the occupiers of Voltage Terrace and the surrounding area. It is not considered that the loss of such land has been adequately justified by the application submitted. The proposal to include this area of allotment/open space in the application site for residential development is therefore considered to be unacceptable and contrary to the requirements of UDP policies L8 and L9.

Housing Site

An area of the proposed development site, located on the north-western boundary, is allocated for housing in the UDP and the Sunderland Interim Strategy for Housing Land (2006) (ISHL), and is identified as "Land East of Raglan Row".

The allocated site, in its entirety (and as shown in the UDP) includes land to the north-west of the existing access road to the Philadelphia Complex, the (unlisted) "High Sheds" and land to the rear of Chapel Row. The ISHL shows the site as being capable of accommodating 70 dwellings and shows that the land is scheduled for development between 2011 - 2016.

The development proposed only takes in half the allocated housing site. The proposal includes the eastern portion of the site up to the rear boundary of the High Sheds and the boundary with Chapel Row, although by bringing vehicular access to the edge, it does not prejudice the future

development of the remaining area.

NATIONAL POLICY

PPS3 requires that Local Planning Authorities should consider a range of incentives or interventions that could help to ensure that previously developed land is redeveloped. This should include:

Considering whether sites that are currently allocated for industrial or commercial use could be more appropriately re-allocated for housing development.

However, PPS3 also states that there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

It is acknowledged that the “Philadelphia Workshops” site is identified as a potential housing site within the Sunderland Strategic Housing Land Availability Audit (SHLAA). However, PPS3 states that to be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:

- Be Available – the site is available now.
- Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.
- Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years.

In addition PPS3 states that in order to be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged.

The site is identified as being “Deliverable” within first 5 years as set out in the SHLAA and from purely a housing policy perspective the site is acceptable in locational terms.

- Principle of the proposed development

Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states that:

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Therefore in order for a proposal for development to be considered acceptable, that development must be in accordance with the policies contained within the development plan unless material

considerations dictate otherwise.

REGIONAL PLANNING POLICY

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Policy 4 of the RSS advises that local planning authorities should select locations for development in a priority order starting with suitable previously developed sites and buildings within urban areas. However, although it is clear that the site is currently in use for a variety of uses including, industrial processes, employment uses, allotment etc. it is not considered that the proposed development site can be identified as a “suitable” site in terms of RSS Policy 4. The site is allocated as Employment Land in the adopted Unitary Development Plan and the application offers some £4.5 million to be invested in the refurbishment of buildings, including heritage buildings as part of the proposals.

RSS Policy 18 seeks to protect employment land from redevelopment and states that:

In determining the land portfolio in accordance with the provision set in para 18.1, planning authorities should undertake sub-regional and local employment land assessments based on a 25 year level of supply and take up, taking into account of:

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- b. the potential of existing employment allocations no longer required for employment purposes for reallocation to alternative uses or de-allocation;
- c. a presumption in favour of regenerating and upgrading existing employment land and premises in advance of allocating new sites on greenfield land;
- d. the need to ensure that employment land provision is of an appropriate scale and nature, particularly at employment sites outside the conurbations; and
- e. the need for the Tyne and Wear authorities to seek to maximise opportunities to meet any shortfall of employment land supply through the intensification of sites around transport hubs and on previously developed land.

Sunderland is in the process of completing an employment land review. On the one hand there is an identified shortage of employment land in the Tyne and Wear conurbation but on the other hand there are sites including this one which are not well located in relation to the road network with little prospect in qualitative terms of attracting new employment investment.

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Policy 29 of the RSS is of relevance :.

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Policy 29.5(d) considers the compatibility of housing with the operation of adjacent employment land.

The location of the proposed residential development alongside existing industrial processes which include 24 hour operations, sheet metal working etc. is considered to be unacceptable and very likely to compromise the residential amenity of those living closest to the employment land. It is therefore considered that the location of residential development in such close proximity to employment land is considered unacceptable and contrary to Policy 29 of the RSS.

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Strategies, plans and programmes, and planning proposals should:

- e. ensure that the layout and design of new buildings and development minimise energy consumption;

- f. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
- g. Encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption, and
- h. Promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set the DPDs, major new developments of more than 10 dwellings or 1000msq of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

The application submitted contains no information relating to sustainable construction.

No details are provided within the application that explains the sustainability measures incorporated into the scheme, other than to the sustainability of the site itself. The development scheme is of a sufficient scale to achieve a shared heat/power installation. A 'bolt-on' approach to sustainability would not be considered acceptable. The development should aim to achieve a minimum of Level 3 of the *Code for Sustainable Homes* or similar assessment. The proposed development is therefore considered contrary to Policy 38 of the RSS and as such is considered to be unacceptable.

UDP

Whilst part of the application site is allocated for residential development (ie HA4.5) the Philadelphia Complex is largely allocated in the adopted Unitary Development Plan as an Existing Employment Site (subject to Policy HA1) which states that:

Established industrial/business areas and available sites within them will be retained and improved for the primary uses: offices, research and development, light industry, general industry, warehouses and storage (Use Classes B1, B2, B8 as defined in the Town and Country Planning Use Classes (amendment) Order 2005).

The Complex is also subject to Policy EC4 which requires that existing business and industrial land will be retained and improved for B1 (offices, research and light industry), B2 (General industry), Warehouses and Storage (B8) with some possible ancillary use where, required to meet the needs of each site, of shops up to 50msq individual sales area, offices where services are provided for the general public (A2), food and drink outlets (A3-A5), Hotels (C1), Community Facilities (D1), assembly and leisure (D2) and open space.

Uses designated as being unacceptable on sites subject to Policy EC4 include:

- Other Shops (A1)
- Residential institutions (C2)
- Housing (C3)
- Warehouse Clubs

The proposed development of 303 residential properties on the site of the Philadelphia Complex is therefore contrary to the requirements of Policies HA1 and EC4 of the adopted UDP through proposing a land use (residential) which is not compatible with the land use policies (HA1 and EC4) relevant to the site.

Policy EC4 also states that where proposals involve incompatible or bad neighbour uses they will also be required to conform to Policies EC12-EC15.

Policies EC12 and EC15 are concerned with the control of incompatible uses (particularly industries). Policy EC12 states that proposals for the development of potentially polluting industries will normally be required to *"have adequate physical and visual separation from other developments to ensure both safety and general amenity (especially in respect to residential areas)"* and to *"have transport routes available to the primary road/rail network which avoid densely built up areas and provide for the safe passage of hazardous materials" ..*

Policy EC15 is concerned with "Bad Neighbour Uses" such as scrap yards and the sorting and storage of waste materials and states that such uses will only be permitted in areas identified as suitable providing that (amongst other things):

"there will be no significant nuisance to adjacent premises or highways users by virtue of dust, smell, vibration, smoke, noises, pollution of controlled waters, mud or slurry".

Although Policies EC12 and EC15 are generally used to control proposals for industrial uses it is considered that these policies are equally applicable to developments that propose new residential development in close proximity to existing industrial areas as the effect of these uses in close proximity to one another would be identical.

Policies EC12 and EC15 are primarily concerned with the effect that industrial use will have upon the general safety and amenity of residential occupiers of nearby dwellings and of highway users. Policies EC12 and EC15 aim to safeguard amenity through ensuring that industrial processes producing hazardous materials and/or nuisance through noise, dust, smell, vibration, mud, visual intrusion, and continuous 24 hour operations are located appropriately and that adequate visual and physical separation is achieved from residential development.

It is considered that the proposed development is contrary to both Policies EC12 and EC15 through proposing residential development in a location (on allocated Employment Land) which has neither adequate visual or physical separation from proposed residential development. (The dwelling proposed on plot 252 is located approximately 24 metres from the red line boundary of the application site which effectively delineates the proposed residential scheme from the existing established employment/industrial area). These issues and the implications of non-compliance with UDP Policies EC12 and EC15 will be further explored in the "likely impact upon residential

amenity” and “highway access, layout and car parking” sections of this report.

In addition to the allocated Employment Land which comprises approximately 70% of the proposed development site, there are also areas included within the red line boundary of the planning application that are allocated in the adopted UDP as Green Belt, allotment land and for housing (subject to Policy HA4.5: Land East of Raglan Row). Taking each in turn:

Green Belt

A small area of the site (located on the south eastern boundary of the application site) is allocated in the adopted UDP as Green Belt. As such this area of the site is subject to the requirements of PPG2: Green Belt and UDP Policies CN2, CN3 and HA17.

PPG2 states that there is a general presumption against development in the Green Belt. However, the proposal indicates that a bus turning circle and area of landscaping will be located in this area. As such it is considered unlikely that the proposed development will have any detrimental impact upon the openness of the green belt. This element of the proposal being located within the defined green belt is therefore considered to be acceptable in principle.

Allotment Land

The area of the application site located to the north of Voltage Terrace is shown on the UDP proposals map as an area of “white land”. Such areas are generally subject to Policy EN10 of the adopted UDP which states that:

“Proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principle use of the neighbourhood”.

As this portion of the proposed development site is located between an area of established employment land and an area of established residential development, in normal circumstance either type of development would be considered to be acceptable in principle (subject to other material considerations). However, in this instance this area of the proposed development site is shown as an area of allotment and is included on the City Council’s Open Space Register, 2003.

Allotments are afforded protection from development by policies L8 and L9 of the adopted UDP.

Policy L8 states that the Council will encourage and enhance the provision of allotments of a high standard, distributed in accessible locations to meet a range of requirements but not normally the keeping of horses or other large livestock.

Policy L9 states that

Land for allotments will be retained for this purpose except where:

- (v) Alternative provision is made in the locality;

This application proposes no such alternative provision.

- (vi) The site is allocated for another purpose elsewhere in the plan;

There is no such alternative allocation within the adopted UDP.

- (vii) The site is identified by the Council as being surplus to requirements;

No such identification of the allotment site as surplus to requirements has been made.

- (viii) A site has become disused or significantly under used through lack of local demand. In this case the Council will give prior consideration to the need for public open space or other recreational uses of the site.

The site appears to be in a tidy, well maintained condition with the majority of the site being grassed (adjacent to Voltage Terrace). There are some allotment plots (approx 2/3) adjacent to the boundary with the Philadelphia Complex that remain in use.

It is considered that the allotment garden/open space (as recorded on the Council's register, 2003) forms an important area of open amenity space for the occupiers of Voltage Terrace and the surrounding area. It is not considered that the loss of such land has been adequately justified by the application submitted. The proposal to include this area of allotment/open space in the application site for residential development is therefore considered to be unacceptable and contrary to the requirements of UDP policies L8 and L9.

Housing Site

An area of the proposed development site, located on the north-western boundary, is allocated for housing in the UDP and the Sunderland Interim Strategy for Housing Land (2006) (ISHL), and is identified as "Land East of Raglan Row".

The allocated site, in its entirety (and as shown in the UDP) includes land to the north-west of the existing access road to the Philadelphia Complex, the (unlisted) "High Sheds" and land to the rear of Chapel Row. The ISHL shows the site as being capable of accommodating 70 dwellings and shows that the land is scheduled for development between 2011 - 2016.

The development proposed only takes in half the allocated housing site. The proposal includes the eastern portion of the site up to the rear boundary of the High Sheds and the boundary with Chapel Row, although by bringing vehicular access to the edge, it does not prejudice the future development of the remaining area.

NATIONAL POLICY

PPS3 requires that Local Planning Authorities should consider a range of incentives or interventions that could help to ensure that previously developed land is redeveloped. This should include:

Considering whether sites that are currently allocated for industrial or commercial use could be more appropriately re-allocated for housing development.

However, PPS3 also states that there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

It is acknowledged that the “Philadelphia Workshops” site is identified as a potential housing site within the Sunderland Strategic Housing Land Availability Audit (SHLAA). However, PPS3 states that to be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:

- Be Available – the site is available now.
- Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.
- Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years.

In addition PPS3 states that in order to be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged.

The site is identified as being “Deliverable” within first 5 years as set out in the SHLAA and from purely a housing policy perspective the site is acceptable in locational terms.

- **Highway access and car parking arrangements /Impact upon the surrounding road network.**

The highway access arrangements for the proposed residential site are considered to be broadly acceptable. The traffic along the A182 is likely to increase by around 3% in relation to the proposed development site. While this is marginal in terms of capacity it does raise some concerns over highway safety as this stretch of road has had a number of collisions on it in recent years. It is difficult to improve the road and it is anticipated that the situation would improve only when the Central Route has been opened. These concerns are not sufficient in themselves to merit a refusal of planning permission.

There are several matters of detail contained within the application e.g. drive lengths, car parking spaces, that would require some further modification in the event that Members were minded to approve the application. However, it is anticipated that in this event the issues in question would be easily resolvable.

8 letters of objection have been received on grounds of increased traffic on the wider road network

and emergency access being taken via Voltage Terrace (examined further in this report).

- **Design and layout of proposed residential dwellings**

Hierarchy of Routes

It is considered that the internal vehicular road network is unsuccessful in its current form. Both sections of the proposal are to be served from single access routes taken from the central boulevard, consequently the network of vehicular routes creates long and convoluted cul-de-sac style roads which do not aid movement around the site.

Furthermore in addition to providing access to residential development this single vehicular route would also provide HGV access to the retained industrial and commercial premises to the northern boundary of the development site. This could potentially lead to an undesirable conflict between different users of this access route.

Although the hierarchy of pedestrian routes presented by the scheme achieve a highly permeable outcome, it is considered that the presence of a high 'green buffer' between the residential properties and the boulevard will have a significant impact on the character, safety and level of natural surveillance provided to the adjacent footpath.

Response to the Local Context

The frontage that the proposed development will present onto Philadelphia Lane is particularly important in terms of the way in which the scheme will be perceived and the impact that it will have on the locality. There is a strong feature of terraces in this area, in particular along Philadelphia Lane itself and this is reflected in the design and access statement that accompanies the application. Despite this, the development proposed indicates detached, semi-detached and three-storey flat developments set back from Philadelphia Lane along this frontage. The proposed arrangement is not considered to be sympathetic to the existing street pattern of terraced housing fronting Philadelphia Lane by presenting a development that is inappropriate in scale, form and massing in the area of the site adjacent to Philadelphia Lane contrary to the requirements of UDP Policy B2 which states that:

The scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy and that large scale schemes creating their own individual character should relate harmoniously to adjoining areas.

Active Features

Units 189 - 196 and 59 - 67 face away from the boulevard. This is considered to be unacceptable in urban design terms as such an arrangement offers poor natural surveillance of the Boulevard.

Similarly the orientation of units 58-67 and the creation of a 1.6 metre high 'green buffer' which is topped by 2.1 metre high boundary fencing (combined height of 3.7 metres) to the rear of these units presents an issue of poor natural surveillance of a long stretch of the Boulevard/Estate Road. This is considered to be unacceptable particularly as this route presents the only vehicular corridor through the site.

In several areas of the proposed development the blank gable walls of housing face directly on to the public realm which is considered to be unacceptable.

Listed Power Station/Urban Square

The layout proposes an open space or 'urban square' adjacent to the listed power station building. This arrangement is welcomed and it is considered that this feature will help to create a suitable setting for the listed building and encourage the general leisure uses planned for its refurbishment.

However, a number of buildings would need to be demolished to enable this particular proposed housing development. Whilst many of these buildings are of little significance, the yellow brick depots directly to the south of the Power Station are considered to be of considerable historic and architectural merit and should therefore be retained. Consultation with the County Archaeologist has confirmed that these buildings were built in 1914 and are significant in that they form part of the industrial context to the Power Station, having been built only 8 years later and in a similar style and matching materials. They are "listed" by virtue of being physically linked and / or erected in the curtilage of the listed station. The brickwork detailing on the building matches the Power Station and is a particularly attractive feature that gives the listed group an architectural cohesiveness, especially when viewed from Philadelphia Lane.

The proposed demolition of the listed yellow brick deposits are therefore considered to be unacceptable and contrary to the requirements of policies B2, B8, B9 and B10 of the adopted UDP.

Policy B2 dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy and that large scale schemes creating their own individual character should relate harmoniously to adjoining areas.

Policy B8 dictates that there will be a presumption in favour of the retention of listed buildings and that demolition, either in whole or in part will only be permitted where all other avenues for retention have been explored and found not to be feasible or it is considered that the redevelopment would benefit the community in a way which would decisively outweigh the loss resulting from demolition.

Policy B9 seeks to preserve and enhance the character and quality of listed buildings by refusing permission for extensions or alterations which would adversely affect their historic interest.

Policy B10 seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In view of the need to consider policy coverage beyond the period of the adopted UDP, Authorities

have had to seek a “direction” from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed “saved” policies was submitted to the SoS via Government Office for the North East.

Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Unfortunately, due to an administrative error, policy B9, detailed above, has not been saved, thus the Council is now reliant on Policy 32 of the Regional Spatial Strategy (RSS) and Planning Policy Guidance note 15 (PPG15) in the consideration of works impacting upon Listed Buildings, which were duplicated by policy B9 in any case

Paragraphs 3.12 to 3.15 of PPG15 provide planning guidance on alterations to listed buildings. It is dictated therein that it is important to balance the effect of any changes on the special interest of the listed building against the proposed use. It is further noted that features of special interest should be protected.

Paragraphs 3.16 to 3.19 of PPG15 provide guidance relating to instances where the demolition of listed buildings is proposed. It is noted therein that the destruction of such buildings is seldom necessary for reasons of good planning and notes that clear and convincing evidence will be required that all reasonable efforts have been made to sustain existing uses or find new ones to avoid the need for demolition. It is not considered that such evidence has been presented in this instance, therefore the proposal to demolish the yellow brick deposits is considered contrary to the requirements of PPG15.

RSS policy 32 dictates that planning proposals should seek to conserve and enhance the historic environment of the region through an understanding of heritage assets, their contribution to the environment and identifying options for their sensitive management. Although it is acknowledged that significant financial investment in listed buildings across the Philadelphia Complex is proposed, and that significant effort has been made through this application to integrate the Power Station building particularly into the proposed development, it is not considered that these benefits to the historic (listed) buildings outweighs the requirement to retain the yellow brick deposits. Nor is it considered that any evidence to justify or support the removal of these deposits has been presented within this application.

Car Parking

With regards to the character of the streets created the inclusion of traffic calming measures and a range of parking solutions is generally welcomed. In a number of locations a rear parking court is proposed, these are recognised as a method of removing car parking from the street scene and are certainly preferable to a line of properties all with hardstanding to the front, however they can raise a number of issues. Guidance contained within English Partnerships *Car Parking, What works where* and *Manual for Streets* raises the concern that rear parking courts can reduce street level

activity and should only be used as part of a range of parking solutions, as is proposed by the developer on this site. However, issues such as the need for direct access to the rear of properties from the parking court to encourage their use, suitable surface materials and measures to prevent anti-social behaviour such as natural surveillance and lighting schemes must also be carefully considered.

In some areas of the development proposed, car parking is considered to be remote from dwellings, for example the car parking space allocated to the dwelling on plot 215 is located approximately 20 metres away from the dwelling in a parking court that is not easily visible from the dwelling.

Additionally with regards to car parking, the positioning of visitor parking spaces, within the carriageway, a distance of 14 metres from the junction of Phase 1 (southern area of housing) with the proposed Boulevard is not considered to be appropriate and is likely to lead to congestion around the junction at busy times reducing the efficient flow of vehicular traffic at this location severely reducing the permeability of the development overall.

The house types proposed are unusual and of a modern design. Several of the house types incorporate balconies to the front of properties and single storey off-shoots to the front, (e.g. 'The Rufford' and 'The Runswick.') Such elements will create overly complicated streetscenes which lack strong and consistent building lines. In addition, adopted Supplementary Planning Guidance in connection with new residential development requires a minimum distance of 21 metres to be retained between windows on the main facing elevations of two storey properties in order to maintain the privacy of occupiers of properties and afford a high standard of residential amenity to new development. However, the separation distances retained between properties on the proposed development is considered to be inadequate in several areas, for example the distance retained between main front elevations on plots 223 and 295 is only 15.5 metres; the distance retained between plots 180 – 207 and 189 -196 is 19.5 and these plots involve three storey properties with Juliette balconies facing on to two storey properties with front balconies. The inadequate separation distances common across the site is considered likely to result in overlooking between properties to the detriment of residential amenity and contrary to the requirements of Policy B2 of the adopted UDP and Supplementary Planning Guidance.

Play Area

The Play area proposed adjacent to the Power Station is relatively remote from dwellings and benefits from no natural surveillance from residential properties, the nearest residential property being that located on plot 120, the gable wall of which faces onto the play area.

PPS3 states that particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.

It is acknowledged that the proposal has attempted to achieve the aims of PPS3 through incorporating a play area into the scheme, however, there is limited detail of the play area contained within the application, except for its location.

- **Impact upon the residential amenity of occupiers of existing, neighbouring residential areas**

The possible impact upon Voltage Terrace has generated objections from residents living there.

It is proposed to create an emergency and cycle/pedestrian access via Voltage Terrace, an existing residential cul-de-sac located to the south of the proposed development site.

Voltage Terrace is currently a secluded cul-de-sac that benefits from allotment land/open space immediately to the north which adds to the visual amenity of the area surrounding Voltage Terrace.

There is no through traffic and as such the roads to the front and rear of the terrace are used for the parking of domestic vehicles belonging to those occupying the houses within the terrace.

4 letters of objection have been received from occupiers of properties within Voltage Terrace including an objection from the occupier of number 1 Voltage Terrace which is positioned directly adjacent to the boundary of the proposed development site and adjacent to the proposed emergency access and proposed residential development.

The objections received are on grounds of:

- Impact upon residential amenity
- Proposed development altering the character of Voltage Terrace
- Parking

The proposed layout indicates that an emergency/cycle access will be created at the end of Voltage Terrace, adjacent to number 1. The access will be restricted by removable or “knock down” bollards to restrict none emergency vehicular traffic from using the access.

To the immediate north of the access is a shared vehicular surface (shared between 5 dwellings located adjacent), this connects to the main loop road around Phase 1 of the proposed development (to the south of the Boulevard). Immediately to the north of 1 Voltage Terrace, adjacent to (but not adjoining) the gable wall of the property it is proposed to construct a pair of semi-detached two and a half storey houses (plots 106 and 107). To the rear of these houses a garage court serving four properties is proposed.

An attempt has been made by the applicant to continue the frontage of Voltage Terrace by locating the houses on plots 105 -107 to follow the established front building line of the terrace. The house type proposed however (the Chatsworth) is of an entirely different form and character to the traditional two storey terrace located adjacent.

In attempting to effectively extend the length of Voltage Terrace beyond the emergency access and by locating parking in garage courts to the rear of plots 105 -107, the applicant has potentially made Voltage Terrace an attractive alternative location for parking of vehicles associated with the

proposed development.

It is acknowledged that parking is unrestricted along Voltage Terrace and that any person is free to park there. However it is considered that the cumulative effect of dramatically changing the character of Voltage Terrace, turning it from a secluded cul-de-sac adjacent to open space, to a long street of built development with a purpose built pedestrian and cycle thoroughfare, and increasing the likelihood of additional parking of vehicles within Voltage Terrace to the south of the emergency access, is likely to result in detrimental impact to the residential amenity of occupiers of Voltage Terrace, particularly the occupier of 1 Voltage Terrace through increased noise and disturbance and parking congestion. This is contrary to the requirements of Policy B2 of the adopted UDP.

- **Relationship between the retained employment use (B1, B2, B8 and sui generis uses) and proposed residential use (C3)**

The main planning concerns about the wider proposals relate to how the development will sit alongside the retained industrial buildings and in particular what impact in particular HGV traffic to and from the existing industrial units will have on a residential neighbourhood.

The application proposes the erection of residential development on land allocated in the adopted UDP as Employment Land. However, only a proportion of the Philadelphia site is included in the red line boundary of the planning application. The application excludes the north eastern area of the existing Philadelphia site, identifying this area as a “retained employment area”.

The location of developments of significantly differing character in close proximity to one another can be problematic, particularly where development is sited so that residential dwellings are located adjacent to uses that potentially cause nuisance such as noise, smell, vibration, lighting and/or heavy traffic at all times of the day and night. Such circumstances generally result in conflict and complaints to the Local Authority until one of the conflicting uses is permanently removed either through changes in policy or through the conflict situation becoming untenable for one of the uses.

In this instance residential dwellinghouses are proposed adjacent to an existing industrial/employment area which is to be retained following the erection of the dwellings. In addition to the positioning of the dwellings adjacent to the retained employment area, the access proposed in connection with the site is to be a shared domestic and industrial access via a T junction from Philadelphia Lane.

The proposed access will accommodate both domestic vehicles from the 303 residential dwellings and the industrial traffic travelling to and from the retained employment area to the rear of the Philadelphia site.

The nearest dwelling houses will be located only some 24 metres away from the retained employment land to the rear of the application site (distance between rear wall of house on plot 252 and the red line boundary of the planning application site).

It is considered that the positioning of residential dwellings in the proposed location raises two areas of potential conflict between the proposed residential use and the retained employment use:

1. Nuisance resulting from the appearance of and noise emanating from the retained employment area.
2. Nuisance resulting from industrial traffic (24 hours/day) travelling through what will be a primarily residential area.

Noise

A noise assessment was submitted in support of the application. This has been undertaken in accordance with Planning Policy Guidance Note 24 (PPG24) and has concluded that the site falls partially within Noise Exposure Category C, with the remainder falling within Noise Exposure Categories A and B.

Where a site falls into Noise Exposure Category C, PPG 24 states that planning permission should not normally be granted, but where it is considered that permission should be given, for example because there are no alternative quieter sites, conditions should be imposed to ensure a commensurate level of protection against noise.

As such it is considered that if the proposed development was to be granted planning permission the following measures would be required (as planning conditions) to ensure that the maintenance of suitable internal and external noise levels for the occupiers of the proposed residential dwellings:

1. The installation of a 2 metre landscape bund with an additional close boarded fence of 2 metres in height adjacent to the new estate road (where gardens face towards industrial units), and a total height of 2-3 metres for the transition section between the Boulevard and The Green.
2. Installation of glazing, wall and ventilation capable of providing sound reduction of 40 dB(A) to facades with a relatively unobstructed view of Philadelphia Lane. Passive wall or window mounted ventilators should be used to enable adequate ventilation without recourse to open windows.
3. Installation of glazing, wall and ventilation capable of providing sound reduction of 30-35 dB(A) to facades with a relatively unobstructed view of industrial units or access road. Passive wall or window mounted ventilators should be used to enable adequate ventilation without recourse to open windows.
4. Installation of passive wall or window mounted ventilators should be used to enable adequate ventilation without recourse to open windows to all residential units with facades marked in blue in Figure 8.0 of the submitted report.
5. Installation of suitable roof construction.

The applicants have confirmed that the ventilation and glazing specifications for plots affected by

road noise and adjacent industrial premises will be designed to provide an accepted level of noise mitigation in accordance with BS8233. They have also stated that the data contained in the noise report submitted in support of the application will be used to determine the extent of such glazing across the residential site.

A 5 metre wide buffer strip is proposed between the retained employment land and the proposed residential dwellings along the eastern boundary of the application site (to the rear of plots 237 - 264 as required by point 1 above). This buffer is proposed to mitigate noise nuisance from the adjacent retained employment area and the Estate Road that runs to the rear of plots 237 – 253.

The buffer includes a 1.6 metre high embankment with a 2.1 metre high fence positioned on top (total height 3.7 metres to its maximum height). The buffer is to be located directly adjacent to the rear gardens of plots 249 – 252 and plots 257 – 258, a distance of between 9 -14.5 metres away from the main rear elevations of plots 249 - 258.

Although the noise assessment undertaken shows that there is a requirement for such embankments and fencing to the rear of these properties in order to mitigate noise from the retained employment site, the effect of such an arrangement is considered to be to the detriment of the residential amenity of the occupiers of the dwellings proposed contrary to the requirements of Policy B2 of the adopted UDP.

The rear elevation of the “Rufford” house type (as proposed on plots 249 – 252 and plots 257 – 258) is 5 metres in height to the eaves has two windows positioned in the rear elevation at both first floor level (serving bedrooms) and ground floor level (window and French doors at ground floor level serving a kitchen/dining area). The top of the buffer proposed between these properties and the Estate Road to the rear would reach the height of the cills of the first floor windows. It is considered that this would result in an unacceptably oppressive effect upon the occupiers of plots 249 -252 and plots 257-258 through poor outlook to the detriment of residential amenity.

In other areas of the city where such buffers have been used to mitigate the effect of near neighbouring industrial uses on residential amenity (e.g. Teal Farm), several instances of householders removing the buffer to extend domestic garden areas have occurred. There are concerns that this could also occur in the location proposed, particularly as small gardens (approx. 8 long metres in some instances) are offered adjacent to an unusually high “boundary treatment”. Such activity, which considering previous experience elsewhere is likely, would result in the acoustic barrier mitigating the effect of noise from the industrial development being rendered ineffective.

It is not considered that there is an alternative boundary arrangement that could satisfactorily mitigate the noise from the retained employment area whilst maintaining outlook from the proposed dwellings. It is therefore considered that the location of residential dwellings in such close proximity to existing (retained) employment land will result in conditions detrimental to the residential amenity of the future occupiers of the dwellings proposed, particularly those dwellings located on plots 237 – 264.

In addition, the Director of Community and Cultural Services has confirmed that the noise

assessment considers the site as a whole and looks at the 'end result' of the development in terms of noise and associated mitigation measures. It does not consider the phased approach suggested in the submitted draft section 106 agreement.

The draft section 106 agreement submitted proposes that:

The Owners and Developer covenant that any commercial industrial activities being carried out on the Clearance Area shall cease prior to the occupation of the 50th residential unit in Phase 1 PROVIDED THAT this shall not prevent the use of the Clearance Area by commercial or any other type of vehicles to gain access to the Retained Estate Land until the completion of the Retained Estate Access and for the avoidance of doubt:

No more than 50 residential units in Phase 1 shall be occupied until such time as the use of the Clearance Area for commercial industrial activities has ceased.

The Director of Community and Cultural Services further advises that if such a phased approach to the development is to be undertaken the developer would be required to demonstrate that residents will be afforded appropriate levels of protection from noise nuisance as required by BS8233. There is no information contained in the application relating the additional measures and mitigation that would be required in connection with such a phased approach to development.

Proposed Boulevard/New Estate Road

It is proposed that the 303 dwellings and the retained employment area will be accessed by vehicular traffic from a single T junction off Philadelphia Lane. A "Boulevard" running roughly east and then bending towards the north (becoming the New Estate Road), and the retained employment area, will provide this access.

Access to Phase 1 of the residential development (located to the north of the Boulevard) is via a further junction and is located a distance of 65 metres from the main T junction. Access to Phase 2 of the residential development (located to the south of the boulevard), also via a junction on to the Boulevard, is located a distance of 100 metres from the main junction. The two access junctions to the residential development are positioned 23 metres from each other on opposite sides of the Boulevard.

Plots 128 – 137 and 189 – 196 on Phase 2 of face on to the Boulevard. A landscaped buffer 1 metre in height (maximum point) and 6 metres in width separates plots 128-137 from the road. A buffer of 3 metres in height and width in positioned between plots 189 – 196 and the road.

On Phase 1 of the proposed development plots 1 -7 facing the Boulevard are separated from the road by a 1 metre high, 6 metres wide landscaped buffer. A buffer of 3 metres in height and width separates plots 58 -67 from the road.

The draft section 106 agreement submitted with the application proposes a phased approach to providing both the landscaped "Buffer Zone" between the Estate Road and the residential

development and a phased approach to upgrading the works to the main T Junction on to Philadelphia Lane.

In respect of the Buffer Zone, the section 106 agreement proposes that the developer will provide the Buffer Zone prior to the occupation of the first residential unit on Phase 2. However, this does not take into account the 127 plots located on Phase 1 which could effectively be constructed, sold and occupied prior to any buffer being constructed between the new Estate Road/Boulevard and the residential properties.

Further, the section 106 agreement covenants that no more than 50 residential units in Phase 1 shall be occupied until the junction works and access road have been completed.

Should 50 residential units be constructed and occupied without the proposed improvement works to the T junction on to Philadelphia Lane being undertaken a situation could arise where industrial, residential and construction traffic are all utilising the single point of access to the site. Further, if no more than 50 dwellings were ever occupied in phase 1 (due to unforeseen circumstances) then it would never be a requirement for the developer to undertake the junction improvement works. This could potentially lead to conditions prejudicial to highway safety.

A letter of objection has been received from the Managing Director of Wessington Cryogenics which is located on the area to be retained as employment land, directly opposite the proposed 5m buffer strip and embankment. The letter raises the following concerns:

- The manufacturing process undertaken by Wessington Cryogenics generates significant levels of noise through sheet metal working, welding etc. These activities are conducted on a continuous basis with day and night shifts in operation. Concerns are expressed in relation to the effect of the noise generated upon the occupiers of the proposed residential development.
- Wessington Cryogenics alone currently has 40 articulated lorries accessing their premises on a 24 hour basis to deliver and collect ISO containers. Concerns are expressed in relation to noise, levels of traffic and safety.
- Wessington Cryogenics need to be able to transport tanks between the two units that they operate. They currently do this via the use of a 12 ton forklift. In the event that the New Estate Road became adopted by the Local Authority rather than privately owned, there would be cost implications for this existing business through payment of road tax etc. for their transport vehicle.

Based upon the results of the noise assessment, which showed that the site fell in to noise category C: usually not suitable for residential development; the various phasing approaches proposed by the section 106 agreement in relation to the proposal and the potential conflict which may occur between industrial and residential traffic, it is considered that the proposed siting residential development in close proximity to existing industrial development is unacceptable and contrary to the requirements of Policies EC12 and EC15 of the adopted UDP.

It is further considered that the location of residential development in close proximity to an existing industrial process that is known to generate high levels of noise and traffic and therefore potential

disturbance to residential occupiers, is very likely to result in complaints from those residential occupiers about the industrial activity being undertaken. Such complaints have the potential to further undermine the viability of the retained employment area as complaints increase and objections are raised to future employment/industrial uses being located on retained allocated employment land.

- **Impact upon Listed Buildings and Archaeology**

The issue of the proposed demolition of heritage buildings has been addressed earlier in this report. The impact of the development on the heritage features to be retained is considered here.

The application includes a proposed change of use of the listed “Power Station” building to incorporate leisure uses. An application for Listed Building Consent (reference 09/01189/LBC) to renovate and remodel the Power Station building is also being considered alongside this application.

The intention to bring the listed power station to the heart of the redevelopment of the Philadelphia Complex is welcomed and it is acknowledged that the applicant proposes significant financial investment in the listed buildings across the Philadelphia Complex. However, the impact of the proposed development on the setting of the listed Power Station group and general street scene of Philadelphia Lane raises some issues of concern.

The impact of the proposed development on views of the Power Station from Philadelphia Lane is not considered to be acceptable in the submitted form. In particular, there are reservations over the proximity and positioning of plot no’s 121-122 in relation to the Power Station and it is considered that they will detract from the setting and views of the listed building, particularly when viewed from the southern approach along Philadelphia Lane.

As such, it is considered that the positioning of residential dwellinghouses in the form proposed, in such close proximity to the listed Power Station is unacceptable, and has a detrimental impact upon the setting of the listed building.

Policy B10 seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

- **Impact upon protected species**

The application was accompanied by:

- A Bat survey (conducted 2007)
- A Great Crested Newt survey (conducted 2007)
- An Extended Phase 1 survey of buildings and grounds

Pipistrelle, Daubenton and Noctule bats are known to be present in the grounds of Herrington Country Park. Consequently in respect of Bats, a full checking survey of the “moderate risk”

buildings indicated in the 2007 survey must be undertaken and an updated report submitted for the Council's approval prior to any consent being granted.

Similarly, the survey submitted in respect of Great Crested Newts requires updating. A basic checking survey of ponds is required to establish if conditions have changed since 2007.

The Natural Environment and Rural Communities Act, 2006, Part 3. 40 (1) requires that:

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

The surveys submitted are 2 years old. It is therefore considered possible that circumstances on the sites surveyed may have altered in the intervening period. The surveys submitted need to be redone or at least checked properly by a specialist prior to the Local Planning Authority making a decision regarding the impact of the proposed development upon any protected species within and around the planning application site.

It is therefore considered that the information submitted in connection with protected species on this site is inadequate and does not sufficiently support the application contrary to the requirements of Policy CN22 of the adopted UDP.

- **The benefits of the development**

It is acknowledged by the Local Authority that there would be some tangible benefits for the retained employment area of the Philadelphia Complex in the event that approval was granted for the proposed development.

A market viability and marketing assessment was submitted in support of the application. Contained within the appendices to that report was an estimation of the cost of renovating 35 existing employment/industrial buildings located across the site. The report estimated that in order to renovate the buildings on the site (including the listed buildings) to basic modern standards would cost some £4.5 million.

It is considered highly unlikely that such an amount of public funding would be available to regenerate the site and equally unlikely that a private investor would be prepared to invest such a substantial amount in order to maintain the Philadelphia Complex purely as employment land.

The development proposed included renovation and improvement works to the five listed buildings located on the site, including the Power Station building and also proposed investment in the unlisted high sheds.

The investment proposed by the applicant in the listed buildings on the site alone amounted to £73,0875.

However, in making a recommendation in relation to this planning application, it is important to carefully consider the merits of each element of the development proposed and carefully weigh up the clear benefits of the scheme with the impact of the proposal upon the existing occupiers of near neighbouring residential areas such as Voltage Terrace; the impact of the proposed development upon the occupiers of existing commercial premises located within the allocated employment site and the impact of what is proposed upon the future occupiers of the proposed residential development and the proposed retained employment area as well as the impact upon the listed buildings on the site and upon the visual appearance of Philadelphia Lane.

The impacts of the proposed development are set out throughout this report and although it is acknowledged that financial investment in the listed buildings located on the site is essential, this does not outweigh the identified detrimental impact upon the residential amenity of existing residential areas; the adverse impact upon the setting the listed Power Station through demolition of adjoining listed structures or the positioning of incompatible land uses (residential and industrial) in extreme close proximity to one another.

It is therefore considered, that on balance, the development as proposed is unacceptable and should be refused for the reasons set out below:

RECOMMENDATION: REFUSE

For the following reasons:

1. The residential development proposed fails to maintain an adequate physical and visual separation from the retained employment area, to the detriment of the residential amenity of future occupiers of the proposed residential dwellings through noise and disturbance originating from industrial processes being undertaken on the retained employment site. To the detriment of residential amenity of the future occupiers of the residential development and contrary to Policies EC12 and EC15 of the adopted UDP.
2. The proposed development fails to identify a transport route to the retained employment area that avoids the densely built up residential area and provides safe passage for hazardous materials, to the detriment of residential amenity and contrary to the detriment of the residential amenity of future occupiers of the residential site contrary to Policies B2 and EC12 of the adopted UDP.
3. The 3.7 metre high buffer zone embankment and fence located to the rear of plots 257-258 and 249-252 is considered to have an unacceptable overbearing and oppressive effect upon the rear elevations of those properties by virtue of its excessive height and close proximity to the dwelling. This is to the detriment of the residential and visual amenity of the future occupiers of those properties. This is contrary to the requirements of Policy B2 of the adopted UDP.

4. The Floodrisk Assessment submitted in connection with the application fails to provide a suitable basis for assessment to be made of the flood risk arising from the proposed development, contrary to the requirements of Policy 35 of the RSS, Policy 11 of the adopted UDP and contrary to the requirements of PPS25.
 5. The location of an emergency access and residential dwellinghouses adjacent to 1 Voltage Terrace will result in loss of residential amenity for the occupier of that dwelling through increased noise and disturbance contrary to the requirements of Policy B2 of the adopted UDP.
 6. The location of dwellinghouses to the south-west of the listed Power Station building detracts from the setting and views of the listed building by unacceptably compromising views of the building from Philadelphia Lane contrary to the requirements of Policy 32 of the RSS, PPG15, and Policies B2 and B10 of the adopted UDP.
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