

**At a meeting of the PLANNING AND HIGHWAYS (EAST) COMMITTEE held in the CIVIC CENTRE COUNCIL CHAMBER on MONDAY 29 NOVEMBER 2021 at 5.30 p.m.**

**Present:-**

Councillor Butler in the Chair.

Councillors Dixon, Doyle, Foster, E. Gibson, Morrissey, Nicholson, Noble, Peacock, Reed, Scanlan and P. Smith

**Declarations of Interest**

Declarations of interest were made by Members in respect of the following items of business:-

Item 4, Applications made under the Town and Country Planning Acts and Regulations made thereunder – Planning Application 20/02296/LP3 - Hendon Sidings Enterprise Zone Adjacent to Prospect Row

Councillor Dixon made an open declaration that he had been approached by residents seeking procedural advice regarding how they would be able to make representations at the Committee however, he had retained an open mind on the application.

Item 4, Applications made under the Town and Country Planning Acts and Regulations made thereunder. Planning Application 21/02069/PSI - Monkwearmouth Hospital, Newcastle Road, Sunderland

The Chairman made an open declaration as a current member and former Governor of the Cumbria, Northumberland, Tyne & Wear NHS Foundation Trust and given the potential perception of bias, left the meeting at the appropriate point on the agenda taking no part in any discussion or decision thereon.

Councillor Doyle made an open declaration that he had previously objected to the application and informed the Committee that he had registered to speak in objection to the application at today's meeting. In addition, he declared that he had a relative who was employed by the Cumbria, Northumberland, Tyne & Wear NHS Foundation Trust. Councillor Doyle left the meeting immediately after speaking in objection, taking no part in any discussion or decision thereon.

## **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Hodson and Wilson.

## **Minutes of the last meeting of the Planning and Highways (East) Committee held on 1<sup>st</sup> November 2021**

Councillor Dixon referred to his declaration detailed on page 1 of the minutes and advised that although he had been approached by two residents seeking procedural advice on making representations at the Committee, he was Ward Councillor for only one of them.

2. RESOLVED that the minutes of the last meeting of the Planning and Highways (East) Committee held on 1<sup>st</sup> November 2021 be confirmed and signed as a correct record subject to the above amendment.

## **Planning Application Reference 20/02296/LP3 Local Authority (Reg 3) Engineering works including the creation of a new vehicular access from Barrack Street, alterations to the vehicular access from Extension Road and the re-profiling of the site. - Hendon Sidings Enterprise Zone, Adjacent to Prospect Row, Sunderland, Port of Sunderland.**

The Chairman advised that the applicant had requested that the application be deferred to a future meeting to allow potential revisions to the proposals to be submitted and consulted upon.

Consideration having been given to the request, it was:-

3. RESOLVED accordingly.

## **Change in the Order of Business**

The Chairman advised that Application 4 on the agenda (21/02069/PSI Monkwearmouth Hospital) would be considered as the next substantial item of business to prevent the members of the public registered to speak on the matter from being detained unnecessarily.

## **Appointment of Chairman**

Having declared an interest, and in the absence of the Vice Chair, Councillor Butler sought a nomination from the floor to Chair the meeting for the duration of the next item of business. Having been nominated by Councillor P. Smith and duly seconded by Councillor Dixon, it was:-

4. RESOLVED that Councillor E. Gibson be appointed Chairman for the following item of business.

**Planning Application Reference 21/02069/PSI Public Service Infrastructure Development: - Demolition of existing buildings and full planning permission for the construction of a Class E Office development with ancillary cafe and 46 space car park, with associated landscape and infrastructure proposals. - Monkwearmouth Hospital Newcastle Road Sunderland**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

Prior to asking the Officer to present the report, Chairman advised that Mr Gary Carson had registered to speak in opposition to the application but had been unable to attend the meeting. She had therefore agreed that his written representations could be circulated instead for Members to review.

The Committee having been given time to read the representations, the representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application including:-

- i) Principle of development both in terms of the demolition and the proposed construction.
- ii) Design, layout and appearance.
- iii) Highways issues.
- iv) Climate Change and Sustainability.
- v) Amenity considerations.
- vi) Ecology.
- vii) Drainage and flood risk
- viii) Ground conditions and hydrogeology.

In concluding his presentation the representative of the Executive Director of City Development informed the Committee that the demolition of the existing buildings had been subject to considered review, and applying the planning balance it was concluded that given the feasibility of retaining the existing structure and the viability of the long term operation of the building as a front office for medical provision, the benefits identified below, outweighed any harm resulting from the demolition of the hospital building.

**Economic Benefits.**

- Creation of approximately 80 direct jobs throughout the construction phase.
- Construction benefits expected to support local employment and to generate economic output directly alongside wider multiplier benefits.
- Replacement of operationally and economically obsolete hospital buildings and investment in new fit-for-purpose hospital facilities.

- Consolidate the hospital's role within the local economy as an anchor institution and major employer by providing modern workspace facilities that will encourage staff retention and high calibre new staff.

#### Social Benefits.

- Providing care that's fit for the future - modern, efficient hospital buildings and facilities incorporating the latest technology that will help to deliver the best outcomes for patients.
- Creating a new, welcoming 'front door' for the hospital that will benefit, staff, patients and visitors to the hospital.
- Supporting the social well-being of communities through the provision of green infrastructure, including public amenity open space and a community cafe.

#### Environmental Benefits.

- Making use of a brownfield site within a sustainable location with good transport links, no specific environmental designations and outwith any area of Flood Risk, being within Flood Zone 1.
- Provision of modern, fit for purpose NHS space to replace outdated accommodation.
- Commitment to environmental sustainability through achieving BREEAM Excellent.
- Improved street scene and landscaped public realm within the site.
- Using green travel plans to improve sustainable transport options and air quality while minimising the number of cars on site and carbon emissions.

The Committee was informed that the proposal was considered to accord with all Core Strategy and Development Plan policies and therefore the representative of the Executive Director of City Development recommended that Members approve the application, subject to the draft conditions listed in the report.

The Chairman thanked the Officer for his presentation and invited questions from the Committee.

Councillor Dixon questioned why the existing car park at the front of the building was being replaced by planting rather than retained. The representative of the Executive Director of City Development replied that the current parking layout was generally informal and adhoc with many spaces not providing sufficient room for drivers and passenger to comfortably get in and out of their vehicles because of the adjacent brick walls. Its removal would allow landscaping and the provision of a dedicated, safe pedestrian route to the front door of the hospital which currently did not exist.

Councillor Dixon expressed his concern that the parking was being removed from an area which gave residents little concern to one where it would. He suggested that perhaps it would be possible to provide a safe dedicated pathway for pedestrians and retain the parking.

In reply to an enquiry from Councillor Peacock as to whether the disabled entrance could be accommodated elsewhere and the portico retained, the Officer replied that DDA guidance advised that the main entrance should be capable of being accessed by all and disabled entrances should not be tucked away at the side of a building. Councillor Peacock also referred to the crusher to be used in the demolition and questioned whether it would cause dust pollution for residents including from asbestos. The Officer replied that no demolition would take place until all asbestos had been removed from the building. The use of crusher would be governed by the Environment Agency and that this would be covered by conditions attached to any grant of approval.

Councillor Reed asked whether the applicant had looked at trying to retain the building. The Officer confirmed that it had and that it was detailed in the feasibility study attached to the application.

There being no further questions for the Officer, the Chairman welcomed the following speakers who had registered to speak in objection to the application

- i) Joanne Roulstone
- ii) Michael Wilde
- iii) Susan Phyll
- iv) Tracey Younger
- v) Cllr Michael Hartnack
- vi) Yvonne Gray
- vii) Cllr James Doyle

Each were given 5 minutes to address the Committee and cited the following grounds of objection:-

- The design was wholly inadequate for a residential area and clashed with its Victorian neighbours
- The proposals were not compatible with the Council's aim to become a carbon neutral city.
- The proposals raised serious concerns relating to overlooking. The Offices and consultation rooms would have a clear line of sight into homes on Elizabeth Street and impact on privacy. The screening of the street with trees would not provide an adequate solution.
- There was little in the design to mitigate the potential for anti-social behaviour. Pedestrian access around the site and the new car park facing Elizabeth Street would encourage gatherings which had the potential to be of an anti-social nature. The groups of staff who currently smoked at the main Newcastle Road entrance would also shift to the new car park encouraging an accumulation of cigarette ends and litter in what was a more residential area.

- The proposal did not fully support biodiversity and ecological enhancement. Why would you destroy an existing green space to build a carpark? There was no net gain. Mirroring Thompson Park did not compensate for the loss of green space.
- The existing building was not obsolete and was capable of refurbishment. The Royal Institute of British Architects presumed against demolition and in favour of conversion, refurbishment or reuse of an existing building as this was significantly more sustainable. No structural report was made available to residents by the Trust
- The consultation process was a fiasco, failing in every regard. As a whole it was presumptuous and appeared designed to satisfy the pre-app requirements of the local planning authority. Residents were only formally notified of the consultation event scheduled for 30th June on the 25th June. Although Covid restrictions prevented a normal in-person event during the initial stages, these were lifted on 19th July which would have allowed time for at least one onsite meeting with residents prior to the consultation deadline. Not enough thought was given to local residents who were unable to access the internet and the alternatives provided did not go far enough.
- Contrary to Para. 112 of the National Planning Policy Framework there was no evidence that forms of sustainable transport had been integrated into the development proposals. There was no rationale for the car park as proposed as there was low demand for on-site parking.
- The amendments made to the proposals following the consultation exercise were limited and did not fully address the concerns raised by local councillors and residents. The Trust appeared to have closed minds.
- The Council's Core Strategy stated that 'The council will ensure that the historic environment is valued, recognised, conserved and enhanced'. The building and its portico were close to the hearts of the people of Sunderland. It was where casualties from shipyard and mining accidents and WWII bombing raids were cared for. It was not just bricks and mortar. There was a need to learn from past mistakes. The building stood as a powerful reminder of the role philanthropy played in the city's history having been part of Sir John Priestman's donation to the people of Sunderland. Once it was gone it would be gone forever.
- The creation of a car park to run parallel with Elizabeth Street would cause disruption and nuisance to local people contrary to Policy HS1 – It was not believed that the proposed perimeter of trees and fencing around the car park would provide adequate sound attenuation.
- Contrary to Policy HS2 no effort had been made to site the car park in a more appropriate location. Cars would be routed in such a way that

significant disruption would be caused to residents of Zion Terrace and Elizabeth Street in terms of noise and air pollution.

- The development site sat within a noise-sensitive area. Demolition and construction over a two-year period would have a considerable detrimental impact on the health and wellbeing of local people.
- 'Contrary to Para. 1.11 of the National Planning Policy Framework the proposals would have an unacceptable impact on highway safety.
  - i) The pedestrian access from Elizabeth Street into the development site was ill thought out and would encourage inconsiderate use of Elizabeth Street/Zion Terrace for parking outside the Community Parking Management Scheme restrictions.
  - ii) Streets around the hospital site were regularly used by children for play and raised a serious safety concern.
  - iii) The car park as proposed would disperse vehicles onto the surrounding streets creating an unacceptable impact on highway safety.
- There was little evidence that the proposals enhanced, or even avoided the loss of, biodiversity.
- There was no regard for the existing building as a heritage asset despite it being a much loved cultural building, locally distinctive and of historic importance, enhancing the period character of the surrounding area.

Councillor Doyle concluded his objection by suggesting a number of amended and additional conditions that the Committee may wish to consider if it was minded to grant approval to the application. He then left the meeting for the remainder of the item having declared his interest. In addition Councillor Peacock had previously left the meeting during the speakers and on his return was advised that he should not take part in the vote as he had not heard all the information presented at the meeting.

The Chairman invited questions from Members for the speakers.

Councillor Dixon referred to the flyers that had been distributed to residents advertising the consultation event and asked Councillor Hartnack if he felt enough notice had been given. Councillor Hartnack replied that he believed the notification had been totally inadequate given that the residents living closest to the development had been the last to receive the flyers. It would have made greater sense to deliver them radiating outwards from the hospital. He clarified that his concerns around the consultation rested with those undertaken by the applicant and not the Council's statutory requirements.

In response to an enquiry from Councillor Noble, Councillor Hartnack informed the Committee that he was not aware of any covenants attached to the buildings.

There being no further questions for the objectors, the Chairman welcomed and introduced Paul McCabe, representing the Cumbria, Northumberland Tyne and Wear NHS Foundation Trust, and Chris Gardiner the applicant's agent who were afforded 5 minutes each to speak in support of the application and addressed questions thereon.

In response to an enquiry from Councillor Dixon regarding the height of the new building and the over-looking of Zion Terrace, Mr Gardiner confirmed that the new building would be 2 metres taller than the existing buildings however they it would be set further back and trees would be planted to screen it from Zion Terrace.

Councillor Dixon asked if a detailed feasibility study into retaining the building and in particular the portico was completed at the outset? Mr Gardiner replied that it had been and that it was submitted with the documents supporting the application. The portico's construction and the condition of the stonework had been difficult to ascertain as it was supported by the building behind it meaning that how it had been built was essential unknown. There were however significant signs of erosion. This would make it difficult to identify an appropriate method of deconstruction. It was believed the Portico would be unlikely to survive being dismantled intact and be viable for re-use.

Councillor Dixon stated that the report from the County Archaeologist was heart rending and the Committee was being asked to approve the demolition of an historic building. Mr Gardiner replied that the applicant was aware of the local heritage and feeling surrounding the building and the commemorative stones and plaques would be retained as a memorial.

Councillor Morrissey echoed Councillor Dixon's sentiments and referred to number of speakers who had cited material objections to the proposals. He asked if the Trust had made any major changes to its proposals based on the feedback received from the resident consultations. Mr Gardiner replied that the building would be moved backed a further 4 metres from the street it faced, the number of carparking spaces had been reduced and additional screening would be provided.

There being no further questions for the applicant the Chairman asked the Committee to comment on and consider the application.

Councillor P. Smith stated that the Committee was being asked to chose between retaining a building because of its history and its appearance and replacing it with one that would give people better access to better services. She felt that in terms of consultation with residents and in taking on board the concerns of local people, the Trust could have done more.

Councillor Foster stated that it was a very important historic building that was a little tired but had a façade that was important to preserve. He felt that there must be a way that this could be done. He believed that local residents had not been properly consulted and concurred with Councillor Dixon that there



must be a way to retain the existing car park whilst providing a safe pedestrian route to the building.

Councillor Reed stated that the building was one that had a very large local significance.

Councillor Morrissey stated that it fell on the Committee to weigh up the arguments articulated to them. There was no way the developers could achieve their aims whilst satisfying the concerns of the objectors as they were mutually exclusive.

The Chairman stated that from the debate it was becoming clear that a number of Members may be minded not to support the Officer's recommendation. At the invitation of the Chairman, the Planning Officer advised the Committee that a decision needed to be based on the material planning considerations only and robustness of evidence and not on emotion. She also advised of the implications of a potential contrary decision which included the risk of appeal and the potential costs implications for the Council if any contrary decision was found to be unreasonable. If the Committee were minded to refuse the application, they were under a duty to provide material planning reasons for doing so.

Councillor Foster stated that he felt the Committee should defer making a decision pending further consultation with residents. The Planning Officer advised that the statutory consultation process had been correctly undertaken. The resident's concerns had related to the pre-application consultations by the Trust and this position had been confirmed by Councillor Hartnack. Deferring the matter could result in an appeal being lodged on the basis of non-determination.

Councillor Noble repeated her question as to whether the building was subject to any restrictive covenants. Mr Gardiner replied that he was not aware of any and the meeting was advised that covenants were a private property issue and not a material planning concern.

Councillor Morrissey stated that he would not support a motion to defer consideration. He believed it fell on the Committee to make a decision and that a deferral could not be justified.

There being no further comments, the Chairman asked the Committee if any member wished to move an alternative motion before the Officer's recommendation was put to the vote.

In response it was subsequently moved by Councillor Reed and duly seconded by Councillor Morrissey that the application be refused on the grounds it did not satisfy the following aspects of the Core Strategy and Development Plan:-

i) Strategic Priority 7, BH7, point 4 - it did not satisfy the need to regenerate or be sensitive to heritage assets (this supported by BH7, point 1 which accounts for undesignated heritage sites of local significance)

ii) It breaks with Strategic Priority 7, BH1, point 3 as it does not retain acceptable levels of privacy, as well as point 4 as it does not maintain good standards of amenity.

iii) It does not satisfy HS1 or HS2 relating to noise and air pollution for local residents, during demolition.

Upon being put to the vote, the alternative motion to refuse was passed with 6 members voting in favour and 2 against.

Accordingly it was:-

5. RESOLVED that the application be refused on the grounds that it did not satisfy the following aspects of the Core Strategy and Development Plan:-

i) Strategic Priority 7, BH7, point 4- it did not satisfy the need to regenerate or be sensitive to heritage assets (this supported by BH7, point 1 which accounts for undesignated heritage sites of local significance)

ii) It breaks with Strategic Priority 7, BH1, point 3 as it does not retain acceptable levels of privacy, as well as point 4 as it does not maintain good standards of amenity.

iii) It does not satisfy HS1 or HS2 relating to noise and air pollution for local residents, during demolition.

At this juncture Councillor Butler re-joined the meeting and assumed the role of Chair.

At the request of the representative of the Executive Director of City Development and with the consent of the Chairman, the following two applications on the agenda were considered together as they were inextricably linked.

**Planning Application 21/01696/LP3 Local Authority (Reg 3): Proposed new building to include dining and kitchen facilities, a mix of new teaching spaces and small group rooms, external teaching terraces to first and second floor, new link bridges to connect to existing schools and associated external works: Barnes Infants/Junior School Mount Road Sunderland SR4 7QF**

**Planning Application 21/01697/LB3 Listed Building Consent (Reg3): Proposed new building to include dining and kitchen facilities, a mix of new teaching spaces and small group rooms, external teaching terraces**

**to first and second floor, new link bridges to connect to existing schools and associated external works: Barnes Infants/Junior School Mount Road Sunderland SR4 7QF**

The Executive Director of City Development submitted reports (copies circulated) in respect of the above matters.

(for copy reports – see original minutes)

The representative of the Executive Director of City Development presented the reports advising the Committee of the key issues to consider in determining the applications.

The Committee was advised that it was considered that the proposed development was acceptable in land use terms given that the proposal would be built within the ground of an existing educational establishment and deliver new and improved community facilities. In terms of impact on residential amenity, the proposal would provide a good standard of development which would sit comfortably and appropriately within the context of the established built form of the locality without adversely impacting on neighbouring occupiers. With regard to visual amenity, it was considered that the building would not compete or draw attention away from the architectural qualities and prominence of the Junior and Infant school buildings.

The implications of the development relative to highways matters had been considered by the Council's Highways team and no objections were offered. The proposals were also considered to be acceptable in respect of flood risk and sustainable drainage and ground conditions, subject to the conditions recommended in the report,

The proposals were considered to satisfactorily address all relevant material considerations and additionally, as required by paragraph 94 of the NPPF, the Officer believed that great weight should be given to the overriding positive benefits of delivering new and improved educational facilities within the school site.

With regard to the application for Listed Building Consent, Members were advised that concern had been raised over the connections of the walkways and the loss of some historic bricks and timberwork within the respective eastern and western gables which would result in minor harm to the significance of the listed buildings. However, in line with the requirements of NPPF Paragraphs 199 and 200 and CSDP Policies BH7 and BH8, it was considered that sufficient justification has been provided to demonstrate that the positive public benefits arising from integral links to the schools would outweigh the minor degree of harm to the significance of the listed school buildings.

The proposed development was therefore considered to be acceptable and compliant with the requirements of the relevant policies of the NPPF and the

Council's Core Strategy and Development Plan and the Officer recommended that both applications were granted consent.

There being no questions for the Officer and consideration having been given to the applications, the Chairman moved the recommendations as detailed on pages 63 and 73 of the agenda and it was:-

6. RESOLVED that:-

i) Planning Application 21/01696/LP3 be granted consent under Regulation 3 of the Town and Country Planning General Regulations 1992 as amended subject to the conditions detailed in the report, and

ii) Planning Application 21/01697/LB3 be granted Listed Buildings Consent subject to the conditions detailed in the report.

**Planning Application Reference No. 21/02252/VA3 Variation of Condition (Reg 3) - Variation of condition 4 (drainage) attached to approved application 19/02149/LP3 -to reword part of condition from prior to the first occupation of the development, to Prior to the first occupation of any property and the last occupation of any property, the rest of the condition remains unaltered. - Location: North East Disabilities Resource Centre Cork Street Sunderland SR1 2AN**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, advising the Committee of the key issues to consider in determining the application and concluded that the proposed reworded condition was considered acceptable and as such was considered to comply with policy WWE2 of the Council's adopted Core Strategy and Development Plan.

The Chairman thanked the representative of the Executive Director of City Development for her report and invited questions from Members.

In response to an enquiry from Councillor Doyle, the Officer confirmed that it was unusual for a Local Authority application to have a named officer listed as the applicant and that normally they would be submitted under the name of the sponsoring Directorate.

There being no further questions or comments the Chairman moved the officer recommendation detailed on page 113 of the agenda, and it was:-

7. RESOLVED that consent be granted to the application under Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions listed in the report.

### **Items for Information**

Members gave consideration to the items for information contained within the matrix (agenda pages 117-122).

Councillor Noble referred to Planning Application 21/0267/FU4 (Land North of Emsworth Road, Carley Hill, Sunderland) submitted by the Gentoo Group. She informed the Committee that she was a Council nominated member of the Gentoo Board and sought advice regarding declaring an interest. The Solicitor replied that given her role as a board member of the applicant, it would be advisable for her to declare an interest to that effect and to not participate in the planning decision when it is presented to committee at a future date.

8. RESOLVED that the items for information as set out in the matrix be received and noted.

The Chairman then closed the meeting having thanked everyone for their attendance and contributions.

(Signed) M. BUTLER,  
E. GIBSON  
(Chairmen)