

Planning Application Reference: 12/02310/HYB

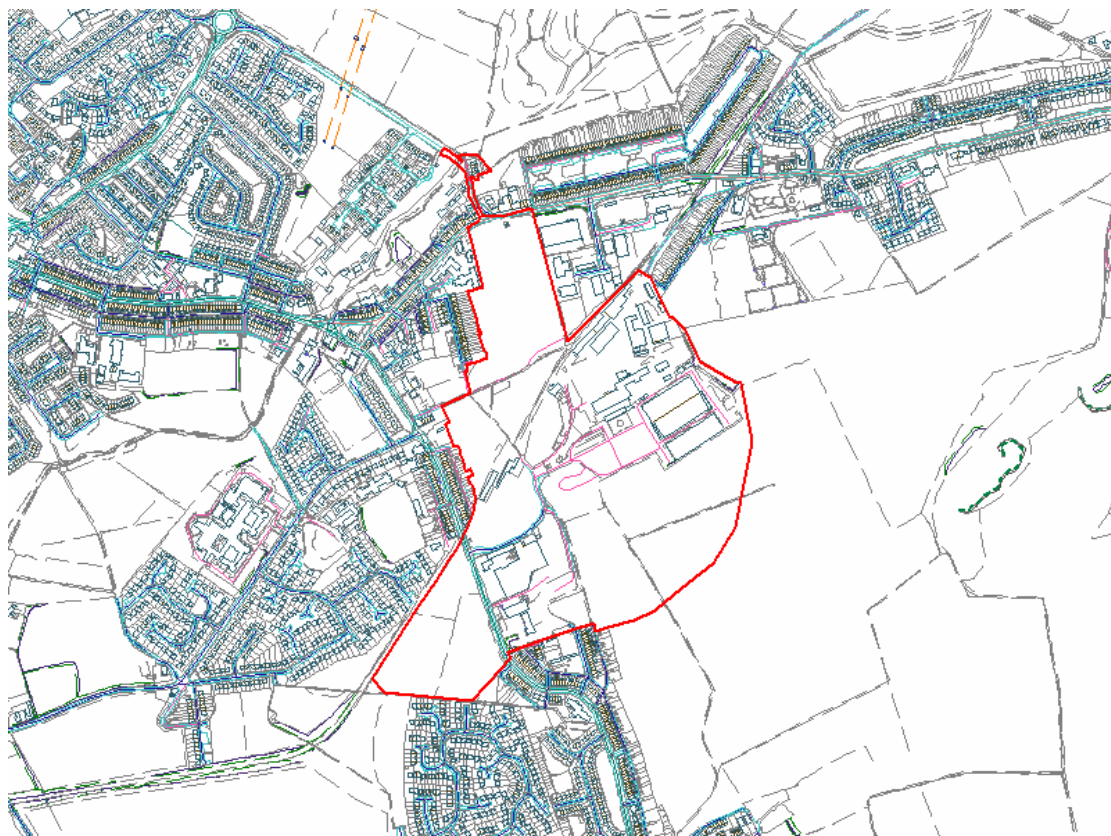
Land at Philadelphia Complex/ Philadelphia Lane, Houghton le Spring

Application description:

HYBRID APPLICATION

Detailed planning application for change of use and refurbishment of listed former power station and annexe with associated internal and external works to create learning and enterprise building (Use Classes B1 and /or D1 and ancillary A3), refurbishment of a further 5 listed buildings and 2 non listed buildings comprising internal and external works for uses within Classes B1 and/or B2 and/or B8.

Outline planning application for mixed uses development comprising up to 630 dwellings (Use Class C3), food store (Use Class A1) and associated petrol filling station. Local facilities comprising of Use Classes A1 and/or A2 and/or A3 and/or A5. Public realm enhancements comprising hard and soft landscaping to create employment zone with associated access roads (requiring the stopping up of the highway), landscaping and infrastructure.



Proposed Development

This is a Hybrid planning application, in that full planning permission is being sought for the proposed change of use of the listed former Power Station and its ancillary building; while outline planning permission is being sought for the remainder of the development proposal, save for detailed approval of the three key access points to the proposed development:

- Philadelphia Lane roundabout
 - Link Road Signalised Junction with B1286
 - Chester Road/ Chislehurst Road roundabout junction improvements
- Layout

In respect of the layout of the proposed development, although final details for the site would be subject of future application(s) for reserved matters (in the event outline permission is granted), a parameter plan has been submitted for approval at outline stage in order to specify a framework and land use parameters plan for the entire development. This plan specifies the development envelopes on the site and the specific land uses within each envelope. It also specifies the key access routes and open spaces within the site.

- Landscaping

As with layout, although the final landscape details would be determined at reserved matters stage, in the event that Members approve this outline application, a parameter plan for the landscape framework has been submitted for approval at outline stage. This plan specifies the key landscape features which are proposed including areas of open space, a green corridor through the site and a belt of woodland planting to create a new Green Belt boundary.

In summary therefore the planning submission comprises the following mix of development:

- Up to 630 dwellings;
- A Class A1 foodstore with a petrol filling station (Gross Floor Area (GFA) of up to 2,601 square metres, Retail Floor Area (RFA) of approximately 1,691 square metres);
- A local shopping centre (GFA of up to 990 square metres);
- Employment Zone (GFA of 5,334 square metres) through the retention and refurbishment of five existing Grade II listed buildings and two non-listed industrial buildings (north east corner of site);
- Refurbished Power Station building to be used as a Learning and Enterprise building, 2,311 square metres (Use Class B1 and/ or D1 and ancillary A3).

Members should note that there are also two listed building consent applications for the works to the various listed buildings within the Philadelphia Complex as part of the proposed development. These are being considered in accordance with the Council's scheme of delegation by the Deputy Chief Executive. The two listed building consent applications are as follows:

- Workshops, ref. 12/02311/LBC:

Refurbishment of 5 listed buildings with associated internal and external works for uses within Classes B1 and/ or B2 and/ or B8.

- Power Station, ref. 12/02312/LBC:

Refurbishment of listed former power station and annexe with associated internal and external works to create learning and enterprise buildings for uses within Classes B1 and/ or D1 and ancillary A3.

Application Site

The application site covers an area of approximately 35 hectares of land located within the Philadelphia area of the City. The Agent, acting on behalf of the Applicant, has characterised the application site into four areas, namely;

1. The Philadelphia Industrial Estate

The Industrial Estate represents 16.32 hectares of the overall application site area. The planning submission states that the majority of the Industrial Estate (around 80%) is vacant and derelict. The buildings which remain in occupation are in industrial use, such as light and general industry, haulage, engineering, storage and distribution. Two Grade II listed buildings are located at the south-west corner fronting Philadelphia Lane i.e. the former Power Station and Annexe; whilst a further cluster of five Grade II listed buildings are located at the north-eastern corner of the industrial estate. The application will retain and refurbish all of the listed buildings.

2. Land South of the Philadelphia Estate

This part of the site comprising 7.23 hectares is characterised by an area of low lying farmland which is located within the adopted Tyne and Wear Green Belt. This part of the site adjoins the southern boundary of the Industrial Estate.

3. Land West of Philadelphia Lane

This part of the application site comprising 1.94 hectares is currently undeveloped and is at times used for the grazing of horses.

4. Land West of the New Herrington Industrial Estate

This part of the application site comprising 6.9 hectares is currently identified as open space within the Unitary Development Plan (UDP).

Taking these four areas as a whole, the application site is bound as follows:

- To the north by residential development at Travers Street and the B1286 providing road links to the main urban areas of Sunderland and Washington
- To the east, south east and south by open farmland
- To the west by the A182 Philadelphia Lane and existing residential areas of Philadelphia and beyond.

Given the large scale nature of the planning application the submission has been supported by an Environmental Statement assessing the following areas of impact:

- Land use
- Socio-economic impacts
- Transportation
- Landscape and visual impact
- Ground conditions
- Noise and vibration
- Air quality
- Ecology
- Archaeology/ cultural heritage
- Hydrology and drainage
- Cumulative effects

The above impacts are considered under the various headings in the Considerations Section of the report.

Members should also note that in the event that they are minded to approve this application it will need to be referred to the Secretary of State in accordance with Article 9 of The Town and Country Planning (Consultation) (England) Direction 2009 because the application includes Green Belt development.

Planning History

(a) Planning Application 98/02008/FUL, "Extension of industrial estate through the change of use from agricultural land to landscaping, screen mound and additional outside storage/ parking for commercial vehicles" was approved by Development Control Sub Committee on the 22 February 1999. This development was within the Green Belt and was approved as a minor departure on the basis of the size of the proposal and in the context that the additional space assisted in the continued operation of the then existing industrial estate.

(b) Planning Application 08/01425/FUL, “Comprehensive regeneration/ redevelopment comprising: erection of 304 dwellings and associated garages, roads, landscaping, open space; new access road to retained employment area, refurbishment and change of use of listed former 'power station' building to mixed commercial use (D2, B2, A1, A2, A3 & A4) refurbishment of a further five listed buildings”. The application was withdrawn by the Applicant, Persimmon Homes (North East) Ltd on the 3 July 2008.

(c) Planning Application 09/01887/SUB, “Erection of 303 dwellings and associated garages, roads, landscaping, open space, new access road to retained employment 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”, was a resubmission of the withdrawn 08/01425/FUL application and was refused by Development Control Sub Committee on the 2 June 2009. The application was refused over concerns regarding residential amenity of existing residents, impact on the listed Power Station through the demolition of adjoining structures and the positioning of proposed residential and industrial uses in close proximity to each other with adequate mitigation measures.

For Member information this refused planning application differs to that which is now under consideration. In general terms they are two completely different development proposals in that the refused scheme was on a much reduced scale, and although it is noted that it only enclosed, in the context of the scheme that is now under consideration, a marginal extent of Green Belt, it is considered that it represented a more piecemeal approach to development. In contrast the scheme which has now come forward represents a more comprehensive and holistic development proposal which, as will be discussed in further detail in this report, provides for significant regeneration benefits.

In terms of detail, and further to the physical differences of both of the application site boundaries, the refused application took its only access off Philadelphia Lane and therefore the vehicular traffic associated with the remaining part of the Philadelphia Industrial Complex, which was greater in size than is now proposed, was to go through the proposed housing estate. This meant that significant noise attenuation bunds were needed through the entirety of the site. In contrast the scheme which is now under consideration proposes an entirely new road connecting Philadelphia Lane with the Penshaw to Herrington Link (A183 to B1286) road, the latter being a long standing policy (HA28) requirement in the Unitary Development Plan (UDP). Crucially this new road provides a dedicated link into the retained Industrial Estate. Finally, as part of the refused scheme the listed ancillary building to the listed Power Station was to be removed, while as part of the scheme now under consideration this building is to be retained.

Representations

The application has been publicised as a departure application in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the City Council's Statement of Community Involvement. The application was advertised in the Sunderland Echo, whilst numerous site notices were erected in and around the entirety of the application site and all of the adjoining neighbouring properties were consulted.

Furthermore, following revisions to the proposed junction arrangement between Margaret Terrace and Market Crescent (B1286) three additional neighbour consultation exercises have taken place with those residents surrounding the proposed junction.

The third consultation only expired on the 5 August 2013. The reason for this consultation was due to the above proposed junction arrangement reverting back to what was initially proposed when the application was first submitted. The amendment was submitted by the Applicant following an on-site meeting on Wednesday the 19 June 2013 between residents of Margaret Terrace and Market Crescent, the Local Authority's Planning and Highway Engineering Officers, the Applicant and the Applicant's Transport Consultant.

In total, there were 77 individual representations and a 184 signed petition in objection, whilst following the third consultation period in relation to the rear of Margaret Crescent, a letter of support has been received along with an accompanying 23 signed petition.

In addition correspondence has been received from Cllr Colin Wakefield and Cllr Derrick Smith in objection to the proposed development.

These representations received are summarised in the appendix to this report. Members should note that the original copies of the representations received are available to view via the planning application portal on the Council's website.

In addition, the following comments have been received from statutory bodies in response to the application:-

Environment Agency

Initially the Agency objected to the proposed development as they considered the original Flood Risk Assessment (FRA) to have provided an unsuitable basis on which to assess flood risk arising from the proposed development. In particular it was considered that the original FRA did not provide sufficient information regarding the predicted sewer/ culverted watercourse flooding, surface water discharges and the Herrington Burn crossing. The Agency therefore advised the Applicant to re-submit an amended FRA which rectified the perceived deficiencies in the previous submission and demonstrate that

the proposed development will not increase risk elsewhere, and where possible, reduce flood risk overall.

In light of the Agency's initial objection the Applicant's Flooding Engineering consultant provided additional information to support the FRA. In particular the Applicant's consultant clarified that the flood risk described in the Flood Risk Assessment is from the culverted watercourses/ sewers, including existing surface water drainage, rather than only the existing fluvial risk, which the Agency wanted clarifying.

Furthermore, the Agency noted that the existing surface water discharge to the sewers will be reduced, and therefore lessen flood risk to sewers and watercourses. Nevertheless, as the discharge is to Northumbrian Water sewers all drainage arrangements will need to be agreed with Northumbrian Water as part of the development works rather than the Agency, Members will note the following section commenting upon Northumbrian Water's consultation response.

It was also confirmed that the new watercourse crossing (at Herrington Burn) will be capable of conveying the 100 year flood plus climate change allowance.

As a consequence the Agency has now removed their objection to the development subject to the imposition of planning conditions (in the event outline permission is granted) agreeing surface water drainage and a scheme to manage and remove Japanese Knotweed.

Northumbrian Water

Northumbrian Water has assessed the impact of the proposed development on their assets and the capacity of their network to accommodate and treat anticipated flows arising from the development.

In their response to the application consultation request, Northumbrian Water acknowledged that in the past they have previously advised that their Sedgeleth Sewerage Treatment Works was unable to accept foul flows from this scale of development proposal, at least until the scheduled 2015 completion of the proposed upgrade works. Northumbrian Water explained that this position was influenced by their previous lack of clarity regarding housing development within the Coalfield area.

However since this time Northumbrian Water has been in consultation with the Council in respect to their Infrastructure Delivery Plan, which has provided Northumbrian Water with up to date information in respect to housing delivery numbers, which has enabled the organisation to re-evaluate and update their position. As a consequence Northumbrian Water has now confirmed there is the available capacity at Sedgeleth to accommodate the foul flows from the development proposal without requiring upgrade works.

Nevertheless, as the planning submission is in outline only at this stage, it is not considered to provide sufficient detail with regards to the management of surface water from the development for Northumbrian Water to be able to assess their capacity to treat flows from the development and as such, they have recommended that a condition be incorporated in any planning permission to agree a detailed scheme for the disposal of surface water prior to the commencement of the development.

Nexus

Nexus stated that discussions have already taken place with the Applicant, and they are satisfied that the proposed bus stop infrastructure improvements and the introduction of new bus stop locations within the development site will help to increase the amenity and comfort of residents and employees on the development site.

The development, along with the construction of the new link road would alter the entire dynamic of travel patterns within the area and as a consequence Nexus has agreed that strategic reviews of public transport demand and secured bus services will take place at key intervals during the delivery phase (in particular once the link road has been completed).

Discussions have taken place between Nexus and the Applicant regarding the potential to redirect secured bus services through the new link road. This option would depend on the propensity of commercial operators to serve the development. In this respect Nexus have stated that Go North East have been involved in these discussions and have indicated that there is potential to serve the development commercially, depending on demand and occupancy levels (there may not be sufficient demand during the early phases to warrant a commercial service but the existence of the link road would provide an attractive routing option for some services heading from and towards the Sunderland area).

Nexus also commented on the content of travel plans that they should include provision for offering incentives to residents, employer and employees to encourage the use of public transport options.

Finally, the road works (roundabout construction and traffic signal and junction works) which will take place on Philadelphia Lane and the B1286 will inevitably result in some disruption to the normal flow of traffic in the area and as such Nexus have stated that they must be informed at the earliest opportunity of the nature and timescales of any works along with arrangements for mitigation and traffic control.

Highways Agency

The Highways Agency has stated in general terms the Transport Assessment (TA) provides a detailed assessment of potential traffic impact. However the method of deriving the trip generation was initially considered to not be in accordance with the DfT's Guidance on Transport Assessments and although

the Travel Plans identified baseline mode splits, the TA did not take account of these and person trips were not presented in order to determine the vehicular trip generation.

Consequently the Highways Agency requested the Applicant to update the TA in order to set out the predicted person trips per mode, whilst the baseline mode splits needed to be justified by reviewing the existing sustainable travel infrastructure and network diagrams produced showing the predicted development traffic at A19 junctions in order to enable the results of the junction capacity assessment to be verified.

Following these comments the Applicant's transport consultants submitted additional information, in the form of an amended TA, to the Highways Agency on the 22 May 2013. The HA has since reviewed this new information and have confirmed to the LPA that they have no objections to the development proposal.

County Archaeologist

The County Archaeologist (CA) expressed disappointment that the unlisted High Engine Sheds (which lie to the rear of Chapel Row) are not proposed for retention and conversion within the scheme.

The CA recognised that the High Engine Sheds were not listed but considered them to be attractive industrial buildings which sat well with the group of listed buildings to the north-east and the listed Power Station to the south. The CA considers the Sheds as being suitable for industrial and commercial uses and therefore strongly recommended these buildings were retained.

Members should note that this aspect of the development proposal will be considered in detail in the section of the report entitled 'Heritage and Design considerations'.

Notwithstanding this aspect of the development proposal the CA has recommended a series of conditions pertaining to archaeological excavation and recording, post excavation report and publication of the report, should Members be minded to approve the application.

Coal Authority

The Coal Authority agrees with the recommendations of the Phase 1 Geo-Environmental Appraisal Report; that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to any development works in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority therefore recommends that should Members be minded to approve the application that planning conditions requiring a intrusive investigation works, as recommended within Section 3.4 of the Phase 1 Geo-

Environmental Appraisal Report to be undertaken to confirm shallow coal mining conditions prior to commencement of development.

The condition should also ensure that, in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development.

Finally, whilst the Coal Authority notes that the mine entry within the site is recorded to have been treated to former NCB specification, the Applicant may consider it prudent to confirm the adequacy of the treatment during initial site investigation works.

The Coal Authority considers that the content and conclusions of the Phase 1 Geo-Environmental Appraisal Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application is, or can be made, safe and stable for the proposed development. The Coal Authority therefore does not object to the proposed development subject to the imposition of the above planning condition (in the event outline permission was to be granted).

Considerations section

The key planning issues to consider in relation to this application are:

1. Land-use and Policy considerations
2. Potential Section 106 Planning Obligations & Viability considerations
3. Highway considerations
4. Heritage and Design considerations
5. Ecology considerations
6. Health Issues (Noise, Air Quality and Vibration)
7. Flood Risk considerations
8. Retail considerations
9. Chislehurst Road link and rear of Market Crescent
10. Duration of Planning Permission

1. Land-use and Policy considerations

As Members will be aware, the purpose of outline planning applications is to establish the acceptability of the principle of the proposed development on the application site. Matters of detail, for example the final layout of the proposed development; final drainage details and landscaping scheme etc. are matters reserved for future approval via subsequent applications for approval of “reserved matters” in the event that outline permission is granted.

The proposed development is a departure from the saved policies of the adopted Unitary Development Plan and has been advertised accordingly.

The application is also accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment (EIA) because the proposed development constitutes EIA development. The various environmental impacts of the proposed development as identified in the EIA are considered and assessed under the various headings in this Considerations Section of the report

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application must be the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purposes of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development. This means that authorities when determining planning applications should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, grant permission unless:-
 - (a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole; or
 - (b) Any specific policies in the NPPF indicate that development should be restricted.

The impacts of the proposed development (both positive and negative) are considered under the various headings in this Considerations Section of the report.

In general terms, the proposed development is considered to constitute sustainable development within the urban area, mostly utilising brownfield land, decontaminating land, improving the environment and townscape, providing construction jobs, and enabling the refurbishment and enhancement of listed buildings.

The Philadelphia Complex area of the site is allocated as industrial land within the Development Plan. However the principle of the redevelopment of the site for alternative uses is being promoted in the Council's emerging Core Strategy and Development Management Policies Draft Revised Preferred

Options (March 2013), which identifies the site as a Location for Major Development. Policy CS2.1 states the following:

“A number of locations are identified where major development or redevelopment will assist in the regeneration of the city. These comprise:

(2) (xiii) Philadelphia (housing/ Mixed Use and supporting infrastructure)...”

At this stage only limited weight can be given the draft policies in the emerging Core Strategy.

More specifically, the City Council’s Employment Land Review (September 2009) identifies several issues with the Philadelphia Estate including poor access, poor overall occupancy levels and the deteriorating condition of the buildings and their functional obsolescence. Because of these, it is recommended in the Review that the estate is released from its employment allocation for alternative uses.

It is also important to note the advice contained in paragraph 22 of the NPPF regarding sites which have an historic and longstanding allocation for employment use in the development plan. Where there is no real prospect of the site being used for its allocated employment use (as evidenced by the findings of the Employment Land Review above), applications for alternative uses should be treated on their merits.

The site is also included in the Council’s Strategic Housing Land Availability assessment 2013 (SHLAA) as a ‘deliverable’ housing development site which is available, suitable and viable to provide a significant amount of housing for the local market (estimating a total of 448 homes over a 15+ year development). It should be noted, however, that the overall boundary of the area of the site as identified in the SHLAA differs from this specific application, in that it does not include the greenspace to the south of the B1286 or the area of Green Belt.

- Loss of Green Belt land

As explained above, an area of the application site is located within the adopted Tyne and Wear Green Belt as identified in the development plan.

The relevant saved Green Belt policies within the development plan and the Green Belt policies in Section 9 of the NPPF are consistent and both seek to protect and preserve the openness of the Green Belt and to prevent urban sprawl.

Paragraph 80 of the NPPF sets out the purposes of including land within Green Belts, which are reflective of policy CN2 of the UDP. Those which are relevant to the current proposal require the Green Belt to be maintained to:

- check the unrestricted sprawl of the built up area of Sunderland;

- safeguard the City's countryside from encroachment;
- assist in the regeneration of the urban area of the City; and
- prevent the merging of Sunderland with surrounding urban areas and neighbouring town with one another.

The construction of new buildings in the Green Belt is deemed to be inappropriate development (save for a number of limited exceptions including the redevelopment of brownfield sites which do not have a greater impact on the openness of the Green Belt than existing development).

The NPPF provides that:

- inappropriate development is harmful to the Green Belt and should not be approved except in “very special circumstances”;
- substantial weight should be given to any harm that would arise to the Green Belt;
- “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm arising is clearly outweighed by other considerations (eg any strong positive material considerations in support of the development).

In relation to the 5 purposes of the Green Belt, the main considerations are that the proposal:

- Allows for some minor rounding-off of Green Belt boundaries, but nevertheless provides some urban sprawl;
- Provides an encroachment into the countryside;
- Has a very minor impact in terms of settlement merging;
- Constitutes greenfield urban fringe development, but also enables the important regeneration of (partly-derelict) urban land and safeguarding of listed industrial buildings.

Reviewing the main considerations above it is clear that there are negative impacts arising from the proposed development. However the negative effects of developing in the Green Belt needs to be considered in the balance in respect to the positive aspects being brought about by the proposal. This is crucial given the need to demonstrate “very special circumstances”.

In terms of mitigation, and although there is no direct replacement of land being offered to off-set the area of Green Belt being lost, it is nevertheless noted that the development proposal will improve degraded industrial land via a strategic habitat landscaping scheme. In addition, and as will be discussed in further detail in the “Section 106 and Viability considerations” section, the Green Belt aspect of the development is needed in order to fund the wider regenerative benefits of the scheme, one of which is the comprehensive redevelopment of the Philadelphia Complex that is, as discussed in paragraph 7.3 of the Applicant’s Planning Statement, around 80% vacant and derelict.

Integral to this habitat enhancing landscaping scheme is a curved new landscape boundary to the Green Belt, replacing the existing fragmented edge defined by the existing Industrial Estate. The Strategic Habitat Landscape Habitat Plan details that this new curved boundary to the Green Belt will become a key wildlife corridor consisting of open glades, woodland, scrub and species rich grassland. Furthermore, there will also be a cycle/footpaths running through this boundary and also the entirety of the site, thereby providing direct access for the local and wider community. The corridor will also provide habitat, migration and feeding opportunities for bird species, bats and hedgehogs and providing direct ecological links to the wider countryside to the north and east.

Returning to the principle of developing within the Green Belt it is considered that this heavily landscaped wildlife corridor boundary, which is detailed in block form on the Landscape Parameters Plan, in conjunction with the Scale Parameter and Residential Density & Massing Parameter Plans which detail maxims of development and identifies a low density band of housing adjacent to this new boundary on the development's side, are considered to demonstrate a development which satisfactorily mitigates its impact on openness and visual amenity. In recognition that this scheme is essentially submitted in outline form with all matters reserved, these plans provide the assurances going forward into future reserved matters schemes, should Members be minded to approve.

Therefore, given the above considerations and controls, the positive regeneration benefits being brought about by the development proposal needs to be recognised. The positive benefits of the scheme are considered to be the development of a new road link connecting the constrained Philadelphia Lane with the A1231 Chester Road, via the Penshaw to Herrington Link (A183 to B1286) road, the latter being a long standing UDP policy (HA28) requirement.

The development will also remediate a largely vacant and degraded Industrial Estate, which is being promoted in the Council's emerging Core Strategy and Development Management Policies Draft Revised Preferred Options (March 2013), as a Location for Major Development (policy CS2.1) consisting of housing, mixed uses and supporting infrastructure. Furthermore, the scheme will also safeguard the futures of all the listed buildings within the Philadelphia Complex, the majority of which will be retained in Industrial uses.

As explained above, the proposed development constitutes inappropriate development on Green Belt land and has negative impacts in relation to the openness of the Green Belt and visual amenity but these impacts are not considered to be significant due to the proposed mitigation measures through the new Green Belt boundary scheme. The release of the Green Belt land has been explained by the Applicant to be necessary to enable the full site area to be redeveloped hand-in-hand with the delivery of the agreed additional site infrastructure (see the Viability Section later in this report).

Overall, on balance, officers consider that the strong benefits arising from the regeneration of this site, including the restoration, conversion and enhancements of the site's listed buildings, the provision of important new highway infrastructure from Philadelphia Lane through the application site to the approved Chislehurst link road and the decontamination of the site clearly outweigh the negative impacts on the Green Belt and therefore on balance it is considered that the development proposal constitutes 'very special circumstances' for the purposes of Paragraphs 87 and 88 of the NPPF.

- Affordable Housing

The Applicant has stated through the affordable housing statement that 10% affordable housing can be provided as part of the development, which is in line with the Council's policy. However, and as will be discussed in further detail in the following 'Potential Section 106 Planning Obligations & Viability considerations' section, the specific amount of the affordable housing provision needs to be considered in light of the Economic Viability of the development and balanced against the other potential section 106 contribution requirements.

This is considered in more detail later in the report.

Paragraph 159 of the NPPF requires local authorities to undertake Strategic Housing Market Assessments (SHMA) to assess local housing need. The Sunderland SHMA (2008) identifies a need for a mix of housing types in the Coalfield.

In broad terms, the proposals being put forward, which as highlighted in the submitted Planning Statement comprise the provision of larger, detached and semi-detached, mid- to higher- value family dwellings which are aligned to the local needs identified in the 2008 SHMA (and also to draft results that are emerging from the forthcoming 2013 SHMA).

In summary, the proposed housing provision of larger detached and semi-detached family dwellings and a proportion of affordable housing on the development site will help meet the local housing needs for the Coalfield area as identified in the SHMA and is therefore a positive benefit of the application.

- Greenspace & Green Infrastructure

It was noted by officers that there appears to be an overall net loss of circa 2 hectares of greenspace as a result of the proposed development. It is accepted that some of this greenspace behind Chapel Row has been earmarked for housing development in the UDP via policy HA4 'East of Raglan Row', so some loss on the application site was expected. Nevertheless, development in the Green Belt, allocated open space and on existing employment land would normally be expected to provide new greenspace to add to existing site provision, rather than witness an overall site net reduction.

In site specific terms, the area of land "South of Market Crescent" is protected by saved UDP Policy L7. The submitted Open Space Assessment states that approximately 3.7ha of this 6ha area of open space is located within the application site. Under the indicative Masterplan, this area of land would accommodate a housing estate of approximately 60 dwellings, and a section of the proposed link road connecting Philadelphia Lane to the B1286.

Policy L7 provides that permission for other uses on the site (other than for open space or outdoor recreation) will only be granted if alternative recreation and amenity provision (of an equivalent scale, quality and accessibility) is made and there would be no significant effect on the amenity, recreational and wildlife value of the site. Clearly there is some impact on the site. However as an absolute minimum, the LPA would seek to ensure that the impact is effectively minimised so the impact is not significant

The Agent, acting on behalf of the Applicant, has responded by re-iterating the content of the submitted Open Space Assessment where it has always been recognised that a loss of open space would occur and as a consequence the scheme has been designed to include 6.8ha of informal and formal amenity areas as alternative provision by way of mitigation. In this regard the Agent highlighted the proposed landscape design, prepared by W.A. Fairhurst & Partners (as illustrated within Drawing 87757/8014 Rev B, and Drawing 87757/8016 Rev A, Strategic Landscape Habitat Plan), which they consider incorporates a high quality landscape framework which will mitigate for any loss of existing open space as a result of the development.

The quality and condition of green space within the site will be significantly improved as a result of the development through the provision of a wide range of high quality useable landscape spaces of varying character and function. The proposed design includes:-

- habitat areas (native woodland, scrub, and pond areas);
- informal amenity and recreation areas (central greenways and green spaces within the residential development);
- more formal amenity and recreation areas (including Philadelphia Public Square green space, open glade recreation area to the southwest of the site, Great North Forest Woodland Walkway and Central Woodland Park).

The design confirms the continuous green link through the site from the southwest to the northeast, contributing to the Lambton's Way Corridor.

The Lead Policy Officer for Planning also queried the alignment of the proposed link road as it curves around the middle of the site, northwards to Market Crescent (B1286). The Officer queried whether the road could be moved closer to the proposed new housing estate, located east of Travers Street, thereby creating a more continuous green space running parallel with the western boundary of the New Herrington Industrial Estate.

In response the Agent explained that the proposed alignment of the link road has been determined due to a number of key constraints, such as the need to tie in with the existing alignment of Chislehurst Road and the need to minimise the impact on land owners by the delivery of the link road. Furthermore, there is also the need to avoid the existing electricity substation, whilst the proposed road alignment provides for the optimum space within what will be the scheme's Central Woodland Park i.e. the vicinity of the Dorothea Pit Head. The alignment of the road also has to conform to acceptable highway design standards and it also represents the most direct, convenient route with minimum deviation.

In view of the above, it is therefore considered that the proposed link road alignment remains the most appropriate given the site constraints and development parameters.

- Conclusion

In conclusion the principle of the development is considered to be acceptable. There are negative impacts through the loss of Green Belt land, the openness of the Green Belt, visual amenity and the loss of open space. However these negative impacts on the Green Belt are not significant due to the proposed mitigation measures and the provision of a new heavily landscaped wildlife corridor along the proposed redefined Green Belt boundary. In addition, in relation to the loss of open space, new informal and formal amenity areas are to be provided as alternative provision by way of mitigation. Accordingly, the quality and condition of green space within the site will be significantly improved as a result of the development

As explained above, there are strong benefits arising from the regeneration of this site, including the restoration, conversion and enhancements of the site's listed buildings, the provision of important new highway infrastructure in the form of an additional link road to complete the Penshaw-Herrington Link Road, and the decontamination of the former industrial land.

It is considered that these positive benefits clearly outweigh the negative impacts on the Green Belt and the loss of open space and therefore on balance it is considered that the development proposal constitutes 'very special circumstances' for the purposes of Paragraphs 87 and 88 of the NPPF.

2. Potential Section 106 Planning Obligations & Viability considerations

As with any large scale housing proposal of this nature, a number of potential contributions have been requested by various consultees from within the Council to ensure there is adequate social infrastructure in place to withstand the additional demands that will be placed upon the area as a result of the development if approved and to ensure a sustainable form of development.

Paragraph 204 of the NPPF provides that planning obligations should only be sought where they meet all of the following tests:-

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

The following paragraphs detail the various potential requests:

i) Education

Based on the number of new houses proposed i.e. “up to 630”, the Council’s Children’s Services section calculated that 84 new primary pupils would need to be catered for and based upon their cost multiplier, which in turn is based on the Department for Children, Schools and Families, equated to a financial contribution of £998,676.

ii) Affordable Housing

As explained in the earlier “Land-Use and Policy considerations” section, policy H16 of the UDP states that the Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. The Strategic Housing Market Assessment (SHMA) and recent Economic Viability of Affordable Housing Requirement Study, identify a need for 10% affordable dwellings on housing development sites at a 75% social rented/ 25% intermediate split. This would provide up to 63 affordable properties.

iii) Open Space/ equipped children’s play space

As the scheme proposes over 10 dwellings with 2 bedrooms or more a requirement of policy H21 is the provision of formal equipped children’s play space. Again, as noted in the “Land-Use and Policy considerations” section the development provides for a variety of formal and informal amenity areas, which not only provide recreational and open space opportunities but also contribute to biodiversity enhancements.

However, it has to be acknowledged that no formal children’s play space is being provided. In accordance with Council policy it was initially highlighted to the Applicant that in-lieu of on-site provision a financial contribution for off-site play would need to be considered, at a current rate of £701 for each two bed unit i.e. maximum of £441,630 (£701 X “up to 630” units).

Nevertheless, given the economic viability issues in respect of the scheme, which are considered in detail below, and given the relative proximity of Herrington Country Park and Elba Park to the application site, as well as the numerous recreational opportunities being afforded within the scheme overall, the requirement for a financial contribution for equipped children’s play, in-

conjunction with the requested education contribution and affordable housing provision, will need to be carefully considered.

iv) Other requests

Regarding those objections to the scheme on other infrastructure requirements, such as primary health care provision, it is not considered reasonable to pursue a financial contribution in light of the tests for a Section 106 agreement set out in Paragraph 204 of the NPPF (as set out above). As will be explained further detail in the following section of this report there are limited funds available to fund for what are considered to be the key infrastructure and policy requirements.

Furthermore, there are five moderate to large practices within a two mile radius of the development proposal, two of which are within one mile of the site, and as such the Primary Care Trust (PCT) for South of Tyne and Wear do not consider there to be a strong enough case for additional services. It is expected that new residents would distribute themselves amongst the various practices and even in recognition that approximately 1,200 new residents may be introduced into the area the PCT does not consider this to be an insuperable problem.

Nevertheless, the PCT did make comment on the potential that the development could place some pressure on the older surgeries, which could be mitigated by some premises improvement. However, should Members be minded to approve the application, given the quantum of the development proposed (i.e. up to 630 properties), it is envisaged that the delivery of the scheme will take place over a period in excess of 18 years. As such any pressure on the existing surgeries will occur over the long term, which will enable those premises to plan and adapt accordingly, with the influx of new residents no doubt justifying the premise improvements.

- Viability Assessment

A Viability Assessment accompanies those planning applications where gaps occur between what a local planning authority requires in order to meet requested Section 106 contributions and policy requirements and what the Applicant considers the development proposal of being capable of supporting financially. The significance of viability has increased during periods of economic downturn as the delivery of new development has been threatened.

The NPPF states at paragraph 173 that pursuing sustainable development will require careful attention to viability and costs in decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing land owner/ developer and enable the development to be deliverable.

In addition, Paragraph 205 of the NPPF requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently flexible, wherever possible, in order to prevent proposed development being stalled.

In light of the requested Section 106 contributions for education and children's play and the delivery of 63 affordable houses (i.e. 10% of up to the 630 dwellings proposed) the Applicant submitted an Economic Viability Assessment (EVA) to detail what they considered to be financially achievable within the context of paragraph 173 of the NPPF.

The initial EVA concluded that the scheme could:

- Viably support 10% affordable housing i.e. a contribution of 63 affordable units;
- Provide an additional £267,010 towards other Section 106 financial contributions;
- Provide the delivery of a new link road and associated highway improvements;
- Fund enhancement of the listed buildings on site, securing their economic future;
- Provide new community facilities, shopping and green spaces

The EVA also stated that the development of 150 residential units in the Green Belt was the minimum necessary to achieve a viable development i.e. without the Green Belt development the scheme would not be profitable.

It was therefore clear that significant funding gaps existed between what the Applicant considered achievable and what the Council expected in terms of satisfying policy requirements and Section 106 contributions, in particular the £998,676 for Education, 10% affordable housing and £441,630 sought for off-site children's play.

As a consequence, and in order to objectively consider the Applicant's EVA, the Council's Property Services section was asked to assess the submitted documentation.

Property Services noted that the EVA followed the accepted methodology for demonstrating economic viability and the residual amount available for Section 106 contributions. However, it was also noted that the EVA was based upon a specific set of values and costs which Property Services considered to be potentially subject to variation, thereby the results of what was deliverable i.e. affordable housing and other Section 106 contributions, could conceivably change.

Consequently, several issues were highlighted with developer as needing further clarification, while different scenarios were also requested (e.g. profit margins) in order to enable Property Services and the LPA to make an informed decision. Following this request additional information was submitted by the Applicant providing further detail and clarity on the costs involved in

remediating and developing the site, the infrastructure provision, land acquisition and tenant relocation costs and preliminaries (which cover such aspects as general plant, site staff facilities, site based services etc).

Property Services have considered the additional submitted information and consider the Applicant's EVA work to have satisfactorily and reasonably demonstrated the associated costs of developing the site while factoring in a competitive and reasonable return to a willing land owner and willing developer to enable the development to be deliverable, as required by paragraph 173 of the NPPF.

In summary, the EVA has concluded that for the scheme of 630 dwellings the development can provide for a total of £2,731,116 in respect of funding for Section 106 planning obligations. Members should note that this figure excludes the cost of securing important regenerative benefits of retaining and maintaining the listed buildings, constructing the new road and decontaminating the industrial land.

Furthermore, in terms of contextualising the above figure, Members should also note that in the Applicant's initial EVA submission, which was tailored to reflect a development providing for the full 10% of affordable housing units i.e. 63 dwellings, only £267,010 was available as a residual balance for the other Section 106 requests. Accordingly, as part of the Council's consideration of viability the Applicant was requested to re-visit their assessment by deleting the affordable housing units altogether in order to clarify exactly the monies available for all potential Section 106 obligations overall, hence the £2,731,116.

However, even with the increased available figure of £2,731,116, funding gaps remain between what monies are available and the full Section 106 requests. It is therefore important to reach a balanced conclusion on how to assign the £2,731,116 amongst the various requests. In this regard it is noted that there are numerous objections that have been received during the course of the application expressing concern in respect to impact on school places, as such it is clear that the request from Children's Services is an important consideration to the wider community.

Moreover, in light of the nature of the request and the fact that 84 new school children are likely to be introduced to the area, it is recommended that Children's Services' request for a financial contribution of £998,676 is met in full. In the event that Members are minded to approve the application and agree to this approach it is therefore necessary to consider how the remainder of the Section 106 offer (i.e. £1,732,440) is assigned in terms of affordable housing provision and children's play.

In terms of affordable housing it has been calculated that approximately 18 affordable units, at a cost of approximately £1.68m could be delivered by the development, with an approximate split of £1.28 (75%) for affordable rent and £425,000 (25%) for shared ownership. The approximate figure of 18 units was derived via the findings of the SHMA and includes 4, 3 and 2 bed units. This is

obviously short of the 10% (63) as requested by SHMA; however this is primarily a document on which to inform the development of the Core Strategy. As a consequence, and as stated in the “Land-Use and Policy considerations” section, only limited weight can be given to the emerging Core Strategy and accordingly the implications of UDP policy H16 needs also to be considered.

In this regard UDP policy H16 requires the City Council to negotiate with developers on the basis of an assessment of local needs and site suitability affordable housing requirements. In this respect and in view of the viability work undertaken and the fact that the education requirement will be met in full, it is considered that in this instance the likely affordable housing provision of approximately 18 units is on balance acceptable. Members should note that the exact figure of affordable housing numbers will be determined through the detailed consideration and negotiation of the Section 106 Agreement, should Members be minded to approve the application. Nevertheless, it is envisaged that the resultant figure will be at or near the 18 quoted in this report.

Regarding the provision of additional equipped children’s play space, it is important to note that as part of reducing impact on the openness and visual amenity of the Green Belt and open space within the site, the proposed development incorporates recreational opportunities in the form of pedestrian footways and cycleways that are set within landscaped settings throughout the site. Moreover it should also be noted that Herrington Country Park is in relative close proximity to the development site, as is Elba Park.

Furthermore, the proposed footways and cycleways will improve connectivity to both of these parks, while there are also ecological aspects to consider in terms of the ability to deliver children’s play space within the site, such as sustainable urban drainage and tree/ native flora planting areas, which would need to be suitably protected and buffered from development. In light of the financial implications of satisfying education and affordable housing provision the Head of Community Services has suggested that a financial contribution of £80,000 should be sought in order to improve the existing facilities at either of the following, Trinity Park and Lambton Rise play areas in Copt Hill and Maidens Lea play area and Herrington Country Park in Shiney Row.

- Conclusion

It is considered that the Applicant’s submitted EVA has reasonably demonstrated that developing in the Green Belt is required in order to achieve a viable development, in accordance with paragraph 173 of the NPPF. In addition, the EVA has also demonstrated that the money available for the funding of Section 106 contributions is limited to £2,731,116, again accounting for the normal cost of development and mitigation and enabling a viable development for a willing land owner and willing developer.

The NPPF requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently

flexible, wherever possible, in order to prevent proposed development being stalled.

The various potential Section 106 requirements have been assessed and it is considered that the available funding contribution should be applied as follows:-

- (i) a financial contribution of £998,67684 in respect of the cost of funding 84 new primary pupils in the local area.

For the purposes of Regulation 122(1) of The Community Infrastructure Levy Regulations 2010, this proposed planning obligation in respect of the funding of education provision is:-

- (a) necessary to make the development acceptable in planning terms in mitigating its impact on the existing schools in the local area by providing funding for additional school places;
- (b) is directly related to the development as it relates to the funding of education provision in the local area which serves the development site; and
- (c) fairly and reasonably relates to the development as it is based on the Council's estimate of demand for school places based on the size of the development and applies the published DfE formula.

- (ii) the provision of approximately 18 affordable homes as part of the development, with an approximate split of 75% affordable rented properties and 25% shared ownership properties.

For the purposes of Regulation 122(1) of The Community Infrastructure Levy Regulations 2010, this proposed planning obligation in respect of affordable housing provision is:-

- (a) necessary to make the development acceptable in planning terms by ensuring that the development provides a mix of housing types to meet the needs of the coalfield area as identified in the SHMA;
- (b) directly related to the development as the proposed affordable housing obligation relates to the application site and would be provided as part of the development; and
- (c) fairly and reasonably related in scale and kind to the development as it relates to 18 properties.

- (iii) A financial contribution of £80,000 in lieu of the provision of on-site children's play provision. This will be used to fund improvements to existing play facilities in the local area (i.e. Trinity Park Play Area and Lambton Rise Play Area in Copt Hill and Maidens Lea Play Area and Herrington Country Park in Shiney Row) to supplement the formal and informal amenity and open space improvements to be provided on-site as part of the development

For the purposes of Regulation 122(1) of The Community Infrastructure Levy Regulations 2010, this proposed planning obligation in respect of play provision is:-

- (a) necessary to make the development acceptable in planning terms in ensuring that recreational and play facilities are provided to serve the development;
- (b) is directly related to the development as it relates to the funding of play provision in the local area that will serve the development; and
- (c) fairly and reasonably related to the development as assessed through the viability appraisal.

3. Highway considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvements, whilst policies T8 and T9 seek to improve facilities for pedestrians and cyclists respectively.

A Transport Assessment (TA) dated June 2012 has been submitted in support of the planning application. A key issue with a development of this size is access to the development site for road traffic, pedestrians and other users. The means of access is to be considered and determined as part of this outline application. Apart from the means of access, all other matters are reserved for approval at a later date.

The existing main access to the Philadelphia Complex site is from a priority junction on the A182 Philadelphia Lane. The proposed development will include a new roundabout, providing access to the adjacent proposed retail uses and housing. From the roundabout, a new link road approximately 0.6km long will cross the site to the north, connecting to a signalised junction on the B1286, in the vicinity of Market Crescent and Banks Buildings. Furthermore, an additional link road connection is proposed to connect to Chislehurst Road. This would complete the road scheme known as the Penshaw-Herrington Link Road, which is a route approved for development control purposes within the Council's UDP (policy HA28).

The Transport Assessment is based upon an extensive survey of traffic data in the area. Traffic modelling has been carried out to assess the implications of the proposed development in the base year (2012) and a future year (2022) in accordance with Department for Transport guidance. The assessment takes into account other development such as the Lambton Cokeworks site and potential retail development on the Houghton Colliery site.

The Transport Assessment includes an evaluation of personal injury collisions in the area.

- Pedestrian facilities etc

Crossing facilities are proposed to be enhanced and improved where appropriate. A Toucan facility is proposed on the A182 Philadelphia Lane, which will also assist users of the former railway line (multi user route). The proposed traffic signals on the B1286, adjacent to Market Crescent/ Banks Buildings are intended to include pedestrian facilities on all approaches. All highway alterations and improvements would be controlled through planning conditions and funded by the developer through a Section 278 Agreement under the Highways Act 1980, which include detailed design approvals as part of the procurement process. These procedures would include Safety Audit at all stages of the design and construction process.

- Junction Assessments

The Transport Assessment includes junction analysis as follows:-

(i) Five arm roundabout A182 main site access from Philadelphia Lane (ref J1)

The assessment indicates the junction will operate satisfactorily in all scenarios (not exceeding 50% of capacity).

(ii) A182/ Success Road (Existing priority junction) (ref J2)

The assessment shows a moderate reduction in traffic using this junction. The proposed link road will relieve traffic on this section of the A182.

(iii) A182/ B1286 (Existing "mini" roundabout in Herrington Burn) ref J3

The capacity assessment indicates the existing junction layout will operate satisfactorily in all circumstances (not exceeding 85% of capacity).

(iv) A183/ A182 Shiney Row (Existing roundabout) ref J4

The TA indicates an increase of traffic volumes of approx 2% by 2022. This takes into account traffic associated with the new development, and normal traffic growth, but is offset by the diversion of existing traffic onto the new link road.

The capacity assessment indicates that the most sensitive approach is the north east bound (B1519) approach, which can be improved by a localised widening scheme (kerblines realignment). With the improvement in place, the assessment indicates the junction will operate satisfactorily (not exceeding 86% of capacity).

(v) A182 Front Street Newbottle Village (Existing mini roundabout) ref J5

The assessment indicates that the junction will operate with spare capacity (not exceeding 70% capacity).

An issue was raised at the public consultation stage, regarding large vehicles occasionally overhanging the opposing lane, when proceeding north. The Transport Assessment makes the recommendation that the existing splitter island could be relocated, in the interest of road safety.

(vi) A182 Coaley Lane signals - ref J8

The assessment indicates that, with the existing traffic signals equipment, the junction would be operating at or near capacity at the year 2022.

The TA therefore recommends the installation of an upgraded signals controller, which will be able to cope (degree of saturation not exceeding 90%) with a 10-15% increase in traffic by 2022.

(vii) A182/ Power Station access (Proposed priority junction) ref J12

The assessment indicates the junction will operate with spare capacity.

(viii) B1286 / New Link Road / Chislehurst Road (adjacent Market Crescent / Banks Buildings) (Proposed signalised junction) ref J13

The assessment indicates the new junction will operate within capacity (not exceeding 74% degree of saturation).

(ix) A183/ Chester Rd/ Chislehurst Rd (Existing roundabout) ref J14

The TA indicates that the existing junction would benefit from a capacity improvement on the A183 north east bound approach, with a localised widening scheme (kerbline realignment). With the improvement in place the assessment indicates that the junction will operate satisfactorily (not exceeding 87% capacity).

- Highway Safety Issues – Shiney Row/ Philadelphia/ Newbottle areas

The TA includes an assessment of the overall accident rates within a broad study area, and includes assessments of the main junctions within the area. A comparison with national statistics indicate that the existing roads are operating at least in line with, if not better than, comparable roads in Great Britain.

There are no adverse trends apparent from the accident analysis, and the conclusion is that the development will have no material or discernible impact on the surrounding road network.

- Proposed Phasing of Development

The applicant has proposed a phased sequence of development. The first phase includes the retail development, and up to 111 dwellings. In order to assess the traffic implications of this first phase of development, in advance of

completion of the new link road, a Transport Assessment Addendum dated February 2013 has been submitted. The conclusion is that the existing road network can accommodate the first phase of development, with certain alterations and modifications to four existing junctions as follows:-

- Shiney Row roundabout – kerbline modification on NE bound approach;
 - Newbottle Village mini roundabout - splitter island modification;
 - A182 Coaley Lane Signals – upgrade;
 - Chester Road / Chislehurst Rd roundabout – kerbline modification on A183 NE bound approach.
- Planning Conditions

Should Members be minded to approve, it is proposed that a negative style Grampian condition be introduced in order to require the implementation of the four junction improvements prior to occupation of the Phase 1 of development. Occupation of phase 2 of the development will require the prior completion of the new link road to Chislehurst Road, including the new junction on the B1286.

Furthermore, it is considered appropriate that standard planning conditions should be imposed covering:-

- Highways details and junction layouts;
- Internal layout of development including roads, footways, footpaths and cycleways;
- Details of facilities for public transport including bus shelter provision;
- Details of parking and servicing arrangements for industrial, commercial and retailing uses.

These conditions are necessary in order to ensure the development complies with policies T8, T9, T13 and T14 in terms of its impact on the highway, pedestrians and cyclists, relevant to planning and to the development being permitted, enforceable, precise and reasonable.

In conclusion, it is considered that the TA and its addendum has satisfactorily demonstrated that subject to the imposition of the planning conditions detailed above the surrounding and wider area highway network will be able to cope with the increase in traffic associated with the development proposal. The proposed development will provide the delivery of important new highway infrastructure in the form of an additional link road connection to Chislehurst Road which would complete the road scheme known as the Penshaw-Herrington Link Road. Consequently the proposal is considered to be on balance acceptable and in accordance with policies T8, T9 and T14 of the UDP.

4. Heritage and Design considerations

Unitary Development Plan (UDP) saved policy B2 requires that the scale, massing, layout and setting of proposed development should respect and enhance the best qualities of nearby properties and the locality. Furthermore, as there are five Grade II listed buildings located to the north east of the site i.e. the Lambton Engines site, in conjunction with the Grade II listed Power Station, which is located to the south of the site on Philadelphia Lane, policies B8 and B10 are relevant. These policies require development proposals to preserve and enhance listed buildings.

The Philadelphia Complex itself is a site of both regional and national industrial heritage and archaeological importance. It contains the former Lambton Engine Works site, a collection of late Victorian and early 20th century industrial structures, many of which are listed, and the former Durham Colliery Companies Power Station, which is also listed.

In terms of the planning application's heritage considerations the LPA's Heritage Protection Officer is encouraged by the development proposal, particularly in regard to the listed buildings, which are to be repaired and restored and/ or sensitively adapted into beneficial usage, thus sustaining these heritage assets into the future. Nevertheless, and as with the CA, the Heritage Protection Officer has expressed some concern with regard to the proposed demolition of the unlisted High Engine Sheds. Furthermore, the Heritage Protection Officer has also expressed some concern about the impact of the proposed retail and petrol station developments on the setting of the listed Power Station.

- High Engine Sheds

Firstly turning to the issue of the High Engines Sheds, the Heritage Protection Officer considers these to be attractive heritage assets that comprise decorative architectural detailing. Furthermore, the Heritage Protection Officer also considers these to be structurally robust with internal spaces that could be adapted relatively easily. The Officer also considers the Agent's justification for the demolition of the High Engine Sheds to be questionable given their significance as non-designated heritage assets and that insufficient comment had been made in regard to their potential for conversion and re-use.

Paragraph 135 of the NPPF states that the...*"effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*. It is therefore important to consider the demolition of the un-listed High Engine Sheds and also to have regard to the loss of these buildings on the significance of the heritage asset i.e. the five listed buildings within the Lambton Engines site.

In response to the Heritage Protection Officer's comments the Applicant's Agent, acting on behalf of the Applicant, has provided additional correspondence re-iterating the undesignated status of the High Engine Sheds, whilst also highlighting the fact that they have never been included on any local list and neither are they located in a Conservation Area or subject to an Article 4(2) Direction (to limit or restrict permitted development rights).

Furthermore, and contrary to the views expressed by the Heritage Protection Officer and CA, the Agent considers the High Engine Sheds to be of limited architectural merit with few original features of interest remaining. The Agent also argues that the past uses of the High Engine Sheds is the defining characteristic of their heritage significance and in this respect the other listed buildings, which are all being retained and enhanced as part of this development proposal, are more significant.

The Agent has also commented upon the physical relationship with the other listed buildings within the site, believing this to be less clear on site, and as the High Engines Sheds date from 1917, with subsequent extensions occurring as late as 1946, further illustrates the relative isolation from the nucleus of the main Lambton Engines site. Furthermore, through the introduction of the new link road, which runs from Philadelphia Lane in the south to Market Crescent/ Chislehurst Road to the north, this will disaggregate further the site of the High Engine Sheds from both the Lambton Engines site and Power Station.

The Agent's correspondence also made comment on that fact that unlike the majority of the designated heritage assets on site, the High Engine Sheds have been vacant for a significant period of time, resulting in their poor structural condition. Alternative uses for the buildings have been considered as part of a previous scheme for the site but, as demonstrated in the viability appraisal any additional costs incurred on the scheme, including the renovation or conservation of the High Engines Sheds, would impact negatively on the viability of the development. Considering the extent of the renovation work proposed for the listed assets through the development, it is considered preferable to sustain the future of these assets over the High Engines Sheds. Furthermore, no occupier for the units in their existing form has been found throughout the period of the site being in its current use without restoration.

The Agent also made reference to the Heritage Protection Officer's suggestion regarding the conversion of the High Engines Sheds to retail use. The Agent highlighted the fact that the proposed link road will significantly isolate the High Engines Sheds from the other proposed commercial uses. The development proposal has been designed to locate all the retail and commercial uses together in order create a coherent and functioning neighbourhood centre, where residents are able to undertake linked trips, meeting their food shopping and local service and business needs in one location. Moreover, there is no visibility or direct pedestrian connectivity between the High Engine Sheds and the proposed foodstore, as such the relocation of the smaller commercial units to the High Engine Sheds would

result in two disparate commercial areas, significantly reducing the commercial viability of the smaller units and scheme overall through the loss of some of the proposed housing development. The Agent has also stated that there are no viable alternative uses for the High Engine Sheds.

As noted above, the Agent considers their heritage significance to be limited, within a peripheral location and of limited architectural interest. The Agent recognises that some loss of heritage value (deriving largely from their historical interest) will occur, however it is Agent's contention that this will not be substantial in the context of the wider application site. The Agent also makes comment on the implications of paragraph 135 of the NPPF i.e. the loss of heritage value should be weighed in the planning balance with the wider and substantial public benefits of the development proposal, which includes regeneration, growth, housing supply, jobs, private sector investment, decontamination and environmental improvements. The Agent also highlights the fact that there will be significant heritage benefits arising from the investment in the listed buildings and their being better revealed in the settlement overall, thereby improving the townscape of the wider area.

The Agent also remarks on paragraph 131 of the NPPF as this sets out the importance of new development making a positive contribution to local character and distinctiveness. In this respect the Agent highlights that the site of the High Engine Sheds will be used for sustainable urban drainage with the historic line of the waggonway retained within the landscaping scheme. The Agent also remarks on the fact that an historic record of the High Engine Sheds has been produced and interpretation boards at the site would be considered as part of the development proposal. The Agent also considers that the High Engine Sheds area will be of an appropriate quality and will make a positive contribution to local character, with the development securing the future of the designated heritage assets on the site through their renovation.

- Impact on the listed Power Station

In terms of Heritage considerations the proposed adaptation of the listed former Power Station into a learning and enterprise centre is supported in principle as a means of securing the future of the vacant listed building into beneficial usage.

However, the Heritage Protection Officer has expressed concern in respect to the impact of the development on the setting of the listed Power Station. The proposed siting of a supermarket and large surface car park to the rear and side of the Power Station is considered to be far from ideal and will inevitably have an impact on the setting of the listed building. Its immediate and historic industrial setting will largely be replaced by typical retail park type environs. In both visual and historic terms its setting will be compromised, though this needs to be balanced by the positive aspects of bringing the vacant Power Station back into use. Nevertheless, the Heritage Protection Officer also recognises that the Power Station's existing setting is currently poor with the land around it being untidy and filled with containers etc.

Furthermore, to some extent the Power Station's setting to Philadelphia lane, from where the Power Station is best viewed and its landmark qualities most appreciated could be enhanced by the soft landscaping with the negative impacts of the supermarket and car park only becoming apparent from within the site. It is important however that the form, scale and design of the supermarket and landscaping of the car park have specific regard to the setting of the listed building. Given the outline nature of the application i.e. the exact design of the commercial units are not currently known, does not allow for an appraisal at this stage. Nevertheless, any future reserved matters application will have to appropriately consider the relationship with the Power Station and its annexe building for it to be sympathetic and acceptable in planning terms.

Furthermore, a fully detailed landscaping scheme of the space around the Power Station will also be expected to demonstrate and enhance the impact on the setting of the listed building. The use of appropriate high quality surface materials and street furniture will be particularly important. It will be expected that this space should suitably incorporate artwork, lighting etc. inspired by the industrial history and character of the area.

- Layout, scale, density and phasing considerations

In recognition that the Hybrid application is essentially an outline submission, with at present only key access points under detailed consideration, in order to facilitate a reasonable and appropriate understanding of the scheme and to ensure adequate control of impacts on openness within the Green Belt, it was considered that additional and more detailed information was required in order to supplement the Land Use and Landscape Parameter Plans, which were the only plans covering the entire site being offered for formal approval.

For example there was no clear information regarding the density per hectare (d.p.h) envisaged within each phase of development, which is considered particularly important given the Green Belt and open space areas of the site. It was also considered necessary to ensure an appropriate and reasonable understanding of the phasing overall, and although it is recognised that the delivery of the new road will be the determining factor of realising each phase of development, it was requested that a formal plan be submitted detailing the exact phases of development.

In response the Agent, acting on behalf of the Applicant, has produced an addendum D&AS providing supporting text to the additional plans being offered for formal approval and which cover issues ranging from Scale Parameters, Residential Density & Massing Parameters and Phasing Parameters.

These plans confirm that there will be a maximum of 2 storey (suggested up to 5.5m eaves) residential development within the Green Belt area of the site with a "lower density" band along what will effectively be the new boundary to the Green Belt. It is also proposed to locate higher density 2 - 2.5 storey residential development along the proposed new link road and the adjacent

secondary road running into the western phase of the development, and higher density 2 - 3 storey residential development along the proposed new link road itself. Furthermore, the density parameter plan also provides dwellings per hectare (d.p.h) numbers for each phase, ranging from 30 d.p.h to the east of Travers Street and Chapel Row and 36 d.p.h within those phases immediately west of the proposed new link road, with 31 d.p.h earmarked for the area within the Green Belt.

In recognition that the site is largely located within an urban area, which is characterised by terraced housing, the suburban density of development, which is essentially being proposed i.e. around the 30 d.p.h level, is considered to be on balance acceptable. Furthermore, should Members be minded to approve this essentially outline submission, any future reserved matters planning application would have to ensure that siting and layout considerations appropriately account for the surrounding existing residential properties, whilst also providing for an appropriate form of development within each phase, particularly the existing Green Belt area of the site. In this respect the Council has via the Residential Design Guide Supplementary Planning Document minimum spacing standards in place, unless demonstrated through careful design that a lesser distance would be acceptable, to ensure an acceptable form of development and residential amenity.

- Conclusion

In view of the fact that the development proposal involves the retention, repair and restoration of the listed buildings within the Philadelphia Complex, and in recognition of the wider and substantial public benefits being brought to the area, including regeneration, growth, housing supply, jobs, private sector investment, decontamination and environmental improvements, it is considered that on balance the loss of the undesignated High Engines Sheds is acceptable in this instance.

Furthermore, in light of the submitted Residential Density and Massing Plan & Scale Parameters Plan, which confirm the maxims of development for the site overall, it is considered that there is a reasonable amount of information to ensure that the relationship with and the impact on the openness of Green Belt, as well as the wider area in general, will be adequately managed and controlled at the reserved matters stages.

Therefore, in light of the additionally submitted Parameter Plans as detailed above, the development proposal is considered to be on balance acceptable and in accordance with policies B2, B8 and B10.

5 Ecology considerations

The NPPF states that local authorities should plan positively for the recreation, protection, enhancement and management of networks of biodiversity and green infrastructure, and that new development should be

planned to avoid increased vulnerability to the range of impacts arising from climate change. UDP policy CN17 encourages the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

The planning submission has been supported by a Great Crested Newt Survey, a Japanese Knotweed Treatment Progress, an Extended Phase 1 and Protected Species Survey, Bat Survey of Buildings at the Philadelphia Site and an Arboricultural Implication Assessment (AIA) of Trees.

- Arboricultural considerations

The AIA evaluated the trees on the site for the purposes of British Standard 5837 – Trees in relation to construction (2005), with regard to their quality and value. The AIA confirmed that none of the trees are subject to a Tree Preservation Order (TPO) and neither are they located within a Conservation Area.

Furthermore, a Strategic Landscape Habitat Plan has been submitted in support of the Landscape and Visual Impact Assessment (LVIA). The Strategic Landscape Habitat Plan provides further detail of how the site can be developed within the context of the Land Use and Landscape Parameter Plans. It provides for a landscaping framework which details the provision of new open spaces, woodland structure planting, public realm planting and residential street planting. The LVIA considers that there will not be a significant impact on vegetation within the development site.

The AIA has explained the necessity to remove many of the existing trees to facilitate the proposed development and to establish a higher level of arboricultural management for the site. To mitigate the removals new planting will take place throughout the site, as indicated on the Strategic Landscape Habitat Plan. Careful consideration will need to be given to all new planting positions to ensure that trees can grow fully into maturity without requiring major or regular pruning works. In respect to the retained trees protective barriers will need to be erected around root protection areas, in order to ensure that no significant damage takes place during demolition or construction phases. It is anticipated that all of the retained trees can be incorporated into the site design.

It is considered that for the purposes of this outline application the submitted AIA provides for a sufficiently detailed basis on which to recommend an approval in respect to its impact on trees. Through the imposition of conditions requiring the agreement of an Arboricultural Method Statement, Tree Replacement etc it is considered that the proposed development is on balance acceptable and in accordance with policy CN17.

- Ecological considerations

Further to the above detailed reports submitted in support of the application and following comments from the LPA's Ecologist, the Applicant's Ecologist, E3 Ecology, has responded accordingly.

However, before going into these issues in detail, it should be noted that in terms of understanding the impact of the proposed development in respect of Protected Species it is considered that the application submission provides for a reasonable and acceptable understanding to enable a recommendation of approval to be made to Members.

i) Ponds

In respect to the pond within the north eastern extremity of the Philadelphia Complex, E3 Ecology has explained that this was formally a fire pond used to service the power station to the west. The pond is of a pre-cast concrete construction that originally would have had a rectangular profile extending to a depth of around 10ft. No amphibians were recorded in this pond.

E3 Ecology considers that ecological enhancement measures could be incorporated into the detailed design in order to buffer this feature from the proposed housing estate, whilst providing additional habitats such as fen and marsh elsewhere within the application site. E3 Ecology has also explained that the overriding consideration with this feature, due to its potential depth and profile, is one of health and safety for the public, as such measures will need to be taken to prevent public access and make the feature as safe as possible.

In respect to the pond in the south western area of the site i.e. within the paddock field adjacent to the proposed roundabout on Philadelphia Lane, E3 Ecology recognises its value from a Local Biodiversity Action Plan perspective. As a consequence active steps will be taken to both maintain and enhance this feature as part of the development going forward into reserved matters stage. In order to illustrate this aspect E3 Ecology submitted a Strategic Landscape Habitat Plan in order to detail the scope for wetland creation, including the area around the pond in the south west of the application site. It is their contention that these enhancements, which will ultimately be designed and determined at reserved matters stage, will represent a net increase in both the availability and quality of wetlands within the scheme.

ii) Ornithology

Regarding ornithological considerations E3 Ecology considers the habitat that will be available to birds within the landscaping scheme to be substantial. There are two broad green corridors incorporated into the site design, one through the centre of the site incorporating a mosaic of wetland, scrub planting, tree cover and species rich grassland, and the second extending along the southern and eastern boundaries of the site comprising areas of

plantation woodland and areas of scrub and species rich grassland. These corridors will not only provide foraging and commuting space for birds but also potential nesting locations. These natural nesting locations will complement the installation of artificial nesting resources.

It is also considered that this proposed resource can be enhanced further with items such as scalloped woodland edges to increase the amount of woodland edge available to breeding birds, enhanced areas of scrub as both foraging and nesting locations, and reed-beds within the wetland areas to improve the habitat for species such as starling and reed bunting. These measures are all considered attainable, however the exact detail will be determined at the reserved matters stage, should Members be minded to approve the application.

iii) Habitat creation

In terms of habitat creation E3 Ecology has indicated the broad scope of habitat creation and green space provision within the scheme, as follows:

Proposed landscape habitat areas:

Habitat Type	Area to be created (M² Unless stated)
Woodland (Native)	14,808
Scrub (Native)	5,860
Pond and wetland	7,312
Specimens trees	418 No.
Hedgerow	698 Linear M
Ornamental Scrub	3,816
Wildflower Grass	9,351
Marginal planting	2,312
Improved footpaths	3,937 Linear M

These figures when added to the proposed areas of formal and informal amenity grasslands and open space equate to an area of 14.7ha of green space within the development. At present, the site supports (according to the UDP) approximately 5.5ha of green space.

iv) Mammals

In respect to Mammals E3 Ecology has explained that they were first commissioned to undertake work on this site in 2006. Since then, an extensive body of field work, including both targeted species survey and general walkover work has been completed, as detailed in the technical appendices within the Environmental Statement.

During the survey work completed to date, no observations have been made or evidence gathered (such as droppings, or potential 'form' locations) to suggest that brown hare are using the site. The mammal society (as described within their publication UK BAP mammals, "Interim guidance for

survey methodologies, impact assessment and mitigation” document) state that the brown hare is generally a species of open countryside. As such E3 Ecology has interpreted this as being areas of pastoral land, arable fields and in some cases woodland edge. These habitats are not strongly represented within the site, although it is noted that they are present locally in areas such as the Herrington Country Park. Nevertheless, E3 Ecology considers it unlikely that this species will use the site on anything other than a very occasional basis, if at all.

It is accepted that hedgehog may be present on site and as such E3 Ecology considers it reasonable to incorporate a working method statement into the site clearance programme in order to prevent any injury to this species, whilst mitigation measures proposed will provide productive foraging habitat for this species. As a consequence and should Members be minded to approve this could be agreed via condition.

v) Hydrology

In terms of hydrology the pond in the north eastern extremity of the site will be buffered and safeguarded from the development to ensure it continues to meet the Local Wildlife Site criteria whilst not posing a risk to the general public. The pond in the south western area of the site will be extensively enhanced, from the ephemeral and species poor habitat that is currently supported, to a more permanent and species rich water body, providing potential habitat for amphibians, birds and invertebrates.

In response to the body of Ecology work initially submitted in support of the application and the additional clarification, as detailed above, the LPA’s Ecologist remains concerned regarding the north eastern pond and whether there will be an adequate amount of Fen created and whether it will be adequately buffered, whilst concern remains in respect to the pond in the south west corner which will be enclosed by the new road and existing and proposed housing estates. However, given the outline nature of the application, where essentially the principle of development is only being determined at this stage, it is considered that subject to the imposition of conditions requiring future reserved matters applications to be designed in the context of submitted Strategic Landscape Habitat Plan, that this will provide the suitable basis on which the landscape and ecological enhancements that have been asserted within the scheme are reasonably achieved.

In conclusion it is considered that as the planning submission has demonstrated an acceptable understanding of the ecological implications in respect to protected species and in light of the various habitats, formal/ informal amenity areas that are proposed within the Strategic Landscape Habitat Plan, which will be ultimately determined through future reserved matters application, it is considered that the proposal is on balance acceptable and in accordance with policy CN22 of the UDP.

6. Health Issues (Land Contamination, Air Quality and Noise)

UDP policies EN5 and EN6 aim to ensure that likely noise and vibration problems are investigated, including any necessary mitigation measures, before development is undertaken. Furthermore, policy EN9 considers potential implications of air pollution, dust etc arising from development proposals, whilst policy EN14 requires the consideration of ground conditions and to ensure that contamination issues are taken into account.

- Land Contamination

In light of the existing and previous industrial activity within the application site it is necessary for any land contamination issues to be appropriately investigated in order to ensure any resultant development is made safe during its construction and into the future in terms of safeguarding the resultant end user(s).

As a consequence colleagues in Environmental Services (Public Health) have requested that a comprehensive desktop study and site investigation will need to be carried out to ascertain whether the land is contaminated. If a hazard or hazards are identified on the site from any form of contaminant, the results of the survey shall be utilised to undertake a site specific risk assessment to consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons. Upon completion of any works within a remediation strategy, a validation report will need to be submitted to the Council for approval.

Should Members be minded to approve the above land contamination issues can be satisfactorily accommodated via condition, thereby reasonably accounting for any land contamination issues and ensuring the proposed development is in accordance with policy EN14.

- Air Quality

An Air Quality Assessment has been undertaken to consider the impact the development on current and future air quality as a result of NO₂ and PM₁₀. The assessment has concluded that all of the assessed criteria pollutants did not exceed and fell significantly below the UK Air Quality Objectives. Additionally, the concentrations of all the pollutants examined fell within the health based guidelines issued by the World Health Organisation. The Air Quality Assessment also concluded that road traffic emissions associated with the proposed development will have neutral impact on air quality. The assessment was undertaken using a worst case scenario.

- Noise and Vibration

A Noise and Vibration assessment has been undertaken and submitted with the application. The assessment has considered the likely impact of the development upon existing and proposed residential properties. The impact of traffic noise and vibration upon the residents of the proposed dwellings has

been considered and has determined that noise mitigation measures will be required to those properties that are within 10 – 30m of Philadelphia Lane. Mitigation has been suggested and includes glazing, ventilation, the orientation of the houses and layout of the rooms.

In light of this outline planning submission it is recommended that should Members be minded to approve, the Applicant should submit further information detailing the noise mitigation measures to be used in order to achieve an acceptable noise level within the dwellings and garden areas. This can be secured by way of a planning condition and should include detail covering the orientation and positioning of dwellings within close proximity to Philadelphia Lane, as recommended in the Applicant's noise assessment.

In addition, the Applicant has evaluated the immediate and long term impact of changes in traffic flows as a result of the development and any resultant impact upon residents of the area. The assessment has concluded that the potential increase in road traffic on Philadelphia Lane as a result of the proposed development will result in neutral/ negligible effect upon noise levels in the area.

An assessment has also been undertaken in accordance with BS 4142:1997 'Method of rating industrial noise affecting mixed residential and industrial areas' to consider the impact and likelihood of complaints about noise from residents as a result of the continued operation of the industrial units in the north east of the site. The assessment found that complaints about noise from the industrial activities from residents of the proposed dwellings would be likely and therefore mitigation measures are recommended in the form of an earth bund and acoustic fence between the industrial zone and the proposed dwellings. It is therefore recommended that should Members be minded to approve the application, a specification of mitigation works be provided detailing the measures to be put in place in order to protect residents of the proposed dwellings in accordance with BS 4142.

Finally, the application includes the provision of a food store and associated petrol station. Again, given the fact that this is an outline planning submission the details of these elements are as yet unknown with respect to the type of plant to be used and therefore the impact upon proposed residents can not be assessed at this time. It is therefore recommended that should Members be minded to approve the Applicant should be required, via planning condition, to submit a BS 4142 assessment for the food store and petrol filling station when details of this part of the development become available. The assessment should include any mitigation measures to ensure that noise created by the operation of the plant shall not exceed the background noise (LA90) by no greater than 5dB(A).

- Construction works

In view of the proximity of the proposed development to residential properties and size of the application site, which consists of various phases, contexts and characteristics of development, it is recommended that a construction

methodology condition be included, applicable to all phases, should Members be minded to approve the application.

The condition will require, amongst other aspects, the agreement of routes for construction traffic, loading and unloading of plant and materials, hours of working, wheel washing facilities and measures to control noise and vibration and the emission of dust and dirt during construction.

Furthermore, in view of the close proximity of the proposed development to residential properties the Applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Community and Cultural Services Department, Environmental Services, Pollution Control Section. The application should be made prior to the commencement of any works and as such, should Members be minded to approve, a suitably worded informative can be placed on the decision notice informing the applicant of this requirement.

In conclusion, in light of the submitted assessments pertaining to land contamination, air quality and noise issues, and should Members be minded to approve the application, subject to the imposition of conditions as detailed above the proposed development is on balance considered to be acceptable and in accordance with policies EN5, EN6, EN9 and EN14.

7. Flood Risk considerations

UDP policy EN11 states that in areas that are subject to flooding, new development will not normally be permitted, where development is permitted the Council will require appropriate flood protection measures to be incorporated in accordance with the advice provided by the Environment Agency. Furthermore, policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

The Applicant's Flood Risk Assessment (FRA) concluded that as the proposed development site is located within Flood Zone 1 (Low Probability) it is suitable for all types of land use. However the new link road to Chislehurst Road will require a road crossing over the Herrington Burn. The submitted FRA explains that the new crossing will be created using an open span structure or a large box culvert to ensure minimum impact upon the watercourse. The crossing will be designed to ensure that the full flows in the Herrington Burn can be conveyed without any impact on flood levels. The FRA states that this will ensure that there is no increase in flood risk at the crossing, or elsewhere.

In conclusion the FRA considers that flood risk from all sources has been considered and while parts of the existing site could be at risk from sewer flooding and overland flow, mitigation measures will be put in place to ensure that flood risks are managed to an acceptable level.

The FRA recognises that as the proposed development will lead to an increase in impermeable areas it confirms that runoff from the site will be restricted to ensure that current design standards can be met and the capacity of the receiving drainage network on site is not exceeded. This will lead to an overall reduction in surface water runoff from the site. A significant volume of attenuation storage will be required to facilitate the proposed discharge rates. Attenuation will be provided through the use of Sustainable Drainage Systems (SuDS), as shown on the Landscape Parameter Plan, which is one of those plans being offered for approval as part of this submission. The mitigation measures installed to protect the development site will also lead to betterment of flood risk downstream as a result of reduced discharge rates.

As stated in the representation section of this report the Environment Agency, having noted that the existing surface water discharge to the sewers will be reduced, and therefore lessen flood risk to sewers and watercourses, have offered no objection to the proposed development subject to their recommended conditions, in respect to agreeing surface water drainage and a scheme to remove and manage Japanese Knotweed, being imposed.

Furthermore, Northumbrian Water, after assessing the impact of the proposed development on their assets and the capacity of their network to accommodate and treat the anticipated flows arising from the development, have confirmed that there is available capacity at the Sedgeleth Sewage Treatment Works to accommodate the foul flows arising from the development. Nevertheless, in light of the largely outline nature of the planning submission, there is insufficient detail in respect to the management of surface water from the development for Northumbrian Water to be able to assess their capacity to treat flows from the development at this time.

Consequently they have also requested that a surface water drainage condition be included, should Members be minded approve.

In light of the submitted FRA and additional information in respect to flood risk, which have demonstrated that the risk of surface water flooding should be reduced, and therefore lessen flood risk to sewers and watercourses; and given the fact that both Northumbrian Water and the Environment Agency have offered no objection to the application, subject to the imposition of their recommended conditions, it is considered that the proposal is on balance acceptable and in accordance with policies EN11 and EN12.

8. Retail considerations

Sunderland City Council instructed its retail planning consultant, hollissvincent, to advise on the retail policy aspects of the development proposal. The retail components of the development proposal comprise a

foodstore of 2,601 sq.m gross (1,691 sq.m sales area) and up to 990 sq.m gross (743 sq.m sales area) of local retail facilities falling within Use Classes A1, A2, A3 and/ or A5.

These retail development proposals aspects constitute main town centre uses for an out of centre site. Therefore, these proposals must be assessed against the sequential test (Paragraph 24 of the NPPF) and the retail impact tests (Paragraph 26).

Paragraph 27 of the NPPF provides that where an application for a main town centre use fails the sequential test or is considered likely to have a significant adverse impact on either town centre vitality and viability or existing, committed and planned investment in the town centre, the application should be refused.

In addition to undertaking an audit of the Applicant's retail support material, hollissvincent were asked to provide an independent assessment of the likely cumulative trade diversions associated with the development proposal together with a potential new food superstore at the former Houghton Colliery site.

- Conclusion in relation to the saved retail policies in the Development Plan

UDP policy S1 seeks to enhance the role of the City's shopping service by encouraging a wide range of attractive, well distributed, facilities to meet future shopping and related needs. Developments – such as that proposed, which are located outside existing centres – are subject to the sequential test, must be in accordance with other policies in the UDP, and should complement existing facilities. It is therefore important to consider the sequential approach and some aspects of the impact tests set out in the NPPF.

In respect to the sequential approach issue it is considered that the retail development proposal are seeking to meet a site specific need and a location specific need in the northern part of the Coalfield. Therefore there are no sequentially preferable sites in either the town centre or on a edge of centre site that are suitable to meet this localised need that the development proposal is seeking to meet. Accordingly it is concluded that the development proposal is consistent with the sequential test incorporated in the NPPF and as such the application is consistent with the sequential aspect of Policy S1.

So far as impact considerations are concerned there is no clear evidence to suggest that the development proposal would cause a significant adverse impact on existing, committed or planned investment in the town centre and the LPA's retail planning consultant considers it highly unlikely that operator interest in the Houghton Colliery site would be deterred as a result of these retail development proposals.

Similarly, there is no clear evidence to suggest a significant adverse impact on the overall vitality and viability of Houghton-le-Spring Town Centre, or in

respect of Shiney Row and Hetton-le-Hole Local Centres. As a consequence, there is no ground to resist the application on the basis of the impact tests set out in Paragraph 26 of the NPPF.

It is noted that the cumulative convenience sector impact in terms of trade diversion from the existing Co-op store in Houghton-le-Spring is substantial, at 31 per cent. However, much of this impact is attributable to the potential retail development at Houghton Colliery, and does not allow for the unquantifiable benefits brought about through linked trips. Moreover, the incremental impact of this development proposal on the Co-op is just 6 per cent. Thus, it is considered that a large proportion of the direct impact on existing stores in Houghton-le-Spring will be offset by the clawback of expenditure leakage and the increase in footfall arising from linked trips with the potential new store at Houghton Colliery.

So far as impact considerations are concerned it is considered that the development proposal is unlikely to cause any significant adverse impact on Houghton le Spring Town Centre, or on any local centre. Similarly, it is also considered that the development proposal will not cause significant adverse impact on the potential investment at the Houghton Colliery site. It is therefore considered that the application is consistent with the overall objectives of Policy S1 of the UDP.

Policy S2 of the UDP seeks to enhance the vitality and viability and appropriate diversification of the City's three strategic centres, including Houghton le Spring, and its six local centres, including Hetton. Policy S3 then seeks to support the retention of other local shopping centres including Shiney Row, Fence Houses, Market Street Hetton, and Easington Lane. The LPA's retail planning consultant considers that the development proposal is unlikely to cause any significant harm to Houghton le Spring, or to the various Local Centres, so there is considered to be no fundamental conflict with Policies S2 and S3.

The final retail policy of relevance is Policy S13, which states that *'Retailing on land allocated for industry and/ or mixed-use on the Proposals Map will be permitted only if it accords with Policies EC4 and EC5'*. It is considered, however, that Policy S13 is out of date and not in accord with the up to date development management test provisions of the NPPF. Nevertheless, it is also noted that it is the Applicant's intention that *'...no jobs will be lost as a result of the application...'*, and that the Applicant is seeking to retain and create as many jobs on site as possible within the Learning and Enterprise Building and Employment Zone.

It is therefore considered on balance that the development proposal is consistent with the shopping policies of the UDP, and that it will assist in achieving the area based housing allocations for the site set out in Policies HA4.5 and HA4.6 of the UDP.

It is recognised that there is some conflict with the employment policies of the UDP (Policies HA1.9 and EC4); however it is not considered that this is

determinative. It seems clear that there will be no material net loss of existing jobs, given the Applicant's intention to relocate many of the existing businesses to a new 'Employment Zone'. Moreover, new jobs will be created within the retail components of the scheme, which the Agent, acting on behalf of the Applicant, estimates will total 109 FTEs, after allowing for displacement.

- Conclusion in relation to Qualitative Need

It is accepted that there is an urgent need to improve upon the retention of retail expenditure within the Coalfield and that there is a qualitative need for at least one new large foodstore that is capable of competing with the large and medium sized stores in Washington, Sunderland, Durham and Chester-le-Street. Much of this qualitative need will be met through the proposed redevelopment of the former Houghton Colliery site for mixed-use development, including Class A1 retail, under Policy HA31(1) of the UDP. However, it is also accepted that there is an additional qualitative need in the northern part of the Coalfield which the development proposal seeks to address.

- Conclusion in relation to Quantitative Need

The existence or otherwise of expenditure capacity is no longer a development management test. Nevertheless, following implementation of both foodstore proposals, the convenience goods retention level for the Coalfield is likely to improve from 26 per cent at present to around 60 to 65 percent. This would be a sufficient uplift to support around three quarters of the aggregate convenience turnover of the proposed stores at Houghton Colliery and at the Philadelphia site by 2017. Such an outcome suggests that there would be some competition between the two stores, reducing their turnover potential, and some level of impact on other convenience traders in the Coalfield. The LPA's retail planning consultant's subsequent assessment of cumulative impact suggests, however, that such impacts are unlikely to be 'significantly adverse'.

Moreover, it is noted the application proposal will be supported, in part, by the expenditure generated by the additional uses that are proposed as part of the development proposal, including, most importantly, the residential element. Nevertheless, the cumulative impacts identified by the LPA's retail planning consultant are such that the retail component of the Philadelphia scheme should not be expanded over the level of floorspace proposed in the current application.

- Conclusions in relation to Sequential Test

It is considered that the development proposal will be complementary to any future foodstore proposal that emerges at the Houghton Colliery site. Whilst the Houghton Colliery is clearly available, viable and suitable for retail development, it is not suitable for the development proposed by the Applicant at Philadelphia. In particular, the Houghton Colliery opportunity would not meet site and location specific needs that have been identified by the

Applicant and it would not serve a similar function and achieve similar objectives to the Philadelphia application proposal.

The LPA's retail planning consultant's overall conclusion therefore, is that the Philadelphia application conforms with the provisions of Paragraphs 23 and 24 of the NPPF, and that the application passes the sequential test.

- Conclusions in Relation to the NPPF Impact Tests

There is no evidence to suggest that the development proposal would cause a significant adverse impact on existing, committed or planned investment and it is considered that it is highly unlikely that operator interest in the Houghton Colliery site would be deterred.

Similarly, there is no clear evidence to suggest a significant adverse impact on the overall vitality and viability of Houghton-le-Spring Town Centre, or in respect of Shiney Row and Hetton-le-Hole Local Centres. As a consequence, there is no ground to resist the application on the basis of the impact tests set out in Paragraph 26 of the NPPF.

It is therefore considered that there are no national policy grounds for resisting the retail application proposal in that it passes the sequential test and will not cause significant adverse impacts in relation to existing, committed and planned investment, or in relation to the vitality and viability of Houghton-le-Spring Town Centre or nearby Local Centres.

However, given that the identified residual expenditure capacity is likely to be able to support only around three quarters of the combined turnover of the application proposal and Houghton Colliery commitment and given the relatively substantial direct impact on the Co-op store in Houghton-le-Spring Town Centre, it is recommended that Members impose strict planning conditions which set the following limits:

- the gross internal area of the foodstore element of the application shall not exceed 2,601 sq.m, including for the avoidance of doubt any mezzanine floorspace;
- the total sales area of the foodstore shall not exceed 1,691 sq.m, including for the avoidance of doubt any mezzanine floorspace; and
- the convenience goods sales area of the foodstore shall not exceed 1,200 sq.m (which is slightly higher than the figure utilised in Agent's Retail Statement so as to allow a limited degree of flexibility).

9. Chislehurst Road link and rear of Market Crescent

This aspect of the proposed development has been altered twice since the application was first submitted. As discussed in the earlier "Representations" section of this report the two alterations to the design of this junction have solely related to the rear lane aspect of Market Crescent.

It was first proposed that the rear lane would be closed off adjacent to the new Chislehurst link road via the introduction of a hammer head. However, as the Agent stated at the time of submitting an amended junction design that following land acquisition discussions this hammer head had to be removed in order to accommodate the retention of Number 5 Market Crescent and the builder's yard within the development scheme. This amended junction design then meant that Number 5 Market Crescent was to be the new gable end of the street.

However, following an on-site meeting (19 June 2013) between residents of Margaret Terrace and Market Crescent, the Local Authority's Planning and Highway Engineering Officers, the Applicant and the Applicant's Transport Consultant, amended plans have now been submitted reverting back to the original junction design i.e. the rear lane of Market Crescent will now be closed off with the re-introduction of a hammer head arrangement and the demolition of Number 5 and the builders yard to the rear. Furthermore, this amendment also demonstrates how on-street parking will be delivered, although this will be designed in detail via a Section 278 Highways Act 1980 Agreement, which will be controlled and administered by the Local Highway Authority, should Members be minded to approve the application.

In terms of highway engineering considerations colleagues in Network Management (Transportation) consider the proposed junction with the Chislehurst link to be acceptable. The traffic analysis carried out by the Applicant's Transport Engineering consultants, SAJ, indicates that the signalised junction for the B1286 will have the capacity to deal with the anticipated traffic volumes.

In respect to residential amenity the submitted Air Quality Assessment has concluded that road traffic emissions associated with the proposed development will have neutral impact on air quality and colleagues in Environmental Services (Public Health) are satisfied with its findings. The assessment was undertaken using a worst case scenario.

In terms of noise and vibration impacts, again Environmental Services (Public Health) have offered no objection to the proposed development. The noise contour plans, as detailed within the submitted Noise and Vibration Assessment, demonstrate that the existing range of noise levels at facades along the B1286 (Market Crescent) are between 65 – 70 dB. The Highways Agency's 'Design Manual for Roads and Bridges' states that a change in noise level of 1dB is the equivalent to a 25% increase or 20% decrease in traffic flow. Generally people cannot perceive a change of noise level of less than 3dB(A) and for this to be realised the level of traffic would normally have to double. Within this context, and as stated in the submitted noise assessment, the traffic modelling exercises within the Transport Assessment indicate that traffic volumes are anticipated to only increase by approximately 11%.

It is therefore considered that on balance the closing of the rear of Market Crescent with the introduction of a hammer head arrangement, in conjunction

with a demonstration that additional on-street parking can be realised to the benefit of surrounding residents and businesses and in the context of the submitted Air Quality and Noise and Vibration Assessments, it is considered that the proposed B1286 junction and closing off of the rear lane of Market Crescent, is acceptable on balance and in accordance with UDP policies B2, T14, EN5, EN6 and EN9.

10. Duration of Planning Permission

By virtue of Section 92 of the Town and Country Planning (1990) Act authorities are permitted to consider approving longer time periods within which to submit and implement subsequent reserved matters applications provided that material considerations have been considered. Furthermore, Circular 8/05 '*Guidance on changes to the Development Control System*' provides further advice on this matter by explaining that the ability to approve longer time-limits is permitted by the Act in order to provide authorities with additional flexibility on timing.

In light of the large scale, multi-phased nature of the development proposal, which is estimated to be developed over a period in excess of 18 years, it is clear that the normal time limits placed upon outline approvals is not proportionate or appropriate in this instance i.e. maximum of 3 years to submit all the reserved matters then up to 2 years from the date of the last approval of reserved matters to commence development. Following the provisions of the 1990 Act the Applicant requested the LPA to consider a longer time period for submission of reserved matters, should Members be minded to approve. It was initially suggested that the 3 years to submit all reserved matters applications be extended to a period of 15 years.

However, given that the majority of the site has been identified within the SHLAA (2013) as a housing site, it is considered that a 15 year permission period does not ensure the timely delivery of housing and as such the positive regenerative benefits of the proposal are at risk of not being realised or at least stalled. Nevertheless, in conjunction the multi phase, large scale nature of the proposal, it is also recognised that existing economic and housing market conditions enable the consideration of a longer time period to be considered appropriate in principle.

Furthermore, a relatively recent planning permission for an outline permission for, in part, 293 residential units on land at Lisburn Terrace/ Pallion New Road, Sunderland (Ref. 10/01549/OUT) was approved by Members of the Development Control (Sub) South Committee on the 14 July 2010 with an extended time limit of 5 years for all reserved matters to be agreed, with 2 years from the date of approval of the last reserved matter for construction works to commence. Therefore, in recognition that the application which is now under consideration is seeking permission to develop double the number of residential units, it is considered that a time limit of 7 years for the submission of all the reserved matters for each phase of development, with 2

years to commence development thereafter, is considered on balance acceptable.

In addition, all the resultant reserved matters planning applications will be subject to the agreement of a construction work methodology condition, which will ensure that highway, visual and residential amenity considerations of the surrounding community are reasonably accounted for in the implementation of the resultant permissions. Furthermore, and as has been discussed previously, in view of the close proximity of the proposed development to residential properties, the Applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974. Any such application will be made to the City Council's Pollution Control team.

It is therefore considered that given the detailed consideration of the development proposal, as discussed in the considerations sections above, in conjunction with the proposed conditions as outlined below, and in recognition of the large scale nature of the development proposal, the time limit within which to submit reserved matters applications should be extended. Accordingly, should Members be minded to approve the application, it is recommended that the 3 years to submit reserved matters applications, as normally required by statute, be extended to a maximum of 7 years, please see conditions 1 & 2 detailed below.

CONCLUSION

As explained above, the planning application needs to be considered in light of the presumption in favour of sustainable development and the up to date development management tests set out in paragraph 14 of the NPPF.

The development will have the following positive benefits:-

- Provide the delivery of a new link road connecting the constrained Philadelphia Lane with the A1231 Chester Road, via the Penshaw to Herrington Link (A183 to B1286) link road, the latter being a long standing UDP policy (HA28) requirement and associated highway improvements
- Fund the retention and enhancement of the listed buildings on site, securing their economic and long term future, thereby improving the townscape qualities of the wider area
- The development will also remediate a largely vacant and degraded Industrial Estate, as identified in the City Council's Employment Land Review (September 2009) with a mixed use, significantly landscaped development comprising housing, commercial and community uses.
- The regenerative benefits of the delivery of a site (Philadelphia Complex) which has been recognised in the Council's SHLAA (2013)

as a 'deliverable' housing development site which is available, suitable and viable to provide a significant amount of housing for the local market, as well as delivering two allocated housing sites, UDP policy HA4.

In addition, the retail proposals pass the sequential test and there is no clear evidence that the proposals will cause significant adverse impacts in relation to existing, committed and planned investment, or in relation to the vitality and viability of Houghton-le-Spring Town Centre or nearby Local Centres.

The development will have the following negative impacts:-

- The development includes inappropriate development within the Green Belt. There are negative impacts through the loss of Green Belt land, the openness of the Green Belt and visual amenity. However these negative impacts on the Green Belt are not significant due to the proposed mitigation measures and the provision of a new heavily landscaped wildlife corridor along the proposed redefined Green Belt boundary;
- There will be a loss of open space within the South of Market Crescent. However, 6.8ha of new informal and formal amenity areas are to be provided as alternative provision by way of mitigation. The quality and condition of green space within the site will also be significantly improved as a result of the development;
- Loss of the undesignated heritage assets i.e. the High Engine Sheds

Through the testing of the applicant's economic viability appraisal (EVA) it has been demonstrated that the release of the Green Belt land is necessary to enable the full site to be redeveloped hand-in-hand with the delivery of the agreed additional site infrastructure, namely the refurbishment and enhancement of the site's listed buildings, the construction of the new link road and decontamination of industrial land.

For the purposes of Paragraphs 87 and 88 of the NPPF, it is considered that these positive benefits clearly outweigh the negative impacts on the Green Belt and therefore on balance it is considered that the development proposal constitutes 'very special circumstances' and should be approved.

Further, the EVA has also demonstrated that the money available for the funding of Section 106 planning obligations is limited to £2,731,116, again accounting for the normal cost of development and mitigation in respect of the full site and enabling a viable development for a willing land owner and willing developer. The NPPF requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently flexible, wherever possible, in order to prevent proposed development being stalled. Accordingly, the proposed Section 106 planning obligations will provide a full financial contribution in respect of education provision, the provision of up to 18 affordable properties, and a contribution towards off-site children's play provision.

Accordingly, it is recommended that planning permission be granted as the adverse impacts referred to above are not considered to be significant and do not outweigh the strong positive benefits of the development proposal as set out above.

RECOMMENDATION: Members be minded to approve the application for the reasons stated in the Conclusion Section above and subject to the draft conditions outlined below and to the completion of a Section 106 Agreement and that the application be referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 2/09)

1. Outline - Approval of Reserved Matters

Approval of details of access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for the first phase of development (pursuant to condition 3) shall be obtained from the Local Planning Authority before the first phase of development is commenced. Approval of the reserved matters for each phase of the development thereafter (pursuant to condition 3) shall be obtained from the Local Planning Authority before that phase of development is commenced.

Reason – required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Outline - Reserved Matters

Application for the approval of reserved matters for the first phase of development must be made not later than the expiration of three years beginning with the date of this permission, and the first phase of development must be begun not later than the expiration of two years from the last approval of the reserved matters. The application for approval of reserved matters for the subsequent phases of development shall be made to the Local Planning Authority before the expiration of 7 years from the date of this permission and each phase must be begun not later than the expiration of two years from the date of approval of reserved matters for the last phase of development.

Reason - required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Phasing of Development

Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be submitted and carried out in full accordance with the approved Phasing Parameter Plan (Drawing No. 2078 – 47A received 12 July 2013).

In order to ensure that the completed development accords with the scheme approved and to comply with UDP policy B2.

4. Full – Three Years

The development to which full planning permission relates must be begun not later than 3 years beginning with the date on which permission is granted, as required by section 91 of the Town and country Planning Act 1990 as amended by section 51 of the Planning and compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

5. Plans

Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Site Location Plan, Drawing Number 2078-D-00-008-A received 12 July 2013;
Junction 1: A182, Philadelphia Lane roundabout, DRG No JN0573-Dwg-0047A

Junction 13: Proposed Layout (July 2013), DRG No JN0573-Dwg-0028G received 12 July 2013;

Land Use Parameters, Drawing Number 2078-D-00-041 Revision D received 12 July 2013;

Landscape Parameters; Drawing Number 2078-D-00-042 Revision B received 12 July 2013;

Parameters Residential Density and Massing, Drawing No 2078 – 45A received 12 July 2013;

Parameter Plans: Scale, Drawing No 2078 – 44A received 12 July 2013;

Parameter Plans: Residential Landmarks and Focal Points, Drawing No 2078 – 46A received 12 July 2013;

Parameter Plans: Residential Platforms & Footpaths, Drawing No 2078 – 43A received 12 July 2013.

In order to ensure that the completed development accords with the scheme approved and to comply with UDP policy B2.

6. Grampian – Highway works

No development shall commence, other than those investigative works required in pursuance of land contamination, until the details of the following works have been submitted to and approved in writing by the Local Planning Authority:

- Shiney Row roundabout – kerblin modification on NE bound approach,
- Newbottle Village mini roundabout - splitter island modification,
- A182 Coaley Lane Signals – upgrade;
- Chester Road / Chislehurst Rd roundabout – kerblin modification on A183 NE bound approach.

The development shall then be laid out in accordance with the approved details and in accordance with a timetable to be agreed in writing by the Local Planning Authority. These works are necessary to ensure that development is acceptable in respect to highway engineering and safety considerations, in accordance with UDP policy T14.

7. Highways – details and junction layouts

Within each phase of development no development shall commence, other than those investigative works required in pursuance of land contamination, until details of the highway and junction layouts within the development have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be laid out in accordance with a timetable to be agreed in writing by the Local Planning Authority, in the interests of highway engineering and safety considerations and in accordance with UDP policy T14.

8. Highways - Internal Layout

Within each phase of development no development shall commence, other than those investigative works required in pursuance of land contamination, until details of the internal road layouts; including roads, footways, footpaths and cycleways, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be laid out in accordance with the approved details and in accordance with a timetable to be agreed in writing by the Local Planning Authority, in the interests of highway safety and to comply with UDP policies T9, T10 and T14.

9. Highways - Details of facilities for public transport including bus shelter provision

Within each phase of development no development shall commence, other than those investigative works required in pursuance of land contamination, until details for public transport, including proposed bus shelter provision, have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be laid out in accordance with the approved details and in accordance with a timetable to be agreed in writing by the Local Planning Authority, in the interests of highway engineering considerations and to comply with UDP policy T14.

10. Highways - Details of parking and service arrangements for industrial, commercial and retailing uses

Within each phase of development no development shall commence, other than those investigative works required in pursuance of land contamination, until details of the parking and servicing arrangements for the industrial, commercial and retailing uses, hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the agreed details in order to ensure a satisfactory form of development and comply with UDP policies T14 and T22.

11. Cycle Parking

Within each phase of development no development shall commence until precise details of the cycle parking accommodation within the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking shall be installed in strict accordance with the approved plans and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interests of highway safety and sustainability and to comply with the requirements of Policy T9 of the adopted Unitary Development Plan.

12. Framework Residential Travel Plan

Prior to first occupation in each phase of the development hereby approved, a Residential Travel Plan, based on the Framework Residential Travel Plan (JN0573-0003.1), shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented as agreed, in order to ensure that the site is accessible by alternative modes of travel in accordance with policies T1, T2 and T14 of the UDP.

13. Framework Workplace Travel Plan

Prior to the first occupation in Phases 1 and 2 hereby approved, a Work Travel Plan, based on the Framework Workplace Travel Plan (JN0573-0004.1), shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented as agreed, in order to ensure that the site is accessible by alternative modes of travel in accordance with policies T1, T2 and T14 of the UDP.

14. Materials

Within each phase of development, notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

15. Finished Floor Levels

Within each phase of development no development shall commence, other than those investigative works required in pursuance of land contamination, until details of the proposed finished floor levels across the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details in order to ensure a satisfactory form of development and to comply with UDP policy B2.

16. Boundary Enclosures

Within each phase of development, notwithstanding any specifications on the submitted plans, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with UDP policy B2.

17. Retail - Gross Internal Food Area

The total gross internal area of the foodstore hereby approved shall not exceed 2,601 sqm, including for the avoidance of doubt any mezzanine floorspace. This is to safeguard the vitality and viability of Houghton Town Centre and other local centres in accordance with National Planning Policy Framework paragraph 26 and UDP policies S1, S2 and S3.

18. Retail - Total Net Sales Area

The total net sales area of the foodstore hereby approved shall not exceed 1,691 sqm, including for the avoidance of doubt any mezzanine floorspace. This is to safeguard the vitality and viability of Houghton Town Centre and other local centres in accordance with National Planning Policy Framework paragraph 26 and UDP policies S1, S2 and S3.

19. Retail - Total Convenience Goods Sales Area

The total convenience goods sales area of the foodstore hereby approved shall not exceed 1,200 sqm. This is to safeguard the vitality and viability of Houghton Town Centre and other local centres in accordance with National Planning Policy Framework paragraph 26 and UDP policies S1, S2 and S3.

20. Archaeological Excavation and Recording

Within each phase of development, no groundworks, reclamation/ remediation, re-grading, engineering work or development shall commence until a programme of archaeological fieldwork for that phase (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with UDP policies B11, B12, B13 and B14.

21. Archaeological Post Excavation Report

Within each phase of development the buildings(s) shall not be occupied/ brought into use until the final report of the results of the archaeological

fieldwork undertaken in pursuance of condition 15 has been submitted to and approved in writing by the Local Planning Authority. The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with UDP policies B11, B12, B13 and B14.

22. Archaeological Publication Report

The buildings shall not be occupied/ brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. The site is located within an area identified in the UDP plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the National Planning Policy Framework.

23. Japanese Knotweed Removal

Within each phase of development no development shall commence until a detailed method statement for removal and long-term management/ control of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/ root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority. This condition is necessary to prevent the spread of Japanese Knotweed which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

24. Surface Water Drainage

Development shall not begin until a surface water drainage scheme for the site, which includes details of the disposal of surface water and the phasing of implementation and is based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Northumbrian Water. The scheme shall subsequently be implemented in accordance with the approved details before development is commenced. The scheme shall also include details of how the scheme shall be maintained

and managed after completion. To prevent the increased risk of flooding from any sources in accordance with National Planning Policy Framework paragraph 103 and UDP policies EN11 and EN12.

25. Construction Method Statement

Within each phase, no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

To protect the amenities of the area and highway safety, in accordance with UDP policies B2 and T14.

26. Construction hours

The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.

27. Ecology – Working Method Statements

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be built in accordance with Appendix 1 'Method Statement for Great Crested Newts' of the Great Crested Newt Survey Revision R04, Appendix 2 'Method Statement for Reptiles' of the Extended Phase 1 and Protected Species Survey Revision R06 and Appendix 4 'Method Statement' of the Bat Survey of Buildings at the Philadelphia Site Revision 06, all produced by E3 Ecology, in the interests of nature conservation and to accord with policies CN18 and CN22 of the Unitary Development Plan.

28. Ecology – Biodiversity Enhancement Measures

Within each phase of development no development shall take place within the development hereby approved, other than those investigative works required

in pursuance of land contamination, until a scheme to enhance the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include precise written details of biodiversity enhancement measures, a written timetable for the implementation of the ecological enhancement measures and a methodology for the management of those measures on site. Once approved, the ecological enhancement/ mitigation measures shall be installed as approved and in strict accordance with the agreed timetable, and retained as such for the lifetime of the development, unless otherwise first agreed in writing with the Local Planning Authority. In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

29. Outside bird breeding season

The felling of any tree, shrubs or other tree works as a consequence of the development, hereby approved, shall be undertaken outside the bird nesting season (i.e. not during the period mid-February to end of August). If this is unavoidable, a nesting bird survey must be undertaken on the day before removal is to commence in order to ensure no breeding bird will be disturbed. If nests are found, removal works shall not commence until any dependent chicks have fledged, unless otherwise first agreed in writing with the Local Planning Authority. In the interests of nature conservation and in order to comply with policy CN18 of the Unitary Development Plan.

30. Landscaping

Notwithstanding the approved plans, within each phase of development no development shall be carried out until full details of both hard and soft landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include contour levels; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants; noting species; tree and plant sizes and proposed numbers/densities where appropriate, these works shall be carried out in complete accordance with the approved details, in the interests of visual amenity and nature conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.

31. Landscaping 5 years

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and nature

conservation and to comply with policies B2, CN18 and CN22 of the Unitary Development Plan.

32. Tree Construction/ Method Statement

Within each phase of development no development shall take place, nor shall any plant, equipment or materials be brought onto the site until there has been submitted to, and approved in writing by, the Local Planning Authority:

- i) an up-to-date tree survey including details of all trees and a plan showing which trees are to be retained, which are to be removed and which are to be lopped, topped or otherwise treated:
- ii) details of the position and specification of fencing and other measures for the protection before and during the course of any tree to be retained.

The development shall thereafter be carried out in accordance with the approved scheme, in the interests of visual amenity and to comply with UDP policies B2 and CN17.

33. Land Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation within each phase of development must not commence until conditions number 34 to number 36 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 36 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

34. Land Contamination – Investigation

Unless otherwise agreed in writing by the Local Planning Authority development within each phase of development must not commence until an investigation and risk assessment for that phase, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including shallow mine workings;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

35. Land contamination – Remediation Scheme

Unless otherwise agreed by the Local Planning Authority, development must not commence within each phase of development until a detailed remediation scheme to bring the relevant part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

36. Land contamination - Verification Report

The remediation scheme approved under Condition number 35 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development within each phase other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report for that phase that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks

from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

37. Land contamination – Unidentified contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 34 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 35 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 36 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

38. Noise mitigation – Industrial

No development shall take place within Phases 2 & 3 hereby approved, other than those investigative works required in pursuance of land contamination, until a specification of mitigation works detailing the measures to be put in place to protect residents of the proposed dwellings, in accordance with British Standard 4142:1997 (Rating industrial noise affecting mixed residential and industrial areas), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees any variation in writing. In the interests of residential amenity and to comply with UDP policies B2 and EN5.

39. Noise mitigation – Philadelphia Lane/ Link Road

No development shall take place within Phases 1, 2 & 4 hereby approved, other than those investigative works required in pursuance of land contamination, until a specification of mitigation works detailing the measures to be put in place to protect residents of the proposed dwellings, in accordance with British Standard 8233:1999 (Sound Insulation and Noise

Reduction for Buildings) and World Health Organisation Guidelines for Community Noise, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees any variation in writing. In the interests of residential amenity and to comply with UDP policies B2 and EN5.

40. Noise mitigation – Foodstore and Petrol Filling Station

No development shall take place within Phase 1 hereby approved, other than those investigative works required in pursuance of land contamination, until a noise assessment of the foodstore and petrol filling station hereby approved, undertaken in accordance with British Standard 4142:1999 (Rating industrial noise affecting mixed residential and industrial areas), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include any mitigation measures to ensure that noise created by the operation of the plant shall not exceed the background noise level (LA90) by no greater than 5dB(A). Thereafter the development shall not be carried out other than in accordance with the approved details unless the Local Planning Authority first agrees any variation in writing. In the interests of residential amenity and to comply with UDP policies B2 and EN5.

41. Local Shopping Centre - hours of operation – A3/ A4 uses

In the event that any of the commercial units hereby approved are proposed to operate within either Use Class A3 (Restaurants and Cafes) or A5 (hot Food Takeaways) as defined by the Town and Country Planning (Use Classes) Order or the equivalent of any of these classes set out in any subsequent Statutory Instrument revoking or amending that order either in whole or in part, the relevant unit(s) shall not be open to the public except between the following hours:

- 08:00 and 23:30 on Mondays to Thursdays;
- 08:00 and Midnight on Fridays, Saturdays and Sundays preceding a Bank Holiday Monday; and.
- 08:00 and 22:30 on Sundays, not preceding a Bank Holiday Monday and on Bank Holidays,

In order to achieve a satisfactory form of development and to accord with UDP policy B2.

42. Local Shopping Centre - limitation A3/ A4 floorspace

Notwithstanding the submitted plans, no more than 400 square metres of the Gross Floor Area of the local shopping centre, which comprises (Gross Floor Area of up to 991.65 square metres) hereby approved shall be used for the purposes of use class A3 and/ or A5 as defined by the Town and Country Planning (Use Classes) Order or the equivalent of any of these classes set out in any subsequent Statutory Instrument revoking or amending that order

either in whole or in part. In order to achieve a satisfactory form of development and to accord with UDP policy B2.

43. Local Shopping Centre – PD changes only

The local shopping centre hereby approved shall be occupied exclusively by uses falling within either Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes) and/ or A5 (Hot Food Takeaway), as set out in the Town and Country Planning (Use Classes) Order, or the equivalent of any of these classes set out in any subsequent Statutory Instrument revoking or amending that order either in whole or in part, for the lifetime of the development and shall operate for no other use unless otherwise first agreed in writing with the Local Planning Authority.

Once operating within one of the aforementioned use classes, each unit shall benefit only from the permitted changes of use applicable to the initial use class within which the unit(s) operates, as set out in the Town and Country Planning (Use Classes) Order or any subsequent Statutory Instrument revoking or amending that order either in whole or in part and no other change of use shall be permitted without the prior written consent of the Local Planning Authority in order to achieve a satisfactory form of development and to accord with UDP policy B2.

44. Roads completed to base level

No dwelling shall be occupied on site until the accesses roads within the development, or the access roads within that phase of development, have been completed to at least base level and off street parking has been made available for the parking of vehicles within the development, or that phase of the development, in the interests of highway safety and the free passage of traffic and to comply with the requirements of UDP policy T14.

45. Ground and finished floor levels

The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of finished slab levels of each property, to achieve a satisfactory form of development and to comply with UDP policy B2.

46. Strategic Landscape Habitat Plan

Any details submitted for approval as Reserved Matters shall generally accord with the principles and objectives of the development as set out in the Strategic Landscape Habitat Plan (Drawing No: 87757/8016 revision A) submitted with this application; in order to ensure a satisfactory form of development and to comply with UDP policies B2, CN17, CN18 and CN22.

Appendix

Summary of representations received

- General comments received
 - There is no need for a new supermarket in the area, there are seven within a 4.5 mile radius of Philadelphia and one is planned less than a mile away;
 - The supermarket development will increase traffic flow along Philadelphia Lane;
 - Petrol stations are being closed because of supermarkets, where is the justification for another supermarket petrol station?
 - There are 33 businesses on the Philadelphia Complex – these would go, and not all the workers can be moved with the businesses;
 - At the Applicant's public consultation exercise the Developer stated that it would develop 3 storey townhouses and bungalows, as such there is concern for overlooking;
 - Houses still being built and unsold at Elba Park as such the objector questioned the need for more housing, also citing Gentoo clearance of former Council housing stock and the lack of the development within these areas;
 - Comments were made in respect to future parking levels as the objector stated that where they live 13 houses have up to 30 cars;
 - Road infrastructure will not be able to cope with the extra traffic generated by the development proposal, and that over a period of 15 years objectors have witnessed significant increases in traffic related incidents;
 - An objector also made reference to comments made by the Applicant at the public exhibition in respect to there being no money for the new road and that it would be looked at after the supermarket and house building was underway. Therefore what would happen in the meantime?
 - An objector also commented upon the danger of heavy vehicles using the mini roundabout near to St Matthew's Church, Newbottle;
 - An objector raised the issue of Lapwings and Bats within the application site;

- Over subscribed local facilities; schools, doctors, dentists etc are already full to capacity;
- Encroachment on to Green Belt land and the lack of “very special circumstances”, as such the application represents inappropriate development and should not be approved. Another representation also raised the issue that it would set a precedent for further developments in Green Belt areas. There is also sufficient brownfield land to avoid the need of building in the Green Belt and therefore developing in the countryside is ludicrous and wasteful;
- Developing on the land west of Philadelphia Lane and east of the New Herrington Industrial Estate will lead to the loss of open land in the area and affect visual amenity;
- Flooding concerns were expressed regarding surface water flowing into Herrington Burn. Recent housing developments and the large ponds in Herrington Country Park has caused flooding of adjacent private land. An objector has spoken to the Council, Esh Developments, Environment Agency and Northumbrian Water regarding surface water but no one is willing to accept responsibility.
- New link road junction with Margaret Terrace and Market Crescent (B1286)

There were also objections raised in respect to this proposed junction, which is within the application site. Comments received were as follows:

- The proposed junction with Margaret Terrace and Market Crescent (B1286) will result in the loss of properties occupied by local businesses;
- An objector stated that on noting under the original plans that the new link road junction involved the demolition of their residential property (No. 5 Market Crescent) caused them upset, concern and distress. They also stated that after careful consideration they would be prepared to move from their house only if they were appropriately compensated. Nevertheless, they did caveat this by stating that if the plans changed and their house was left on the end of the new road then they would have concerns about being surrounded by a substantially busier road network.

During the course of the considering the development proposal a change to the design of this junction was submitted by the Applicant. The effect of this amendment was that No. 5 was to be retained as an end property, immediately adjacent to the new junction and that the rear lane of Market Crescent was to be connected to the new link road, rather than being stopped-up with a turning head as originally proposed. Following this amendment to the proposed junction, additional representations were then received:

- Exiting the end of Market Crescent on to the Link Road will be a lottery with death as traffic coming from Herrington Burn and turning left towards Penshaw on the road cannot be seen;
- The back lane is open at both ends and only single track;
- This will become a very dangerous rat run with drivers on the new Link Road coming from Penshaw and travelling towards Herrington Burn. Many approaching drivers will see the Lights on red and will use the back of Market Crescent as a way to miss the lights and save time;
- Extra congestion, noise and fumes from standing traffic will be bad for the health of anyone living on this junction;
- There are currently problems with parking, particularly on a weekend. There are 3 hair salons in the space of 100 yards, all of which are popular on Saturdays. Parking causes many problems with residents not able to gain access to and from their property because of cars being parked for hours at a time. The new road layout will increase these problems;
- Access to the rear of properties in Market Crescent will be a problem. There will be no privacy to surrounding properties. Deliveries will not be able to be made as the new junction design shows the end of the row will have railings around it and 2 crossings. This will force any deliveries on to the back of Market Crescent, again increasing problems on what is a single track lane;
- The objectors consider that the safest option will be to stop off the end of Market Crescent with a turning circle or hammer head as on the originally submitted plan. This will stop it becoming an accident black spot or rat run. Refuse and recycling bins could be wheeled together at the end of the back street for collection, or collected from the front street (as is now done for several properties around 12 - 15 Market Crescent);
- The plan shows no provision for off-road parking to compensate for loss of parking to the north of the new crossroads and on the pavements of Market Crescent and Banks Buildings. There is plenty of space to the south of the cross roads for 50 parking spaces, which should be provided;
- There is no indication of making provision for the safety of cyclists using the new road system;

However, following these objections and an on-site meeting of the 19 June 2013, the Applicant has now reverted back to the originally submitted plans. To re-iterate, this means that No. 5 and the builder's yard to the rear is now needed to be demolished in order to create the space for the hammer head,

which in turn will enable the rear lane to be closed off so that there is no direct link to the proposed link road connecting the B1286 to Chislehurst Road.

In light of this amendment and following the realisation that the red line boundary of the application site, as detailed in the originally submitted Site Location Plan, did not encompass all the land necessary to deliver this aspect of the development proposal i.e. No. 5 Market Crescent and the builders yard to the rear, necessitated an additional consultation period involving neighbour notification letters to those residents within the general vicinity of Market Crescent and the erection of two site notices. It is considered that in light of the localised nature of the proposed amendment and the materiality of the alteration of the red line boundary, within the context of the scheme overall, ensures that an appropriate level of public consultation has taken place.

In terms of the numerous representations received in respect of this aspect of the proposal the matter will be discussed in further detail in the detailed considerations section of this report, entitled "Chislehurst Road link and rear of Market Crescent".

- Existing Persimmon development and proposed new link road.

There were also objections raised in respect to the recently built Persimmon development adjacent to Chislehurst Road i.e. the road which will connect to the northern part of the proposed link road and junction with Margaret Terrace and Market Crescent (B1286). Comments received were as follows:

- The area has an established pedestrian access to Herrington Country Park being used by families, horses, cyclists etc, which is totally unsuitable for the position of a new road;
- No indication of the proposed link road on the searches when residents purchased their properties;
- Residents bought into the new Persimmon development opposite Herrington Country Park due to its position and that it is a safe place for children to play. If the planned road goes ahead it will no longer be a safe. The new link road will become shortcut used by traffic coming South from the A19 and down the A183 to reach Herrington, Herrington Burn, Philadelphia, Newbottle and beyond. This will increase noise levels, pollution and bring safety concerns;
- The existing road (Chislehurst Road) is steep with vehicles driving down at excessive speed;
- Concern was also expressed in respect to the heavy traffic flow of construction vehicles whilst the development is under construction. The objection also made reference to the heavy vehicles that use the New Herrington Industrial Estate and that this will be brought to them when the road is completed;

- The new link road will affect the quiet family estate of Barnwell View and devalue house prices. The objector does not believe there is any need for a through road as the surrounding roads can adequately cope with the extra traffic caused by the building of a new housing estate;
- Another resident of Barnwell View voiced concerns in respect to difficulties accessing and leaving the estate onto the proposed road. The objector also raised the issue regarding the poor layout of the new Persimmon estate forcing residents to park on Chislehurst Road and as such the new road will only increase the parking problems on the estate, which in turn will cause problems for emergency services to gain access.

The issues raised by the numerous objections to the proposal have been considered and those that are considered to be relevant material planning considerations have been appropriately assessed and reported via the various 'Considerations' sections detailed later in this report.

- Cllr Colin Wakefield

Email correspondence was received from Cllr Colin Wakefield detailing his concerns that the proposal represented gross over development and would rival Newbottle in size, completely changing the character of the area. The Cllr also stated that the road infrastructure is already heavily used and was not designed for this ever increasing volume of traffic.

The Cllr asserted that development in the Green Belt will be vehemently opposed by residents, who see this application as 'the thin edge of the wedge'. Furthermore, the Cllr also commented on the planned refurbishment of the Power Station for a learning and enterprise centre, viewing this as being ironic given that the nearby Shiney Row College is to be closed and sold off.

- Cllr Derrick Smith

A Memo has recently been received from Cllr Derrick Smith raising concerns in connection with:

- Houghton area is short of industrial space and we can not afford to lose well located industrial sites such as this. The Cllr considers the site has been neglected, similar to other sites run by the people who manage the Philadelphia Complex. The site, in proper hands, could be turned in to a modern industrial park.
- The run down of the site is added to by SCC "steering" business out of and away from this site.
- Loss of parental choice in the schools with parents in Shiney Row having to send their children as far away as schools in Hetton and Washington. This problem will only get worse should this development

be approved and the impact on parents and carers will be unacceptable.

- Builders have said that the development is not financially viable for them if they can not build on the Greenbelt; the Cllr does not believe this and views it as a form of blackmail. The UDP and the Council's Policies recognises the land use of this site and in the Cllr's opinion and local feeling is that it should remain as such.
- Cllr is concerned that the £5.12m the Council will receive should it give the go ahead to this application will be viewed by many as putting pressure on the Council to approve this application.
- The intention to build a supermarket, similar to building on the Greenbelt, goes against the Council's own policies and government policy which says that such retail outlets should be in the already established town centres.
- Concern about the overloading of roads. It is impossible for extra traffic not to have a negative impact on the peak time congestion that already exists. To the south there is the accident prone Philadelphia Bank and Coaley Lane traffic lights; the long meandering A182 that gives poor access to County Durham and the A690. At peak times the static school traffic adds to these problems. The builder proposes to build a new access road to the north from the estate but this will do nothing to improve the access to Sunderland, the A690 and the south and east of Durham.
- The drainage and sewage in the area remains an unsolved problem. In July 2012 Northumbria Water stated that no development could take place as the treatment works at Sedgley was at capacity and upgrade works would not be completed until September 2015 at the earliest. Six months later they now state they have the capacity for another 2,700 houses. When the Cllr asked how this remarkable transformation had taken place Northumbrian Water explained to him they had cleaned 2 pipes out at Sedgley. The Cllr does not believe this, there have been severe flooding problems in the Hetton, Copt Hill and Houghton Wards. Natural drainage will be lost should this development go ahead, compounding existing flooding problems.