

**At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 6th JANUARY,
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, O'Connor, Wares, 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, O'Connor, Wares 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.

Further, Councillors O'Connor and D. Wilson also declared personal and prejudicial interests in the application as Local Authority appointed Directors of the Gentoo Group as the owner of the application site.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Tye, S. Watson and A. Wilson.

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 supplementary report (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 90 no. 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.

Councillor M. Dixon asked what initial public consultation had been carried out by the Applicant and when. He also expressed concerns that the proposals represented piecemeal development.

The representative of the Director of Development and Regeneration advised that there had been a wide range of consultation on the application undertaken by the Planning Department with site notices displayed and letters sent to local residents and there had been no objections received. The original concerns regarding piecemeal development had been addressed with the inclusion of pedestrian links through the site. The development would fit in with any other future developments and the decision for the application needed to be based on its own merits and quality.

Councillor Wood asked the representative of the Director of Development and Regeneration whether he was satisfied by the environmental survey. He also commented on the regeneration objectives set out in the Neighbourhood Renewal Assessment. The original report had referred to built form and had found the lack of three and four storey buildings to be a major problem however this lack of varied building height was now classed as acceptable. There was a need to look at the long term regeneration of the area and this was a small site in a large regeneration area. He also asked how far away from the site the Blackie and King George V Playing Fields were, where the proposed Section 106 monies would be spent.

The representative of the Director of Development and Regeneration advised that the environmental survey was acceptable and that conditions six, seven and eight of the report would ensure the survey was carried out properly should planning permission be granted.

The original scheme had many flaws but had been the subject of substantial amendments in order to address most of the concerns, townscape interest had been increased using built form and there was no need for three or four storey buildings in the area as they were difficult to sell.

The improvements to the scheme had addressed the original concerns regarding the design and layout of the development. It was also difficult to demonstrate what harm would be caused to the future regeneration of the area through the grant of planning permission for the site.

In terms of the proposed Section 106 monies, the Blackie and King George V Playing Fields were both slightly further away than the normal 500 metres however they were still considered to be close enough to the development site

as they were within 1km of the development site; play provision within developments often caused problems for residents.

Councillor M. Forbes advised that she was still of the opinion that the improvements to the design were only cosmetic and did not result in the development being of sufficient quality. There needed to be a consistent approach to ensure high quality and progression of the regeneration of the whole area. Gentoo had caused problems by not producing a Masterplan for the area and the absence of the Masterplan made the development piecemeal. There was no provision for the elderly, the majority of the houses being designed for families. There was council owned land next to the site which could be used for community facilities.

Councillor Morrissey commented that if this was a discrete development then there would be no problem. However due to the size of the application site and the size of the surrounding regeneration area he felt that this would be a piecemeal development. There would be problems caused by developing the site before there was a Masterplan in place. The houses originally on the site were demolished to improve the area but now it appeared that the proposed development would not be significantly worse than the original housing.

The representative of the Director of Development and Regeneration advised that the density was 45 houses per hectare and that this was not an exceptionally high density. He also advised that in his view the development would significantly improve the area.

Councillor Miller welcomed the development and stated that there was a need to build new housing in areas with housing shortages. Gentoo were not going to produce a Masterplan until 2010 and would be selling properties in the area. The lack of a Masterplan could not be used as an appropriate justification alone to prevent this development. He stated that he could not see any genuine planning reason not to support the application.

Mr Rowson, Senior Solicitor, advised that if Members do not accept the Officer's recommendation, they would need to give formal planning reasons for any proposed contrary decision and they may be required to give evidence at any subsequent appeal in order to justify their decision. He also advised of the procedure to be followed where it is clear that some Members do not agree with the Officer's recommendation, as set out in the Council's Constitution, Section 4 - Protocol for Members in relation to Development Control Matters.

The Representative of the Director of Development and Regeneration was requested to advise Members on the implications of any proposed contrary decision. He advised that in his view any decision to refuse the application would not be sufficiently robust in planning terms. He advised that the previous concerns had been substantially addressed and that the layout of the development and built form had been significantly improved with varied building designs and specific corner units, and the quality of the development was now sufficient. The issue of there not being a Masterplan was, in his opinion, not sufficient to justify a refusal of planning permission, additionally; Gentoo did not

see the site forming part of any Masterplan for the area. He also advised Members that the Applicant would have the right of appeal against any decision to refuse permission. In the event of an appeal there would be significant cost implications for the Council and there was a substantial risk of a costs award against the Council if the grounds for refusal were unreasonable.

Councillor Wood moved an alternative recommendation that the application be refused on the grounds that it is premature in the absence of a Masterplan for the area, that it represents piecemeal development and in light of the quality of the design.

Councillor M. Forbes seconded the motion and stated that there needed to be vast improvements in quality of design.

Councillor Miller stated that it would be a mistake to refuse the application; the initial concerns had been addressed and the lack of a Masterplan was not a suitable reason for refusal.

The alternative motion was then put to the vote:

5 members voted in favour of the alternative recommendation to refuse planning permission,

1 member voted against; and

2 members abstained from voting.

The Committee then agreed that the application should be deferred to the next meeting of the committee in order to allow time for the Members to draw up their formal reasons for the refusal for adoption at the next meeting.

08/03932/LAP – Installation of one drop down CCTV camera fixed to 10m column.

The Chairman advised Members that the application had been withdrawn.

1. RESOLVED that:-

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

The decision be deferred to the next meeting of the Sub-Committee in order to allow members time to draw up the proposed reasons for refusal of planning permission.

- (ii). 08/03357/FUL – Demolition of existing building and construction of a 2 storey building, comprising of 9 no self contained flats with additional living accommodation to provide supported living accommodation for people with learning disabilities. Sui Generis.

The application be approved for the reasons set out in the report and subject to the 11 conditions set out therein.

- (iii). 08/03889/LBC – Demolition of fire damaged buildings and walls to the rear of 170 – 173 High Street West.

The decision be delegated to the Director of Development and Regeneration for determination for the 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 November, 2008 to 30th November, 2008.

(For copy report – see original minutes)

- 2. RESOLVED that the report be received and noted.

(Signed) E. GIBSON,
Chairman.

D. FORBES,
Vice-Chairman.