

**At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 3rd
FEBRUARY, 2009 AT 4.15 p.m.**

Present:-

Councillor E. Gibson in the Chair

Councillors, Blackburn, M. Dixon, Ellis, D. Forbes, M. Forbes, T. Martin, Miller, Morrissey, Wares, S. Watson, A. Wilson, D. Wilson, Wood and A. Wright

Declarations of Interest

07/04411/FUL – Erection of 90 no. residential dwellings with associated works and stopping up of existing highway. (Amended plans and description)

Councillors Blackburn, E. Gibson, T. Martin, Wares, A. Wilson and D. Wilson declared personal and prejudicial interests in the application as close associates of Councillors P. Watson and S. Watson who were consultees in connection with the planning application.

Councillor S. Watson declared a personal and prejudicial interest in the item as a consultee in connection with the planning application.

Further, Councillor D. Wilson also declared a personal and prejudicial interest in the application as a Local Authority appointed Director of the Gentoo Group as the owner of the application site.

Councillor A. Wright made an open declaration in connection with the application due to his involvement in an unrelated transaction involving the landowner of the application site.

08/03881/FUL – Erection of food store with associated car parking and landscaping.

All Members present confirmed that they had received correspondence direct from the applicants in advance of the meeting. However, no Members of the Committee had responded to the correspondence.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Tye.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Director of Development and Regeneration submitted a report together with a report for circulation (copies circulated) relating to the South Sunderland Area, copies of which had also been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and the Regulations made thereunder.

(For copy report – see original minutes)

07/04411/FUL – Erection of 90no. residential dwellings with associated works and stopping up of existing highway. (Amended plans and description)

The Vice-Chairman, Councillor D. Forbes took the chair for the consideration of this application.

The Representative of the Director of Development and Regeneration presented the report, highlighting the proposed reasons for refusal. He advised of the implications of refusing the application.

Councillor Wood commented that nothing had changed since the previous meeting when the Committee's objections were first communicated. He stated that the reasons outlined in this report were the same as those given previously however the wording had now been tidied up.

Councillor M. Dixon stated that they were supporting the Officer's original recommendation that was given in March 2008. He also commented that while there was a need for housing however it needed to be built in the right location and to a high quality.

Councillor Morrissey echoed this comment.

Councillor M. Forbes stated that it had been requested that the proposed reasons for refusal were kept short and that if necessary the reasons could be expanded on.

Councillor Miller commented that in his opinion there had been significant improvements in the application since March 2008 and that the application should now be approved. He agreed with the Representative of the Director of Development and Regeneration's comments as to the implications of a decision to refuse the application and urged the other Members to rethink their decision as he felt that if planning permission was refused then the applicant would appeal and win, at significant cost to the council. He also advised that he felt that the decision could be construed as political and that the behaviour of the other Members was close to becoming unreasonable.

The chairman asked Members to vote as to whether they wished to refuse the application.

With Five Members voting in favour of a refusal and;

Two Members voting against a refusal;

The application was refused

The Chairman then asked Members to vote to agree to adopt the proposed reasons for refusal.

Five Members voted in favour of the adoption of the reasons and two voted against.

08/03881/FUL – Erection of food store with associated car parking and landscaping.

David Murphy, Development Executive for Lidl, spoke in favour of the application. He advised that:-

- Correspondence with residents had shown a need for the store.
- A consultation event held on 20th June, 2008 had resulted in over 1200 residents showing their support for the development.
- The store would enhance consumer choice in the area and deliver important facilities.
- It would provide employment for local residents.
- There would be a single delivery of stock to the store each day which would also remove the waste from the store.
- The store could be open by summer if the application was determined quickly. He saw no apparent reason not to approve the application immediately.
- He requested that the wording in the supplementary report be amended to include an additional bullet point referring to a third option of taking all other steps to address the Council's highway safety concerns as a potential alternative to the removal of the proposed right turn.

Michael Pratt, from highways consultants Faber Mauncell instructed by the Applicant stated that:-

- During peak traffic flow hours the store would be generating very little additional traffic and the majority of visitors to the store at these times would be on the road regardless.
- The proposals included amendments to the stage sequence and timing of the traffic lights on the junction which would reduce queues.
- JMP Consultants Ltd had produced a further report reviewing the transport issues in the area and had not identified any issues which would prevent the development from going ahead. This report had been provided to Members.

Eric Henderson, Engineer, advised of the Council's view on the highways issues. He stated that:-

- The Prospect Pub operated a left in, left out system with accesses on Springwell Road and Durham Road. The problem was with the proposed right turn from Springwell Road to the application site.
- The right turn into the site on Springwell Road would be too close to the existing signals.
- There would be a risk of people turning right out of the site onto Springwell Road which would result in vehicles crossing traffic on Springwell Road, which would create a risk of accidents.
- There was also a risk to pedestrian safety through creating a break in the guardrail in the central reservation of Springwell Road as this would provide a new pedestrian desire line.
- The only way the access arrangements would be acceptable is if they were amended to remove the proposed right turn as explained in the report for circulation. He did not consider that any other measures could be taken in order to make the development acceptable in highways terms.

1. RESOLVED that:-

- (i). 07/04411/FUL – Erection of 90no. residential dwellings with associated works and stopping up of existing highway. (Amended Plans and Description)

The application be refused for the three reasons set out in the report.

- (ii). 08/03881/FUL – Erection of food store with associated car parking and landscaping.

The decision be delegated to the Director of Development and Regeneration for determination on or before 20th February, 2009 for the reasons set out in the report.

- (iii). 09/00087/LAP – Installation of one drop down C.C.T.V. camera fixed to 10m column.

Members be minded to approve the application subject to no representations being received by 10th February, 2009, for the reasons set out in the report and subject to the two conditions set out therein.

- (iv). 08/04298/FUL – 60 bed hotel, 16 two bed apartments and retail units.

The decision be delegated to the Director of Development and Regeneration for the reasons set out in the report to either:

- i. Grant planning permission subject to conditions to be specified on the decision notice and subject to completion of a Section 106 agreement to secure a financial contribution towards children's play provision at Mowbray

Park in lieu of on site play provision by 12th February, 2009 or such other date as is agreed by the Director of Development and Regeneration. Or:

- ii. Refuse planning permission should the section 106 agreement not be completed by 12th February, 2009 or such other date as agreed by the Director of Development and Regeneration, on the grounds that the development does not make adequate provision for children's play contrary to Policy H21 of the adopted UDP.
- (v). 08/03553/FUL – Erection of 2no. blocks of student accommodation comprising 118 student bedrooms in 20 individual flats and associated external works parking and access to the site.

The application be refused for the three reasons set out in the report.

Town and Country Planning Act 1990 – Appeals

The Director of Development and Regeneration submitted a report (copy circulated) concerning the above for the period 1st December, 2008 to 31st December, 2008.

(For copy report – see original minutes)

2. RESOLVED that the report be received and noted.

(Signed) E. GIBSON,
Chairman.

D. FORBES,
Vice-Chairman.