

**At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in COMMITTEE ROOM 2 on WEDNESDAY, 17<sup>TH</sup> FEBRUARY, 2016 at 5.30 p.m.**

**Present:-**

Councillor Bell in the Chair

Councillors Ball, Beck, M. Dixon, English, Jackson, Lauchlan, Middleton, Mordey, Porthouse, Price, Scaplehorn, Taylor, M. Turton, Tye, P. Walker and D. Wilson

**Declarations of Interest**

Item 6 – Reference from Development Control (North Sunderland) Sub Committee – 15/00782/FUL

Councillor Jackson declared that the application was within her ward and she had met with one of the objectors, she felt that she could be considered to be biased and as such withdrew from the meeting during the consideration of this application.

The Chairman and Councillor Tye declared that they had received correspondence from one of the objectors; they had not expressed any opinion on the proposal and would be considering the application with an open mind.

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Cummings, W. Turton and P. Watson.

**Minutes of the meeting of the Committee held on 13<sup>th</sup> January, 2016.**

1. RESOLVED that the minutes of the meeting held on 13<sup>th</sup> January, 2016 be confirmed and signed as a correct record.

**Report of the Meetings of the Development Control (South Sunderland) Sub Committee held on 5<sup>th</sup> January and 19<sup>th</sup> January, 2016.**

The reports of the meetings of the Development Control (South Sunderland) Sub-Committee held on 5<sup>th</sup> January and 19<sup>th</sup> January, 2016 (copies circulated) were submitted.

(For copy reports – see original minutes)

2. RESOLVED that the reports be received and noted.

**Report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub Committee held on 28<sup>th</sup> January, 2016**

The report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee held on 28<sup>th</sup> January, 2016 (copy circulated) was submitted.

(For copy report – see original minutes)

3. RESOLVED that the report be received and noted.

**Reference from Development Control (North Sunderland) Sub Committee – 15/00782/FUL**

**Development of a detached two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and café), A5 (hot food takeaway) with associated parking area and bin store to ground floor at Marine Walk Roker, along with change of use of existing enclosed ground floor parking area to a flexible mixed use building (as above use-classes). With associated alteration. (Amended drawings received 24.09.2015 and Amended Drawings and description 08.10.2015). Land At Marine Walk, Sunderland**

The Executive Director of Commercial Development submitted a report (copy circulated) in respect of the above application for planning permission which had been referred to the Planning and Highways Committee from Development Control (North Sunderland) Sub Committee due to the application site being within an area identified by the Council as being of strategic importance.

(For copy report – see original minutes)

The Planning Officer, Mr Dean Watson, introduced the report. Following the consultation on the application there had been representations received from the statutory consultees in addition to 26 third party representations, 13 of which were in favour of the application, 12 which were against and one which raised concerns over procedural matters. These representations had all been given consideration and this was set out in the report. In addition to these representations a further representation had been emailed to the planning

department and this email together with an annotated version of the agenda report which had been provided with the email had been circulated to Members. There had been funding allocated and plans drawn up for highways modifications in the area which would address the concerns set out in the first paragraph of the email. The issues raised in the second paragraph had already been considered in the agenda report under the 'Principle of the proposed development' section. The third and final paragraph in the email referred to the Phase 1 development which was not a material consideration for the application under consideration at this time.

The proposal was a departure from the development plan however the proposal did comply with the relevant policies of the UDP and complied with the objectives of the Roker Park Conservation Area Character Appraisal and Management Strategy 2007. The majority of the site was located on amenity open space however the loss of this amenity space would not have a significant adverse impact on the amenity of the area. The principle of the development was considered to be acceptable.

In terms of the impact of the proposal on visual amenity, the character of the conservation area and the effect on the setting of the listed building it was considered that the revised proposals were acceptable as the proposals accorded with the policies of the UDP, NPPF and Conservation Area management plan; the Heritage Protection Team had been consulted and were satisfied that the revised design was sympathetic to the historical context of the conservation area and was appropriate for a sea front setting. Overall it was considered that the proposed development would enhance the character and appearance of the lower promenade area while respecting the setting of the pier and Roker Pier Cottages.

The Phase 1 development had seen the creation of 5 residential units at first floor level above commercial units and there was a residential property opposite at Roker Pier Cottages. Consideration had been given to the relocation of the residents parking bays from beneath the ground floor of the commercial unit to a location north of the proposed development; it was considered that this relocation of the parking was acceptable. In respect of the impact of the development on Roker Pier Cottages consideration had been given to overshadowing, loss of light, privacy and noise and disturbance. The usual minimum separation distance was 21metres and in this case the separation between buildings would be 18.5metres; there had been a shadow analysis carried out and it was considered that the proposed development would not result in a significant loss of light or overshadowing to Roker Pier Cottages; the proposal had also been amended to reduce the overall height of the proposed unit by 2 metres which would significantly reduce the lengths of shadows and would further ensure that there was not any significant loss of light or overshadowing. It was evident that the front elevation of Roker Pier Cottages was already afforded very limited levels of privacy; in order to ensure that the proposals did not have an adverse impact on the privacy of the residents of Roker Pier Cottages the first floor balconies had been removed from the proposed development and smoked glazing would be used on the upper floor windows in the east elevation of the

proposed development in order to mitigate against the perception of being overlooked. In terms of noise disturbance it was considered that as long as conditions were imposed on any permission granted in relation to hours of construction, methods of construction, methods of extraction and ventilation and hours of operation would ensure that there was no undue negative impact on residential amenity from noise and disturbance. It was considered that the proposal would provide a form of development which would not lead to any prejudice to the residential amenity of the area.

It was considered that the parking arrangements were acceptable as were the arrangements for bin storage; it was recommended that a condition be imposed on any consent granted requiring that the bin store was constructed and available for use prior to any of the new properties were occupied to ensure that no bins were stored on the highway. It was also recommended that the hours of delivery and servicing of the commercial units be controlled by a condition to ensure that deliveries and servicing of the units did not have an adverse impact on public transport including the bus stop and to avoid congestion. The proposal was considered to be acceptable and compliant with both national and local policy.

The application site was located between the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation as such and in line with the policies affecting these areas there had been a Habitats Regulations Assessment carried out and the Heritage Protection team had been consulted. It was considered that the proposals were unlikely to have a significant adverse impact on these areas subject to the imposition of conditions requiring that the mitigation measures detailed in section 3.3 of the assessment be imposed.

The application had been supported by a ground contamination assessment and it was recommended that conditions relating to ground contamination be added to any consent granted.

The Highways Engineer Mr Paul Muir addressed the highways issues and advised that the parking provision met the requirements set out in the relevant policies. Marine Walk had historically had traffic calming measures in place, previously these had been speed humps; the current scheme involved narrowed sections of the road. Over the last 3 years since the narrowing of the road was carried out there had not been any accidents reported. There were parking restrictions in the area and in the past 4 months there had been over 200 visits to the area by enforcement officers and 23 penalty charge notices had been issued.

Councillor Price queried what aspects the police were consulted on. He was informed that the police were consulted in respect of the Secured by Design standards.

Members considered the objection which had been circulated at the meeting together with the comments made by Mr Dean Watson upon it. Councillor Porthouse questioned why the objection had been accepted as the

consultation period had already ended; he also felt that some of the content was unacceptable and that the Council should seek a legal remedy. Councillor Tye stated that there was no nepotism involved, that he was offended by this accusation and that he wished it to be placed on record that he did not have any friends or relatives who would be affected by this development in any way. Councillor Mordey agreed that it was disgraceful that such unfounded accusations could be levelled at Members. Councillor M. Dixon asked how it had been decided that the objection should be circulated to Members. The Chairman advised that the objection had been circulated on legal advice, in order to ensure that the Committee was able to make a fully informed decision, and that failure to consider objections submitted can open a Committee decision to challenge.

The Chairman then put the officer's recommendation to approve the application to the Committee. Members then discussed the application and it was:-

4. RESOLVED that the application be approved for the reasons set out in the report subject to the 16 conditions set out therein.

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

(Signed) R. BELL  
(Chairman)