

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Meeting to be held in Committee Room No. 1 on Monday 29th
January, 2018 at 4.45p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of Economy and Place (copy herewith).	
4.	Town and Country Planning Act 1990 – Appeals	16
	Report of the Executive Director of Economy and Place (copy herewith)	

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

19th January, 2018

Item 3

Development Control (South Sunderland) Sub-Committee

29th January 2018

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 17/02315/FUL
Edward Thompson Group Sunderland Paper Mill Ocean Road Sunderland
SR2 9RY

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

1.

South
Sunderland

Reference No.: 17/02315/FUL Full Application

Proposal: **Demolition of former paper mill and various building.**

Location: Edward Thompson Group Sunderland Paper Mill Ocean Road Sunderland SR2 9RY

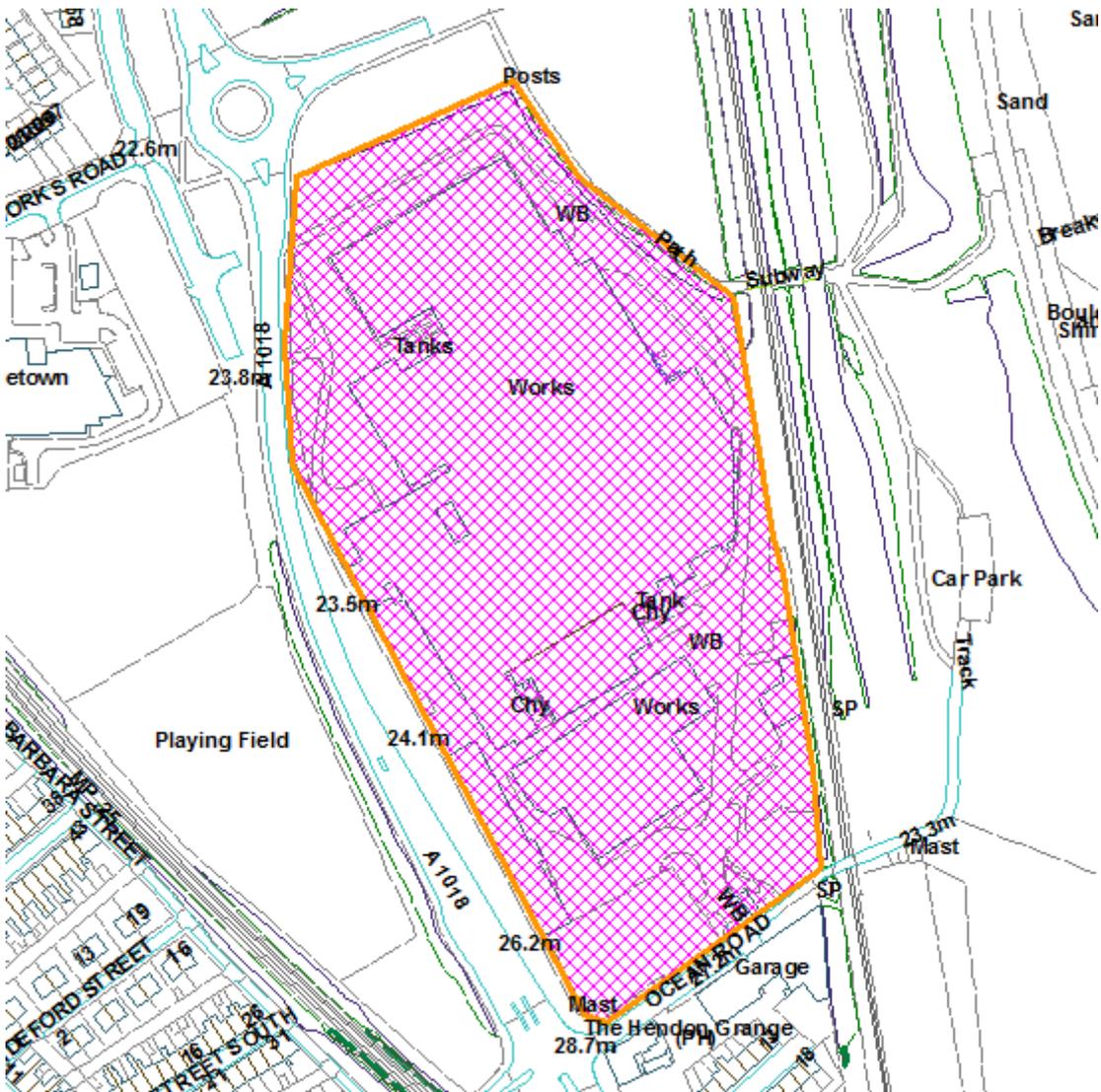
Ward: Hendon

Applicant: Paul Mackings Consulting Ltd

Date Valid: 29 November 2017

Target Date: 28 February 2018

Location Plan



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PROPOSAL:

The application under consideration seeks permission to demolish a number of buildings on the Edward Thompson Site which was formerly occupied by a Paper Mill.

At the present time there are no proposals for the redevelopment of the site, this application is solely for the demolition works.

Site Description

The application site is the site of the former Edward Thompson Paper Mill. The site fronts directly onto Commercial Road (B1522). To the east the site fronts on to a railway line and in turn the coast line.

The immediate surrounding area is characterised by a combination of commercial and residential uses. To the west of the site are some gas storage cylinders, one of which is a grade 2 listed structure.

The buildings on site date from the 19th and 20th centuries. All appear to be in a state of disrepair and some are partially demolished.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Environmental Health
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **31.01.2018**

REPRESENTATIONS:

No representations have been received to date.
The publicity in connection with this application does not expire until 31 January 2018).

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_1_Improvement of the environment

COMMENTS:

Proposal

The proposal is to demolish all buildings remaining on the application site.

The main issues to consider in the determination of this application are:

- o The acceptability of the proposed demolition in principle.
- o Ground conditions and pollution control.
- o Archaeological considerations.
- o Ecological considerations.

Principle of demolition

The proposed demolition of the buildings on the former Edward Thompson Paper Mill Site is considered to be acceptable in principle.

Ground conditions and pollution control

The proposed demolition site has been used for industrial purposes dating from the 19th Century therefore consideration of the ground conditions of the site is appropriate and in accordance with the requirements of paragraph 176 of the National Planning Policy Framework (NPPF) which requires that necessary safeguards e.g. environmental mitigation, to make a particular development (including demolition) are necessary. Such consideration is also in accordance with Policies EN1 and EN14 of the adopted Unitary Development Plan (UDP) which require the following:

Policy EN1

Improvement of the environment will be achieved by:

Seeking to minimise all forms of pollution;

Encouraging, assisting or carrying out a wide range of environmental works, including the enhancement of vacant sites and buildings and the reclamation of derelict land.

Policy EN14

-Where development is proposed on land which there is reason to believe is either:

-Unstable or potentially unstable;

-Contaminated or potentially at risk from migrating contaminants;

-Potentially at risk from migrating landfill gas or mine gas.

-The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A Phase 1 ground investigation report was submitted to support this application and the Council's Public Protection and Regulatory Services (PPRS) team has been consulted regarding the proposed demolition and the investigation report submitted. PPRS has confirmed that there is no

objection to the proposed demolition but has requested that if Members are minded to approve this application conditions are attached to the approval that require further site investigation work and remediation of the site, where required. It is considered that the application of these conditions are sufficient to ensure that the demolition can proceed in accordance with Policies EN1 and EN14 as set out above.

Archaeology

Policy B11 of the adopted UDP states that:

"The city Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded".

Some of the buildings on the proposed demolition site are historic in nature and are considered to be of archaeological interest. The Tyne and Wear Archaeology Officer has been consulted regarding the proposed demolition and an archaeological report and photographic record has been submitted in support of the proposed demolition works.

The Tyne and Wear Archaeology Officer has confirmed that there is no objection to the proposed demolition but has requested that a condition is attached to any approval granted requiring an additional photographic record of the 19th Century buildings on the site. It is not possible to undertake this record in advance of the demolition works because the buildings that require photographing are currently obscured by later editions from the 20th Century. The proposed demolition is considered to be acceptable and in accordance with the requirements of Policy B11 as set out above.

Ecology

The application to demolish was accompanied by ecological surveys which have been considered by the Council's Ecologist and found to be satisfactory subject to the inclusion of conditions requiring the demolition works to be confined to the working site area and to ensure that no machines, access routes, storage of materials or earth moving are placed or undertaken on the areas of unimproved neutral grassland and calcareous grassland identified within the submitted ecological surveys. On this basis the application is considered to be acceptable in ecological terms.

Summary

The proposed demolition of the buildings on the Edward Thompson Site is considered to be acceptable and it is recommended that Members delegate the final decision regarding this application to the Executive Director of Economy and Place who is minded to approve the application subject to the draft conditions set out below and the expiry of publicity in connection with the application (which expires on 31 January 2018).

In the event that any representations which raise issues that have not been considered in this report are received after the date of the Committee meeting, the application will be referred back to Members for their final determination.

Recommendation: Delegate to the Executive Director of Economy and Place who is minded to APPROVE the application subject to conditions.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 All demolition works hereby approved shall be confined to the working site and no machines. Access routes, storage of materials and/or earth moving should take place on the area of land shown outside of the fenced area surrounding the buildings as identified as unimproved neutral grassland and calcareous grassland within the Phase 1 Habitat Survey, Figure 6 in the Preliminary Ecological Appraisal undertaken by E3, Draft, June 2017. In the interest of nature conservation and to comply with the requirements of Policy CN22 of the adopted Unitary Development Plan.

3 Before any demolition of buildings on the development site dating from the 19th century is undertaken, full photographic recording of the 19th century buildings shall be undertaken and submitted to the Local Planning Authority.

Reason: for the purposes of archaeological recording and to comply with the requirements of Policy B11 of the adopted Unitary Development Plan.

4 Phase I: Desk Top Study

No demolition shall commence until a Phase I: Desk Top Study report has been submitted to and approved, in writing, by the Local Planning Authority, which identifies:

- all previous uses of the site;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

5 Phase II: Site Investigation

No demolition shall commence until a Phase II: Site Investigation report which ascertains whether the land is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report shall be based upon the findings of the approved Phase I report and any additional comments provided by the Local Planning Authority, shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall include:

- i) a survey of the extent, scale and nature of contamination

- ii) an assessment of the potential risks to:
 - a. human health
 - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
 - c. adjoining land
 - d. groundwaters and surface waters
 - e. ecological systems
 - f. archaeological sites and ancient monuments
- iii) a site specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

6 Remediation and Verification Plan

If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, no demolition shall commence until a detailed Remediation Strategy and Verification Plan to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria including an unexploded ordnance risk management and mitigation programme/plan for unexploded ordnance, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

7 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

8 Verification

If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 109 and 120 of the National Planning Policy Framework.

9 Unexpected Ordnance

Before any development, including any intrusive ground investigations, commence, a preliminary risk assessment for unexploded ordnance shall be undertaken. Where unexploded ordnance is identified it must be removed from the site or rendered safe by a competent, qualified person in accordance with the unexploded ordnance risk assessment strategy (as required by condition 6) before any intrusive ground works or intrusive site investigations commence.

Reason: In the interest of the safe development of the site and to comply with policy EN14 of the adopted Unitary Development Plan.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02418/HY3	Sunderland City Council	Hybrid Planning Application Comprising of: Full planning permission for the erection of 5728 sq metres of B2/B8 and ancillary B1 over two development plots (Plot1 1859 Sq Mtrs) and (Plot 2 3869 Sq Mtrs) with associated access, car parking, landscaping and drainage. Outline planning permission for up to 0.309 ha's of B2/B8 and ancillary B1 (Plot 3), all other matters reserved.	19/12/2017	20/03/2018
Hendon	Former Littlewoods Home Shopping Group LtdCommercial RoadHendonSunderland SR2 8QS			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02312/LBC	Robertson Property Investment Management Ltd	Demolition of rear extension, provision of new windows and roof lights and internal alterations (including provision of en suites).	27/11/2017	22/01/2018
Hendon	40 - 41 Frederick Street City Centre Sunderland SR1 1LN			
17/02311/FUL	Robertson Property Investment Management Ltd	Change of use from offices (B1) to 10 apartments (C3) including demolition of rear extension to create yard and parking area and provision of new windows, roof lights and detached bin store)	27/11/2017	26/02/2018
Hendon	40 - 41 Frederick Street City Centre Sunderland SR1 1LN			
15/01038/FU4	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
Hendon	Site Of 40/41 Lawrence Street Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00787/ADV	Community Partners Ltd	Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.	10/05/2017	05/07/2017
Hendon	Various Roundabouts City Centre/South Sunderland			
17/02434/LP3	Sunderland City Council	Change of use from Police Station (sui-generis) to mixed commercial development comprising B1 (categories A, B and C), A1 (up to 500 square metres), A2, A3 (up to 1200 square metres), A4 (up to 1200 square metres), A5 (street food vendor), D1 (up to 1200 square metres) and D2 (up to 1200 square	03/01/2018	28/02/2018
Millfield	Northumbria Police (Divisional Hq) Gill House Gill Bridge Avenue Sunderland SR1 3AW			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02469/LP3	Sunderland City Council	Change of use from single residential dwelling to semi independent living accommodation.	28/12/2017	22/02/2018
Millfield	3 Oakwood Street Sunderland SR2 7LT			
17/02426/LP3	Sunderland City Council	Engineering works to re-grade site and install drainage to facilitate the provision of 1no artificial grass pitch with stadia and associated fencing and floodlighting and provision of 2no artificial grass pitches with associated fencing and floodlighting. Extension and refurbishment of existing changing facilities, club room and bar, kitchenette and education space; provision of associated car and cycle parking, signage and landscaping.	19/12/2017	20/03/2018
Pallion	Ford Quarry Recreation Area Keelmans Lane Sunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved)"	18/12/2017	19/03/2018
Pallion	Former Groves Cranes SiteWoodbine TerracePallionSunderland			
17/02462/LP3	Sunderland City Council	Change of use from cemetery office (B1) to dwelling house (C3)	15/01/2018	12/03/2018
Ryhope	South Lodge Sunderland CemeteryRyhope RoadSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02136/FUL	Tolent Solutions Ltd	Temporary change of use from residential property to welfare/office facilities (41 weeks). (Retrospective)	30/11/2017	25/01/2018
St Chads	17 Alnwick Road Farringdon Sunderland dSR3 3BU			



Appeal Decision

Site visit made on 8 January 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2018

Appeal Ref: APP/J4525/W/17/3186103

1 Milcombe Close, Moorside, Tyne & Wear SR3 2QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Hixon against the decision of Sunderland City Council.
 - The application Ref 17/00306/FUL, dated 26 November 2016, was refused by notice dated 7 April 2017.
 - The development proposed is the erection of new 1.8m high timber fencing to increase size of rear/side garden. Change of use of land to rear/side of property from amenity grassed space to private garden.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the initial application form refers to the address of the appeal site as being '1 Millcombe Close, Moorside, Tyne & Wear SR3 2QJ' I have, in the interests of consistency, adopted the spelling of 'Milcombe Close' as set out in all subsequent documents submitted by both the appellant and the Council.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a strip of grassed amenity open space located to the side of 1 Milcombe Close. The surrounding area is predominantly residential, characterised by terraced rows of dwellings fronting onto modestly sized, and generally open, front gardens. These create a generally open plan character to the estate that is maintained by areas of grassed amenity open space at key points throughout the estate, such as where streets and culs-de-sac intersect with each other.
5. Areas such as the appeal site provide a soft visual buffer between the pavement and the flank elevations of houses and generally maintain and carry over the sense of openness, established by the treatment of front gardens, to areas where dwellings have roads running to their sides. As such, they provide a useful counterbalance to the sometimes enclosed paths that run behind and between dwellings elsewhere as well as being integral and consistently important features in their contribution to the overall character and appearance of the area.

6. The site itself lies adjacent to the blank single storey flank elevation of a garage attached to 1 Milcombe Close. It is a level area of grassed open amenity space on the inside of the junction from Milcombe Close into Maidstone Close. It extends the entire depth of the residential plot at No. 1, bounded by the pavement and entrance to Maidstone Close at the side, and by the adjoining open plan lawned frontage of 9 Maidstone Close to the rear.
7. From my visit to the site and from walking around the neighbouring streets, squares and footpath links, I saw that such areas of amenity open space are common within the wider residential estate. Together, they provide a pleasingly open and spacious counter-balance to the enclosed nature of some of the footpath links behind and between dwellings and allow the open plan character of frontages to turn the corner into adjacent culs-de-sac.
8. The proposed fence would enclose the area of amenity open space at the side of No. 1 and introduce a hard, jarring edge to the turn from Milcombe Close into Maidstone Close. The fence line would extend sideways, towards the pavement, from the attached garage's front elevation, extending up to the back edge of the pavement.
9. However, due to the nature, layout and positioning of the appeal site relative to No. 1, No. 9 and 1 – 8 Matfen Close the site has a prominent position within the streetscene. Given the prominence of the site, the siting, height and length of the proposed fence would be seen as an incongruously strident feature at odds with the character, appearance and context in which it would lie. I saw this to be particularly so on approach from the north, but also from within Maidstone Close, where it would materially alter the character and appearance of the entrance into that particular cul-de-sac square.
10. Furthermore, the proposal would also result in an awkward and uncomfortable juxtaposition with the open frontages of 8 and 9 Maidstone Close immediately to the east of the site. I acknowledge that the opposing property at 8 Matfen Drive has a substantial rear boundary treatment that runs around the side and rear boundaries of that property, turning the corner into the square of Maidstone Close. However, I am satisfied that the particular circumstances of No. 8's siting, layout and position within the streetscene is materially different to that of the appeal site and so does not provide a direct comparison.
11. The proposed timber fence and enclosure of this area of grassed amenity open space would therefore compromise the distinctive open-plan nature of large parts of the surrounding area. It would also erode the spacious, open feel of the fronts of properties in a broad swathe across Maidstone Close and Milcombe Close, resulting in an abrupt and awkward juxtaposition with their open plan front gardens, particularly with regard to Maidstone Close. The height, length and position of the proposed fence relative to other properties on Matfen Drive, Milcombe Close and Maidstone Close, on the inside of an open corner and relative to the pavement on the inside of the junction would result in a strident and incongruous feature that would be harmful to the overall character and appearance of the surrounding area.
12. Thus, I conclude that the proposal would fail to respect or enhance the best qualities of the locality and, in enclosing an area of amenity open space in such a position, would undermine a key characteristic of the surrounding area. It would therefore be contrary to policies B2 and B3 of the City of Sunderland

Adopted Unitary Development Plan and the National Planning Policy Framework (the Framework), insofar as they seek to promote high quality design.

13. The appellant has referred to similar applications being granted in the surrounding area but I have not been provided with further details of these cases. In any event, this would not justify the harm that I have identified above which would arise from the proposed development, and which I must consider on its own merits.
14. I do not doubt the appellant's desire to ensure workmanship of the highest standards, nor have I been given any reason to doubt the appellant's concerns about the integrity of the existing boundary fence. However, neither these factors nor the lack of objection to the proposal overcome the harm that I have identified above.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR