

**At an extraordinary meeting of the PLANNING AND HIGHWAYS COMMITTEE held in THE COUNCIL CHAMBER on TUESDAY, 26<sup>TH</sup> JANUARY, 2016 at 5.30 p.m.**

**Present:-**

Councillor Bell in the Chair

Councillors Ball, Beck, Cummings, M. Dixon, English, Jackson, Lauchlan, Mordey, Price, Scaplehorn, D. Smith, M. Turton, Tye, G. Walker and P. Watson.

**Declarations of Interest**

Councillor Tye made an open declaration that as Chair of Governors for New Silksworth Infant School and also as a Ward Councillor, he had partaken in informal discussions with Officers prior to the meeting but still held an open mind on the application.

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Copeland, I. Galbraith, Howe, Middleton, Porthouse, Taylor, W. Turton, P. Walker and D. Wilson.

**Reference form Development Control (South Sunderland) Sub-Committee**

**Planning Application Reference : 14/01461/OUT**

**Land at Silksworth Lane/Silksworth Road, Silksworth, Sunderland**

The Executive Director of Commercial Development submitted a report (copy circulated) for the Committee to consider the planning application for a residential development of "up to" 250 no. residential dwellings, including landscaped open space and footpath connections, and details of site access at Land at Silksworth Lane/Silksworth Road, Silksworth, Sunderland.

(For copy report – see original minutes)

Danielle Pearson, Development Control Manager presented the report and was on hand to answer Members' queries.

In relation to Page 23 of the agenda, Councillor Price enquired who would be responsible for elements of the mitigation that would need to be carried out on site and who would pay for this.

Anthony Jukes, Principal Development Control Planner advised that there was a suitably worded condition included and it would be up to the developer to demonstrate how they would accord with the maintenance of ecology.

Councillor P. Watson referred to Page 10 of the agenda and the Rochdale case which had been decided in 2000. He queried if it was still relevant following the introduction of the Planning and Compulsory Purchase Act 2004.

Julienne Collinson, Assistant Head of Law and Governance advised that later legislation doesn't always have the result that earlier cases are no longer relevant, if the legislation does not alter the law in that area. (The Rochdale case considered the phrase 'in accordance with the development plan' which is the wording retained by the 2004 Act, and repeated in the National Planning Policy Framework.)

Councillor Mordey enquired how confident Council officers were on the flooding assessments as these supposed 1 in 100 year flood events were happening frequently at present.

Mr Jukes advised that the Environment Agency had been consulted on the application as a statutory consultee and based on their updated information they had assessed and considered this proposal and the drainage strategy to be, on balance, a betterment for the area.

The Chairman introduced Matthew Summerside who wished to speak in objection to the proposals. Mr Summerside wished to highlight the traffic issues in the area as the roads were very narrow and they had seen five accidents since Christmas with three in the last two weeks alone.

Mr Summerside informed the Committee that he was disabled and therefore spent time looking out of his window and had been able to monitor the traffic on this road with 400-500 cars an hour being seen.

Mr Summerside also advised that there was a great deal of wildlife that visited his garden such as hawks, pheasants, hedgehogs and foxes which he would hate to see disappear as a result of this development.

The Chairman introduced Audrey Bewick who wished to speak in opposition to the development. Ms Bewick advised that she was a resident of Ski View and she had concerns over the proposals which were not specific, with a description of "up to" 250 dwellings. The applicant planned for two storey dwellings and as she lived in a bungalow this would result in her house being overlooked and her privacy being taken away.

Ms Bewick also had concerns over flooding and ecology, commenting that the wildlife would be a great loss to the Community. In relation to the access, not

only was this a safety issue but it was creating separate communities by isolating the estates, and Ms Bewick felt that community cohesion should be important to the authority.

The Chairman introduced Audrey Polkinghorn who wished to speak in opposition to the proposals. Ms Polkinghorn felt that there was quite a lot of detail still to be approved and that nothing should be signed off until every piece of information had been received and approved.

Ms Polkinghorn wished to raise the concerns of the residents of Vicarage Close. These included the threat of surface water flooding from this proposal to surrounding areas. She asked what investigations had been done in relation to the lake at Gilley Law sinking into the old pit shaft, which in her opinion was proof enough of underground flooding in the Mill Hill vicinity.

The threat of sewerage problems due to the increase from domestic waste had not yet been addressed. Access to the site was still unresolved with the proposed access on Silksworth Road with the two none pelican crossings potentially being very dangerous. The plans to widen the road at the bottom of Silksworth Lane were miniscule and the lane was not and never would be enough to sustain the predicted traffic that the new build would create.

Ms Polkinghorn felt the prediction of 70% car sharing was unrealistic and that most people would use their own cars, creating an adverse impact on the already over used A19. The overall plans for 3000 homes in the area in total would generate transport issues and would inevitably lead to numerous accidents, especially as there are no plans to update the roads. The unique identity of the area would be lost should these plans be given the go ahead.

Ms Polkinghorn also wished to highlight the adverse effect these proposals would have on local services such as G.P's, A & E facilities and also that the local habitat issues had not yet been fully addressed.

Ms Polkinghorn summed up by commenting that she was not convinced that all other options had been sought first, as suggested by the National Planning Policy Framework, and that Brownfield sites and empty houses should be used first before encroaching on the green belt land.

Joseph Foster, a resident of Cavalier Way was introduced by the Chairman, as he wished to speak in objection to the development. Mr Foster commented that Silksworth Lane had suffered terribly in the past 10 years, with traffic in that area increasing drastically due to bus lanes at Durham Road forcing traffic onto the back roads. The roads were narrow and two large vehicles could not pass by in both directions. Therefore Mr Foster queried how the construction vehicles would be able to access the site.

Mr Foster also expressed concern that the new houses would interfere with the existing residents' privacy and enquired if the highways department had carried out any surveys which contradicted the claims of the objectors.

The Chairman introduced Robert Lumley who wished to speak in objection to the plans. Mr Lumley commented that he had been the victim of a past development at Ski View, and had attended meetings in the past where they had been told in no uncertain terms that further developments could not be built here as they would alter the skyline. Mr Lumley advised that he had lost his privacy due to the development and he did not want the people of Vicarage Close to suffer as he had.

Mr Lumley commented that he could not see the differing elevation levels needed and queried why the Council was not completing the Doxford Park and Pennywell areas to meet the city's housing needs rather than building on greenfield land. There were also problems over surface water, 200-300 vehicles using these roads which were inadequate and narrow footpaths for pedestrians which were not good enough.

Mr Lumley also highlighted problems at the doctors' surgery where there was a long wait in order to receive an appointment. Mr Lumley also had concerns over the proposed entrance and the short length of time drivers would have to pull out. Should this be approved Mr Lumley felt the access should be just past Cavalier Way and Gilley Law with the road also being widened.

The Chairman introduced Alan Dobie who wished to speak in objection to the proposals as a resident of Vicarage Close. Mr Dobie commented that he appreciated the report was comprehensive, however he felt it was lacking in dealing with the concerns raised by residents and queried if Members had enough information to make a decision on this application.

Mr Dobie felt that the value of the area had been underplayed and raised a concern that the developer may increase the amount of homes to be built as the proposal was only an outline application. Mr Dobie's main concern was in relation to the traffic issues this would generate as mentioned by previous objectors.

The Chairman introduced Councillor Pat Smith, who wished to speak in opposition to the proposal as a Ward Councillor for Silksworth. Councillor Smith's main concern was over safety and the road accessing the site, with too much being asked of it. It would be very dangerous for children to access schools and the footpaths would not be wide enough. As those considerations concerned people's lives, Councillor Smith was totally against this proposal as it currently stood.

The Chairman introduced James Much, a resident of Vicarage Close who wished to speak in opposition to the development. Mr Much commented that the entrance to this site would be a nightmare to use, especially due to the amount of near misses currently experienced. He considered this proposal was a fatality waiting to happen.

Mr Much advised of subsidence in the area which had caused a crack in his garden wall as well as problems for his neighbour, and felt that the new

building works and the heavy equipment that would be required would cause huge problems in this regard.

Mr Much advised that these plans would result in someone's garden being situated against his fence meaning he would lose his privacy. He also raised concerns over the bats which used this area for their flight path.

Mr Much commented that no one had looked at this proposal from a health and safety aspect and felt that Members should not be making a decision on the application tonight as it does not give the chance for residents' claims and objections made to be investigated.

The Chairman introduced Councillor Peter Gibson, Ward Councillor for Silksworth who wished to object to the development. Councillor Gibson wished to clarify a point made in the officer's presentation with regard to the 3 consultation events and advised that there had been only 2 carried out to the best of his knowledge. In relation to the event he had attended, he advised that he had experienced nothing like it previously. The applicants could not answer any of the residents' queries and Members had been told they would receive feedback, yet still none was forthcoming..

Councillor Gibson referred to the previous ruling on developments in the area and advised that the Planning Inspector approved the past development in the late 1980s on the basis that this area in question was to be untouched, and claimed that if it had included this area, then the Inspector would have ruled against the proposal.

Councillor Gibson also stated that this proposal had originally been for 168 houses and had now gone up to 250 houses. Councillor Gibson informed the Committee that he lived in Vicarage Close and he had problems with the access as the road was built for horse and carts and was unable to cope with the demand. He also had concerns over the number of primary school places calculated using a government formula and did not believe 33 places were sufficient.

Councillor Gibson queried the financial contributions set out in the report and the monies that would go towards coastal footpaths, when this development was three miles away from the coast. He questioned why the money wasn't going towards improving the roadways in the area.

Concerns were also raised in relation to demand on doctors' surgeries as there were already long waiting times at present. Councillor Gibson commented that the proposals looked acceptable on paper but did not work in practice and urged the Committee to vote against the application.

Mrs Pearson advised that the third consultation had been the statutory consultations as required for planning applications, and that the developer had carried out their own events.

Mr Jukes advised that wildlife had been considered within the report and that all statutory consultees had given representations. None had made any objections.

Mr Dukes reiterated that the application is in outline. With regard to residential amenity, the plans would have to accord with Council requirements on ground levels and lighting etc. Appearance, landscaping, layout and scale would all be considered at reserved matters stage.

In relation to concerns raised over the sinking of land, Mr Jukes advised that geo environmental studies would be carried out prior to the development starting. With regard to sewerage issues, Northumbria Water had assessed the proposal and requested a suitably worded condition to be included.

Mr Jukes advised that GP's were well catered for in the area and as part of the Sunderland South Growth Area report, it was believed that they could accept a further 3000 homes. Therefore the proposal for 250 homes would be well within the capacity of the surgeries. The Primary Care Trust had confirmed that there was no identified need for new services in the area.

Mr Jukes commented that the past rulings made by the Planning Inspectorate in the 1980s referred to by the objectors pre-dated the Unitary Development Plan. The National Planning Policy Framework's most recent guidance stated that significant weight should be given to sustainable developments.

In relation to the contributions towards coastal footpaths, Mr Jukes advised that the site would be in close proximity to the South Sunderland Growth Area (SSGA). An Appropriate Assessment under the Habitats Directive has determined that the SSGA would have an impact on the coastal area which means that mitigation measures are required.

Mr Jukes also commented that this application had been under consideration for two years and felt that the report was substantial and robust in addressing the representations received.

Paul Muir, Group Engineer, Highways advised that the Local Authority reviews access and highways on any application submitted, they look at the existing road network, carry out surveys and consider the impact of the development, consider the junctions and how they perform in terms of whether they have capacity and whether they would be likely to cause road traffic accidents.

Mr Muir commented that in relation to pedestrian connectivity, the developer had put forward a number of improvements and road safety measures, all at the developer's cost. The access and visibility had all been checked and the proposal does work. However officers had recommended that the speed limit be reduced to 30mph as well as other road safety and junction amendments.

Councillor Tye enquired if Officers would be addressing the concerns raised by the objectors.

Councillor Dixon supported Councillor Tye's comment and felt that the statements from the local Councillors and residents were directly contradicting the report of the officers.

Councillor D. Smith also agreed and commented that the Committee needed to accept the local knowledge offered, especially with the Ward Councillors backing the residents.

Councillor P. Watson commented that he was sure the officers had carried out the calculations correctly but sometimes, once put into practice, things can operate differently. Councillor Watson also wished to point out that the plans showing the development did not have 250 homes detailed, and therefore gave the wrong perspective of the proposal.

Councillor Scaplehorn advised that he agreed with all the concerns raised and that as some Members had not seen the site, suggested the item be deferred for a site visit.

The Chairman advised that a site visit had already been made to the area in October last year.

Councillor English commented that he had lived in the area for a long time and used this road network every day and it wasn't suitable to cope with the current traffic. The Lane was constantly flooding and the entrance to the site at the point proposed could be a fatality waiting to happen in his opinion.

Councillor Price advised that he had attended the site visit back in October 2015 and it hadn't been very successful as Members had been surrounded by residents. As this was a contentious application, and emotions were running very high, he requested that another visit be arranged without residents present so that Members could assess the area fully.

Councillor Tye requested that all of Members' concerns be highlighted before the meeting was deferred.

Councillor G. Walker felt it correct to conduct the remainder of the meeting but felt it crucial they have another site visit at the right time to be able to view the traffic situation on the site.

The Chairman introduced Alastair Willis, who wished to speak on behalf of the applicant. Mr Willis wished to endorse the officer's report and recommendation as the proposal was a high quality landscaped residential development which would make a meaningful contribution to the Council's future housing requirements.

The highways, design and ecology had all been considered in great detail and there were many features of the proposal such as the realignment and widening of open space, realignment of footpaths and realignment of the properties to Vicarage Close.

In relation to connectivity, the removal of pedestrian connections were included at the request of residents, whilst the applicant has ensured the cohesive elements are still maximised. The Highways improvements and the footpath connections would overall provide a betterment of the area and safer routes for existing and future school children.

Initial consultation with residents took place in August 2013 which resulted in changes being made to the plans, including restricting certain buildings to two storey homes to preserve the views of neighbouring residents.

Mr Willis advised that the applicant had responded in a proactive manner to all requests made by the Council whilst also making meaningful contributions for education and play space and the inclusion of affordable housing. This application would provide significant economic growth with 200 full time employment opportunities. There were clear and significant merits for approving this application, with the flood risk assessment also indicating that this would provide betterment for the area.

Councillor Tye commented that he felt there were discrepancies with the travel plan and wanted all issues resolved for the benefit of the residents. He felt that the application departed from the Unitary Development Plan and there had been a great deal of objections, which whilst bullet pointed in the report, did not satisfactorily deal with residents' concerns in his opinion.

Councillor Tye queried if Officers had validated the claim of the number of vehicles that used the road and raised doubts that a 30mph speed zone would resolve the issue. Councillor Tye also stated that if there had been a need to impose traffic calming measures then this was an acceptance that the road was dangerous. There had been no counter-argument from officers in relation to the claims of the access point being unsuitable.

Councillor Tye felt these were invasive plans and he had not seen any evidence of how the area was going to be protected. There was a need for a risk assessment to be carried out. The NPPF stated that for a sustainable development it was necessary to consider if there would be significant adverse impacts. The Committee had heard plenty of concerns from residents. The applicant is supposed to work with the local Members, yet on the evidence given, this has not happened.

The land was not designated as housing land and Councillor Tye could not see the net benefit in terms of recreational use by opening up this land when a playing field would be lost.

Councillor Tye felt that the issues over the highways were non-negotiable and informed the Committee that Silksworth had the highest rate of accidents in the city, with another occurring earlier in the day. He appealed directly to the applicant to think again on the access to the development.



Councillor Tye queried what investigations had been carried out by Council officers and stated that he did not agree with their report that the access was acceptable. The statement that queuing on the bank would be minimal was still not good enough as he did not want to see any queuing at all.

Councillor Tye referred to the money going towards the coast and said that he wanted to see this spent on the roads of Silksworth to improve their safety. Concerns were also raised over how the school places figures had been calculated, Councillor Tye advised that he had never seen any section 106 money being put into leisure facilities in the local area, even though previous applications had stated this.

Councillor Tye commented that the Committee had to determine if the negative impacts of this development outweighed the merits of the proposal. Concerns were also raised over the loss of natural habitat and the fact that construction would take place up until 7pm, which he felt was too late in a residential area.

In summing up, Councillor Tye advised that his main concern was the traffic issues, and more than tweaks were needed to the proposals. Potentially there was a need for a roundabout and a complete redesign of the road network.

Mr Willis advised that as Members wished to defer the decision it made sense for the applicant to reconsider the scheme and their options.

Mrs Pearson commented that a great deal of issues had been raised and she felt officers had demonstrated that these had been addressed in the report based upon the available technical advice. However they could discuss the various matters raised with the applicant. Mrs Pearson informed the Committee that the developer did have the right to appeal for non-determination of the application, but officers would try and work with the applicant.

In response to Councillor Tye's enquiry if the applicant agreed with the deferral, Mr Willis commented that they would work with the officers on the issues.

The Chairman requested that all Members attend if the item was deferred for a site visit.

The proposal to defer the item for a site visit was proposed by the Chairman, and seconded by Councillor Tye, and therefore went to a vote. It was unanimously agreed by the Committee that the application be deferred for a site visit to take place.

1. RESOLVED that the application be deferred pending a further site visit and to allow for further discussions in relation to site access.

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

(Signed) R. BELL  
(Chairman)