

At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 18th SEPTEMBER 2023 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Ali, Dixon, Foster, Haswell, Herron, Morrissey, Peacock, Scott and Warne

Declarations of Interest

14/01371/OUT – Coal Bank Farm, Hetton-le-Hole, Houghton-le-Spring, DH5 0DX

Councillor Dixon declared that he had taken a phone call from Ms Gibson regarding her request to speak at the Committee and referred her to the planning officer.

Apologies for Absence

All Members being present there were no apologies for absence.

Minutes of the last meeting of the Planning and Highways Committee held on 31st July 2023

Councillor Dixon referred to page 9 of the minutes and advised that the reference to Almond Street should refer to Ormonde Street.

1. RESOLVED that the minutes of the last meeting of the Planning and Highways Committee held on 31st July 2023 be confirmed and signed as a correct record subject to the inclusion of the above amendment.

**Planning Application 14/-1371/OUT – Outline application for erection of 82 dwellings (all matters reserved) (additional ecology, tree, drainage and landscaping info received)
Coal Bank Farm, Hetton-le-Hole, Houghton-le-Spring, DH5 0DX**

The Executive Director of City Development submitted a report and supplemental report (copies circulated) in respect of the above matter. The Chair gave the Committee time to read the supplemental report.

(for copy reports – see original minutes)

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

The Chairman thanked the Officer for their report and invited questions of clarification from Members.

Councillor Dixon referred to the fact that a number of the representations were dated 2014 and asked whether they were still considered to be valid. The representative of the Executive Director of City Development advised that the application had been submitted in 2014 and consultation had been undertaken on a number of occasions since then; all of the responses received as part of these consultation exercises had been reported within the Committee report. The properties which had generated representations had been contacted again during the subsequent consultations and had not asked for previous representations to be withdrawn or amended.

Councillor Dixon then referred to the list of pros and cons for the development set out in the table on page 55 and asked whether the encroachment into the designated open countryside could set a precedent for future applications. The representative of the Executive Director of City Development advised that the site was shown as available for housing and that there was only a small corner of the site within the designated open countryside; it was previously developed land and the encroachment was a minor conflict which was outweighed by the overall benefits of the development of the site. It would not set a precedent for any future developments.

Councillor Dixon then stated that he had carried out a visit to the site and he was concerned by the access being from narrow residential streets; especially given the Gentoo development of the neighbouring site. The Highways Engineer advised that the network was considered to be suitable to accommodate the increased traffic generated by the developments so there had been no reason to object on highways grounds. The impacts of both developments in conjunction with each other had been considered. The representative of the Executive Director of City Development advised that the Highways advice had been taken into account and given that there would still need to be a reserved matters application it was likely that there would be a delay between now and the development of this site starting so it was unlikely that the construction of this site would take place at the same time as the works on the adjacent Gentoo site.

Councillor Scott queried how much of the site was designated open countryside. The representative of the Executive Director of City Development advised that it was an area of around 15-25metres depth by 45metres width.

Councillor Dixon referred to the suggestion that additional access be taken from Swaledale Close, as referred to on page 27 of the report. The Highways

Engineer advised that this was a private street which abutted the red line boundary of the site; it did not constitute access to the site with the only access proposed being from Ennerdale Street.

The Chairman then welcomed to the meeting Ms Lynsey Gibson, a local resident, who wished to speak in objection to the application and advised that she would have a maximum of 5 minutes to address the Committee.

Ms Gibson stated that although it had been reported that residents had been consulted again this was not the case; she had spoken to residents and asked if they had received the letters. She was concerned about the viability of the scheme, especially in light of the collapse of Tolent, given the applicant had stated that they were unable to afford to make the originally proposed payments under Section 106. She was concerned that this development could see the same issues as the Gentoo site with the developer going into administration. She felt that suitable infrastructure was not in place for the development as there would be a total of 200 extra houses in the vicinity.

Ms Gibson stated that she lived in the area and experienced the traffic problems already faced in the area; HGVs were being forced to reverse along the length of her street to be able to access the Gentoo development.

She had been informed that the Council had already met the targets for new housing set out in the policy. There were ecology concerns as there were bats and barn owls living on the site. She felt that the application should be suspended due to its age and also the viability concerns.

Members were then given the opportunity to ask questions of clarification of Ms Gibson. No questions were asked by Members

The Chairman then welcomed to the meeting Mr David Marjoram, the agent for the applicant, who was in attendance to speak in support of the application and advised that he would have a maximum of 5 minutes to address the Committee.

Mr Marjoram stated that this was an outline application with all matters reserved; the proposed access was the logical access point to the site and the number of dwellings proposed was achievable and allowed for the retention of the trees and hedges in addition to allowing greenspace to be retained within the site. The site was currently occupied by low quality buildings and machinery; houses would be a better neighbour than the current use of the land. Most of the site was previously developed and was currently in an unsightly condition. This was not high value agricultural land.

The site was shown as being available for housing within the Council's policies and housing land supply was becoming marginal.

There had been no objections received from any of the Council's internal consultees.

A viability assessment had been undertaken in conjunction with Bradley Hall and it had been established that the development would not be viable if there was to be the Section 106 agreement in place however this could be reviewed as part of the reserved matters and if market conditions had changed by that time then it was possible that Section 106 funding could be required at that point.

The access to the site was considered to be acceptable and a traffic assessment had predicted that there would be 42 vehicle movements within peak hours which was considered to be acceptable; there were options for sustainable transport with local facilities being within a 20 minute walk.

Members were then given the opportunity to ask questions of Mr Marjoram. No questions were asked by Members.

Members then discussed the matter.

Councillor Dixon, in light of the concerns raised over highways, asked what flexibility there was in the access arrangements should the application be granted. The representative of the Executive Director of City Development advised that this was an outline application and that the access was a reserved matter; the proposed access shown as part of this application was to demonstrate that the site could be accessed and could be changed at reserved matters. The proposed access to the site was considered to be acceptable and it was anticipated that the currently proposed access would be brought forward at the reserved matters stage.

The Chairman commented that she felt that developments of this size should be required to make a Section 106 contribution and that the local residents of the area should benefit from the funds such as them being used to improve play parks in the local area.

Councillor Morrissey stated that he felt that a condition requiring the retesting of the viability at the time of the reserved matters application was needed to ensure that Section 106 money was provided if viable.

Councillor Dixon questioned whether it was usual for a development of this size not to provide any affordable housing. The representative of the Executive Director of City Development advised that he could not think of any recent examples of this; generally developments would either include affordable housing or a Section 106 agreement to fund off site affordable housing would be in place. It was important to note that the Gentoo development at the adjacent Cragdale Gardens site was providing 86 affordable houses.

Councillor Herron commented that he did not feel that another developer providing affordable housing should remove the obligations of this developer to provide affordable housing.

Councillor Scott commented that it was good to see that the Section 106 would be revisited at the reserved matters stage. He then moved that the determination of the application be deferred in order to allow a site visit to be undertaken so that how the site fitted in with Ennerdale Street and Cragdale Gardens. Councillor Foster seconded this motion.

The Chair then put this motion to the Committee and with all Members being in agreement it was:-

2. RESOLVED that determination of the matter be deferred in order to allow a site visit to be undertaken.

**Planning Application 23/00153/FUL – Conversion of building to 14no. self contained apartments, including commercial unit to ground floor (use class E), creation of mezzanine floor and external alterations to existing rear extension.
110-112 High Street West, Sunderland, SR1 1TX**

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 key issues to consider in determining the application.

The Chairman thanked the Officer for their presentation and invited questions of clarification from Members.

Councillor Dixon commented that this was an attractive building and asked for reassurance that there would not be harm caused by external alterations to the building. The representative of the Executive Director of City Development advised that there was very little external alteration proposed; the development would see mainly internal changes to the building and these internal changes would be mostly reversible changes such as the installation of stud walls.

Councillor Dixon then asked what the commercial use would be and the representative of the Executive Director of City Development advised that this had not been disclosed by the applicant but that use class E was typical town centre uses.

Councillor Herron commented that developments in locations such as this were important as they allowed the different areas of the city centre to be connected to each other; Councillor Scott agreed and added that this would help to promote the further regeneration of Sunnyside.

Councillor Peacock expressed concerns based on the experience of the redevelopment of Joplings; it had been stated that it would revitalise the building and area but had not resulted in that; he questioned what controls were in place to ensure that the development under consideration today would remain as an asset to the city. The representative of the Executive Director of City Development advised that development needed to be carried out in accordance with the planning permission, including the approved plans, and that there were enforcement powers for if there were breaches. This was a smaller development than the Joplings development and included ground floor commercial space.

There being no further questions or comments, it was:-

3. RESOLVED that the application be Approved subject to the completion of a section 106 agreement and subject to the draft conditions set out within the report.

**Planning Application 23/00677/FUL – Erection of canopy to provide protection for timber stored on site and the replacement of a section of boundary wall adjacent to Colliery Lane with 2.4m high palisade fencing. (Partially retrospective in respect of the palisade fencing)
Land at James Jones Pallets and Packaging, Hetton Lyons Industrial Estate, Hetton-le-Hole, Houghton-le-Spring**

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.

The Chairman thanked the Officer for their report invited questions from Members.

Councillor Peacock questioned whether, given the heritage comments received, the wall had been protected. The representative of the Executive Director of City Development advised that there was no statutory protection of it, it had not been listed and was not in a conservation area. The wall had been in poor structural condition and the demolition of it did not require planning permission. The wall was visually nicer than the replacement fence however the fence matched the remainder of the boundary of the site and was inkeeping with the nature of the area.

Councillor Morrissey asked for confirmation that it was not possible to force the wall to be rebuilt and the representative of the Executive Director of City Development advised that this was the case and the replacement fence needed to be looked at on its own merits.

The Chairman commented that she had noticed that the wall had been removed and that this was a tidy and well-maintained site within an industrial area.

There being no further questions or comments, the Chairman put the Officer recommendation to the Committee and it was:-

4. RESOLVED that the application be Approved subject to the draft conditions contained within the report.

**Planning Application 23/01121/SUB – Change of use from C3 (residential) to C4 (5 bedroom HMO)
265 Chester Road, Sunderland, SR4 7RH**

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 key issues to consider in determining the application.

The Chairman thanked the Officer for their report and invited questions or comments from Members.

Councillor Dixon stated that he had attended the site visit and noted that the access to the garage appeared to need widening to allow two vehicles to access the garage. He also queried the parking in the area as there were signs in the back lane relating to the Community Parking Management Scheme. The representative of the Executive Director of City Development advised that it did look like there was a need for the garage door to be widened slightly. The Highways Engineer advised that Ewesley Road was part of the Community Parking Management Scheme and it was believed that the occupiers would be able to purchase parking permits.

Councillor Dixon then referred to the parking area outside of Ewesley Road Church and asked who owned this and who could park there. The Highways Engineer advised that it was part of the highway and he was unaware of there being any parking restrictions on that parking area.

Councillor Haswell referred to the controls on HMOs in the ward and asked whether they created any restrictions other than the number of bedrooms. The representative of the Executive Director of City Development advised that normally 6 residents could occupy an HMO before planning permission was required however in this, and some other wards in the city, these rights had been removed requiring any HMO to go through the planning permission process. The usual policies were applied to these applications. The parking

had been considered as part of the application and the two spaces provided was considered to be acceptable for an HMO of this size.

Councillor Haswell then commented that this HMO was a significant change for the area which was made up of mostly single family dwellings. The representative of the Executive Director of City Development advised that this property fronted onto the main road of Chester Road and was separated from the properties on Ewesley Road by the church. The provision of 5 bedrooms within the property was considered to be a low intensity use of a property of this size. The policy sought to avoid an overconcentration of HMOs in an area and within this area there were very few HMOs. There was no concern that there would be significant amenity issues as a result of this development.

Councillor Haswell then queried how the properties consulted had been chosen as there were properties in the vicinity which had not been consulted. The representative of the Executive Director of City Development advised that letters had been sent to neighbours, there was a statutory requirement to consult adjoining properties and beyond that was discretionary. Site notices had also been posted. It was considered that the level of consultation had been appropriate for the nature of the application.

The Chairman then welcomed Councillor Mullen, who was in attendance to speak against the application, to the meeting and advised that he would have 5 minutes to address the Committee.

Councillor Mullen stated that he was representing all three of the ward Councillors and that discussions had taken place with residents. The land at the front of the church was part of the church property and as the church had just been sold there was no guarantee that this parking would be available for use. There was no parking available at the front of the property. The property was outside of the B1 CPMS area so residents would not be able to park within those streets and the back lane was within the B2 area. The nearest street without parking restrictions was Farnham Terrace which was 478metres away from the property. There was no guarantee that the use of the property as an HMO would only generate a demand for parking for two vehicles and there was no where for any further vehicles to be parked. Although there was a low number of HMOs in the area there were a lot of properties converted into flats which were of a similar intensity of occupation as an HMO; these properties had resulted in an increase in the number of vehicles being parked in the area and they were parking in side streets and back lanes where there was insufficient capacity.

Councillor Dixon asked if Councillor Mullen could clarify what CPMS area the property was in. Councillor Mullen stated that it sat on the edge of the B2 area and that the residents, if issued permits, would need to move towards the ABC streets to park, these were already busy streets, especially as the properties on the Westlands had been given designated spaces on these side streets due to the lack of parking to the front of the Westlands.

The Development Manager then interjected that this was not relevant to the application. The development had been assessed as requiring spaces for two vehicles and these spaces were able to be provided within the curtilage of the property. If a future resident chose to have any vehicles beyond this number then it would be up to them to find somewhere suitable to park.

Councillor Haswell expressed concern that if the application was approved then it would be a significant change to the character of the area and moved that the application be refused.

In accordance with the Council's constitution the Committee's Solicitor then asked the Development Manager to explain the implications of a decision contrary to the officer's recommendation.

The Development Manager advised that if a decision was to be made against officer's recommendation then there would need to be evidence-based reasons for the decision supported by the Council's planning policies. If a strong reason was not given then the Council would be at risk of appeal and potential costs award could be made against the Council.

The Chair expressed encouragement for Members to attend site visits; it had been very useful as it had shown that the proposals were agreeable; this was a huge house with only five residents being proposed; it was possible that if the property was a single family dwelling there would be more than five residents and more than two cars. She stated that most residents of HMOs would not own a car and there were good public transport links in the area and it was within easy walking distance of the city centre.

Councillor Scott agreed that the site visit had been useful and he felt that the parking provision was adequate.

There being no further questions or comments the Chairman put the officer's recommendation to the Committee and with 8 Members voting for the officer's recommendation and 2 Members voting against, it was:-

5. RESOLVED that the application be APPROVED, subject to the draft conditions listed within the report.

**Planning Application 23/01286/LP3 – Change of use from dwelling (Use Class C3) to Children Home (Use Class C2)
1 Marlow Drive, Sunderland, SR3 2RW**

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 key issues to consider in determining the application.

Councillor Peacock commented that the proposed age range was quite large and also asked whether the background of the children was known. The representative of the Executive Director of City Development advised that the background of the children was not a material consideration. The police had been consulted and had raised no objection to the application.

Councillor Dixon raised concerns over the age range and the Chair advised that in her experience, of working in Children's Services for another Local Authority, it would be unusual for children to be placed into a home in a mix of age groups.

The Chairman then welcomed local resident Mr Anthony Tunney to the meeting who was in attendance to speak in objection to the application and advised that he would have 5 minutes to address the Committee.

Mr Tunney stated that he had not realised that this meeting would be of this nature, he thought that it would be a discussion with Together for Children about the application. He asked why only around 10-12 residents had been informed of the proposal rather than there being wider consultation and stated that it seemed the concerns of residents had been brushed aside. He asked what assurances could be provided to residents. He asked who the children would be and whether the number could be increased in the future along with whether the property could be extended in the future.

The representative of the Executive Director of City Development responded that all objections raised were addressed within the report and that neighbours had been notified in accordance with the statutory requirements. The property had been previously extended and further extensions would be subject to planning permission, this application was for a children home for 2 children and that was the limit of this permission, if any further children were to be accommodated then a new planning application would be required which would be assessed against the planning policies.

The Chairman introduced Mr Alexander Franklin, the agent for the applicant who wished to speak in support of the application and advised that he would have 5 minutes to address the Committee.

Mr Franklin stated that Together for Children sought to improve the lives of children and had an Ofsted outstanding rating in respect of its care services. This application was a change of use from a family home to a children's home for two children. The proposal accorded with all planning policies. He understood residents concerns and advised that there would be coffee mornings held to allow meeting with residents prior to the property being occupied.

There would be professional staff on site at all times which would ensure that there was effective management of the property to prevent antisocial behaviour; there was no evidence that the use would cause antisocial behaviour and the police had raised no concerns.

The property would operate as a typical home. There would be no change to the character of the area and no external changes to the property. No CCTV was proposed to be installed.

Staff were encouraged to use public transport however as there would be two staff on site and there was a two car driveway then there would be no parking issues caused by staff.

The Chairman thanked the speakers for their submissions and invited questions of clarification from Members. No questions were asked by Members.

Councillor Herron, having heard the submission from residents, moved that the matter be deferred to allow them to prepare their statement more effectively given that they had stated that they had not known how the meeting would work and had not prepared a statement in objection. The deferral would allow them to speak to their ward councillors and develop a proper speech to deliver to the Committee.

Councillor Morrissey thanked the residents for attending the meeting. He stated that they would have the opportunity to make representations again if there was an application made to intensify the use of the property. He did not see the proposal to be a fundamental change of use as it would be a family sized number of people in a family home. He was minded to approve the application and felt that if there was to be a denial of service to vulnerable children then there needed to be significant reasons to do so.

The Chairman stated that this was to be a family home for two children and children who were in care deserved to be able to live in a nice house on a nice street. There were no material changes to the property.

Councillor Scott agreed with these comments and added that there could be enforcement action taken if there were more children living there than the consent allowed.

Councillor Dixon commented that Together for Children needed to ensure that they remained in communication with local residents once the property was operational and he also asked that staff ensured that they used the driveway to park rather than parking on the street which could inconvenience local residents.

Councillor Foster expressed that he felt Together for Children should have consulted residents sooner and he agreed and seconded Councillor Herron's motion to defer the matter to allow this to take place before a decision was made.

Councillor Warne commented that it was vital that these children were provided with somewhere to live and would be supporting the application.

There being an alternative motion to defer the matter, the Chair put this to the vote and with:-

4 Members voting to defer the application;

5 Members voting against the deferral; and

1 abstention

The motion to defer the application was defeated.

The Chair then moved the officer's recommendation to the Committee, as seconded by Councillor Warne and with:-

8 Members voting in favour of the officer's recommendation;

0 Members voting against the officer's recommendation; and

2 abstentions

it was:-

6. RESOLVED that consent be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the conditions set out in the report.

Councillor Morrissey and Councillor Haswell left the meeting at this point.

Change in the order of Business

At this juncture the Chair proposed a change in the order of business to allow the consideration of item 7 ahead of item 6 in order to allow Councillor Heron, who was in attendance to speak on item 7, to leave the meeting sooner. Members agreed to this change in the order of business.

Planning Application 23/01589/OUT – Outline application for a pair of semi-detached bungalows (all matters reserved) Land North West of 23 Tintern Close, Houghton-le-Spring

The Executive Director of City Development submitted a report (copy circulated) and supplemental report in respect of the above matter. The Chair gave the Committee time to read the supplemental report.

(for copy report – see original minutes)

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

The Chairman thanked the Officer for their report and invited questions of clarification from Members.

Councillor Dixon queried whether there was a shortage of green space in the area and also questioned who the garages belonged to. The representative of the Executive Director of City Development advised that the green space in the area was both low in quality and quantity. It was believed that the garages were for residents.

The Chairman then introduced Councillor Heron who was in attendance to speak in objection to the application.

Councillor Heron stated that she had received a lot of phone calls from residents when the site notices had been posted. This was a large estate with a lack of green space and only one play area. The garages had been owned by Gentoo and were unpopular due to the small entrance. There had been a lot of local opposition to the development so she was pleased to see that it was recommended for refusal. This was the fourth application to develop this site and the issues were still the same as previous.

Councillor Scott stated that as he had said previously, there was a lack of green space in the area and the green space available was of low quality.

Councillor Dixon commented that the area will have been left as green space for a reason when the estate was first built.

There being no further comments or questions the Chairman but the officer's recommendation to the committee and it was:-

7. RESOLVED that the application be Refused for the reasons set out in the report.

**Planning Application 23/01555/FU4 – Erection of high voltage sub-station with compound, transformers and securing fencing
1 International Drive, Sunderland, SR5 3FH**

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 key issues to consider in determining the application.

The Chairman thanked the Officer for their report invited questions and comments from Members.

There being no questions or comments the Chairman put the officer's recommendation to the Committee and it was:-

8. RESOLVED that consent be granted under Regulation 4 of the Town and Country General Regulations 1992 (as amended) subject to the draft conditions set out in the report.

**Planning Application 23/01870/LP3 – Temporary change of use to allow for the Festival of Light to operate for a number of days between 25 September to 16 November 2023
Mowbray Park, Mowbray Gardens, Burdon Road, Sunderland**

The Executive Director of City Development submitted a report (copy circulated) and supplemental report in respect of the above matter. The Chair gave the Committee time to read the supplemental report.

(for copy report – see original minutes)

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

The Chairman thanked the Officer for their report and invited questions of clarification from Members.

Councillor Herron stated that he welcomed the application which would bring much needed footfall into this area of the city centre.

Councillor Scott agreed and added that it was a vibrant activity for residents to enjoy.

Councillor Dixon expressed his support for the application and expressed his hope that this would be a successful event for the city.

There being no questions or comments the Chairman put the officer's recommendation to the Committee and it was:-

9. RESOLVED that Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the receipt of positive consultation responses within the outstanding consultation period and the draft conditions set out in the main report.

Items for information

Members gave consideration to the items for information contained within the matrix.

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

Prior to closing the meeting the Chairman expressed her thanks to Councillor Nicholson who was no longer a member of the Committee but had been a valued member of the Committee.

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

(Signed) M. THORNTON
(Chairman)