

At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 31 JULY 2023 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Dixon, Foster, Nicholson, Peacock, Scott and Warne.

Declarations of Interest

23/01154/FUL – Change of use from a single dwelling under Use Class C3 to a Use Class C2 residential care and living unit for children (under 18 years old) with associated staff members 24/7 on site. 36 Joan Avenue, Sunderland. SR2 9TA

Councillor Dixon made an open declaration in the above item that he had been contacted by a resident of Joan Avenue and had liaised with an Officer for further details. Once finding out that this was an active planning application he had advised the resident he was unable to discuss the application further and still retained an open mind on the matter.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Ali, Herron, Morrissey and Peacock.

Minutes of the last meeting of the Planning and Highways Committee held on 3rd July 2023

1. RESOLVED that the minutes of the last meeting of the Planning and Highways Committee held on 3rd July 2023 be confirmed and signed as a correct record.

Planning Application 22/02627/FUL – Demolition of public house and construction of 14 dwelling houses and a three-storey building to provide five apartments (including associated car parking, landscaping, and new pedestrian access onto Silksworth Lane) (as amended) The Cavalier Silksworth Lane Sunderland SR3 1AQ

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 of clarification from Members.

Councillor Dixon commented that he had found the site visit very useful in understanding the proposal and referred to the Condition relating to trees and queried if Officers checked that the condition had been carried out in accordance with what was required. The Planning Officer informed that there was a British standard and if there were any concerns raised that the work had not been carried out to this standard then they could look into this. Planning Enforcement matters were usually instigated by being brought to their attention rather than through inspection.

Members having considered the matter the Chairman put the Officer's recommendation, set out in the circulatory report, to the Committee and with all Members being in agreement it was:-

2. RESOLVED that Members Grant planning permission subject to:

- the successful completion of a Section 106 Agreement.
- the draft conditions contained within the committee report.
- the draft conditions contained within the report for circulation.

Planning Application 21/02807/HE4 – Hybrid planning application including demolition works, erection of industrial units (up to 168,000sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class E(g)(iii), B2 and B8)) with ancillary office and research & development floorspace (Class E(g)(i) and E(g)(ii) with internal accesses, parking, service yards and landscaping, and associated infrastructure, earthworks, landscaping and all incidental works (Outline, All Matters Reserved); and dualling of the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, provision of new access road including a new bridge over the River Don, electricity sub-stations, pumping station, drainage, and associated infrastructure, earthworks, landscaping and all incidental works (Detailed). (Cross Boundary Planning Application with South Tyneside Council). (Amended and Additional Information received 4th and 8th November 2022 and 3rd April 2023). | Land North / East And South Of International Drive Washington.

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 Planning Officer informed the Committee that since the publication of the agenda, National Highways had formally removed their objections and a representation from Hedley's Planning had also been received however their submission did not relate to the parts of this application for consideration.

The Chairman thanked the Officer for their presentation, commenting that this was a fantastic, well detailed report and invited questions of clarification from Members.

In response to Councillor Dixons enquiry, The Planning Officer advised that there was no involvement from David Wilson as part of this application.

Councillor Scott commented that the delivery of the IAMP was critical to the economic prosperity of the City and the proposal had his full support.

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

3. RESOLVED that Members be minded to Grant Consent under Regulation 4 of the Town and Country General Regulations 1992 (as amended) and subject to the draft conditions set out within the report:

Planning Application 22/00137/FU4 – Erection of 49no. dwellings with associated vehicle access and landscaping. Land to The North Of Stone Cellar Road, Usworth, Washington

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 and introduced Mr David Abercrombie as the Agent on the application. Mr Abercrombie advised that they had worked with Officers on this application since 2022 and believed it to be a very good proposal before the Committee which would increase their Housing delivery within Sunderland to 120. The site was allocated for residential development and any issues had been resolved through the normal processes along with a significant s106 contribution therefore requested that Members agree the Officer recommendation of approval.

In response to Councillor Dixon's query over what types the affordable homes would be, Mr Abercrombie advised that they were discount market value and first homes and they had worked with Officers to provide exactly what was asked for. The Chairman commented that she was happy to see that these had been mixed throughout the development, which wasn't always the case.

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

4. RESOLVED that Members APPROVED the application, subject to the completion of the agreement under s106 of the Town and Country Planning Act and subject to the imposition of the draft conditions contained within the report.

Planning Application 22/00531/FUL – Erection of two units selling food and drink (within Use Classes E(a) and Class E(b)), with associated access arrangements, landscaping, and car parking. (Amended site section plan, site plan, acoustic fence and landscaping plan received on 9.8.22). Pennywell Industrial Estate, Sunderland

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 commented that the area had received piecemeal development previously and therefore welcomed the application and hoped it would enhance the area.

Councillor Scott echoed those comments and felt this was adding further amenity to the area and would see jobs and an increased economic boost to the City.

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

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

Planning Application 22/02390/FUL – Proposed Open Storage of Caravans (Use Class B8), and the erection of boundary fencing, vehicle access gates and associated hardcore surfacing. Land North Of Mulberry Way, Dubmire Industrial Estate, Fence Houses, 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 key issues to consider in determining the application.

The Chairman introduced Mr Steve Wray, as the applicant who wished to speak in support of the Proposal. Mr Wray wished to start by apologising for clearing the site before gaining permission and informed that they had carried out such activities a decade ago and were wrongly assured this wouldn't be an issue to do once again. Mr Wray added that the site was just rough hard court and was subject to many instances of ASB and fly tipping.

Mr Wray informed that a use of storage area would be advantageous to the area, with security and good access whilst not overlooking residents in the area. The proposal would bring 12 full time jobs, they had addressed Highways issues and Mr Wray believed that the Officer recommendation to refuse was purely down to a technicality of ecology on site, and they would be providing this off site.

Should the application be refused then this site would be sterilised with no employment coming forwards, whereas if approved it would bring significantly improved features/landscaping and the development had been scaled/reduced to enhance these. The development would also alleviate the ASB on site and in the surrounding area.

Mr Wray added that the development brought significant ecological enhancements on site but felt unfortunately they were being penalized for clearing the site which they had previously apologised for and urged the Committee to reconsider the recommendation or to have further dialogue with them and not to sterilise this site.

In response to the Chairmans request for more clarity over the technicality, The Development Control Manager advised that this was a significant technicality with a net loss in biodiversity on the site of 22.32 units, which was a 79% loss and was a massive loss. The Development Control Manager advised that bio diversity net gain was going to be a big issue that affected all planning applications across the country and was a policy within the Councils Core Strategy Development Plan. This proposal would have a significant adverse impact upon the value and integrity of the wildlife corridor that the application site forms a part of.

The Chairman introduced Councillor Mark Burrell who wished to speak in opposition to the application. Councillor Burrell commented that he was speaking on behalf of the many residents who had objected/complained in relation to the loss of wildlife on the site. There were also various plots in the area for storage and this location was so close to residential properties that it seemed inappropriate.

Councillor Burrell also added that the fence would be an eyesore for residents along with traffic disturbances and the loss of wildlife made this application seem inappropriate.

The Chairman thanked the speakers for their submissions and invited questions of clarification from Members.

Councillor Dixon queried if the Officer recommendation of refusal was based on the proposed use or on the issue of the biodiversity. The Development Control Manager advised that the site had been cleared of all natural vegetation leaving a shortfall of what could be provided and even with the ecological enhancements to the site that the applicant proposed it would cost over £300,000 to put right such a significant loss and to make the development acceptable.

Councillor Foster commented that given the details of such a massive technicality, he believed the Committee was left with no option other than to confirm the Officers recommendation.

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

6. RESOLVED that the application be REFUSED for the reasons as detailed within the report.

Planning Application 23/00145/FUL – Change of use from vacant land to an open storage and distribution yard, erection of workshop, tool store, office, and boundary fencing. Creation of 2.5 m high bund and associated landscaping. (Amended description 28.4.23) (amended plans received on 26.4.23). Land to the West of Cherry Way, Cherry Way, Dubmire Industrial Estate

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 introduced Mr Nigel Moore as the agent for the application. Mr Moore wished to thank the Officers for the recommendation to approve and advised that this site had an employment use since the 1950's, it would cause minimal noise/air emissions and gave an opportunity to preserve residential amenity with new habitats created.

Mr Moore advised that the site was currently unused and a honey pot for fly tippers and requested that should the application be approved they be allowed to proceed with the boundary fence without delay to rectify this.

Mr Moore added that this proposal would bring jobs and wealth within the region and requested that Members support the Officers recommendation to approve.

In response to Councillor Dixons query of the request for the boundary fence, the Planning Officer confirmed that this would not impede residents nearby and the fence did form part of the original application.

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

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

23/00261/FUL – Erection of 3no. three bedroom terraced houses with front and rear gardens (Amended address) (Amended site plan received 16.03.23). Land to the Rear of 94 Abbey Drive, 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 key issues to consider in determining the application.

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

There being no questions from Members, the Chairman introduced the two ward Councillors who wished to speak in objection to the application.

Councillor Heron wished to highlight that there was no footpath or access to the site. There would be a loss of greenspace and a great deal of the residents had complained about this with no area for children to play.

Councillor Burrell stated that he was representing those residents that had objected to the proposal. The site had limitations which the application did not

address and the road surface was not suitable for housing. There were issues with access and regress for the homeowners and the garage owners.

Councillor Burrell commented that the greenspace left would be open to instances of ASB and also felt that the space standards of the properties would be compromised.

The Chairman introduced Ms Sandra Oliver who wished to speak in objection to the application. Ms Oliver informed the Committee that she resided in 94 Abbey Drive and wished to add to the issues already raised at the meeting by Ward Councillors that there would be a loss of privacy in her garden and an increase in traffic. All current residents had access to this area via their fences, which would be lost and as the area was already congested, should more properties be added it would be concerning for the safety of the children who played there.

The Chairman commented that the Committee had recently paid a visit to the site and she understood the concerns raised by residents.

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

8. RESOLVED that the application be refused for the reasons set out in the report.

Planning Application 23/00441/FUL – Conversion of a dwelling house to a 4no. bedroom HMO with erection of bike shed to rear (Amended plans received on 5.6.23, to show garage and trees retained). 24 Humbledon Park, Sunderland SR3 4AA

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 of clarification from Members.

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

9. RESOLVED that the application be REFUSED for the reasons as set out within the agenda 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 of clarification from Members.

In response to Councillor Dixon's enquiries the Planning Officer advised that this property was within the Community Parking Management Scheme in the area and that in relation to Condition 3, if the situation was made evident to the Council that there was a clear impediment, then they could look at the situation but they would need to consider the exact circumstances of such a situation if it arose, and Condition 3 gave the Council that ability to intervene if enforcement was felt appropriate.

The Chairman introduced Councillor Haque as the Ward Councillor who wished to speak in objection to the proposal. Councillor Haque advised that he lived near this HMO proposal and that it was near Chester Road, one of the busiest roads in the City. Almond Street was also all double yellow lines and the house advertised on the internet showed a structure where the cars were proposed to park so there would be no onsite parking. The floorplan on the same website also stated that this was a four bedroomed house and not the five bedroomed stated in the application.

Councillor Haque also stated that this exact application had been put before the Council before and had been rejected previously.

The Planning Officer advised that the previous application in question had been rejected due to the applicant not agreeing to the ecology mitigation contributions required but on resubmission the applicant had now agreed to this. The Planning Officer referred to the existing floorplans and stated that these were not labelled rooms so it could be that one of the rooms was listed under a different name than a bedroom at present.

The Chairman introduced Mr James Stephenson as the agent on the application who wished to speak in support of the application. Mr Stephenson confirmed that the application was for five bedrooms as one of the rooms listed at present was the living room.

In relation to parking, Mr Stephenson commented that the proposed tenants would be expected to have low level of car ownership that possibly worked at

the nearby hospital so would walk to work or cycle. The proposals would have purely bike storage facilities.

The demographics targeted would be mainly 20+ where car ownership was less and whilst Mr Stephenson understood Councillor reservations about parking, should this site remain a residential home then the problem would be worsened by a higher level of car ownership.

Councillor Warne commented that there was a level of conjecture being made and suggested that it would be beneficial for the Committee to visit the site first before making a determination, therefore proposed the item be deferred pending a site visit. The proposal to defer was seconded by Councillor Nicholson and unanimously agreed by the Committee, therefore it was:-

10. RESOLVED that the application be deferred pending a Members site visit

Planning Application 23/01154/FUL – Change of use from a single dwelling under Use Class C3 to a Use Class C2 residential care and living unit for children (under 18 years old) with associated staff members 24/7 on site. 36 Joan Avenue, Sunderland. SR2 9TA

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 Councillor Leonard to address the Committee as Ward Councillor who wished to speak in opposition to the application.

Councillor Leonard wished to thank the Officers for the recommendation of refusal and for the information supplied when requested. Councillor Leonard commented that the wording of the proposal was very ambiguous and didn't reflect the impact that this property has had on the local Community.

Councillor Leonard informed that this area was a quiet closed location and everything that happens at the top affects the whole street of mainly elderly residents. 64% of the residents had objected to the proposal, many of whom had been subjected to abuse from the occupant of the establishment. Many of the residents were vulnerable adults that were left feeling unsafe and this proposal was wholly inappropriate for this area.

Councillor Leonard added that the disruption the occupant had caused to the area had resulted in a community protection order, affecting the quality of life of residents where the Police had received 130 calls from Joan Avenue

therefore urged Members to consider all of this evidence and to agree with the Officer recommendation to refuse this application.

The Chairman opened up the discussion for Members to comment upon. Councillor Scott commented that he was troubled by the amounts of abuse the residents had suffered and it was clear in a comprehensive report that this application should be refused as he did not have the confidence that this was a safe and sustainable proposal, therefore he would support the Officers recommendation to refuse.

Councillor Dixon also wished to support the Officer recommendation, advising that he knew this area well and he could not think of a property less suitable for this type of use.

Councillor Dixon also raised concern with regards to the arrangements for this particular one child being managed by staff members in the facility and he hoped this arrangement was not typical throughout the City. The Chairman advised that having worked in this field, these were not typical arrangements.

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

11. RESOLVED that the application be REFUSED for the reason as set out within the report.

Items for information

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

12. 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. THORNTON
(Chairman)