

At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY 9th AUGUST, 2016 at 5.45 p.m.

Present:-

Councillor Porthouse in the Chair

Councillors Ball, Bell, M. Dixon, English, I. Galbraith, Hunt, Hodson, Jackson, Mordey and Scaplehorn

Declarations of Interest

16/00715/FUL – 30 Rachel Close, Sunderland, SR2 0AF

Councillor English declared that he had been contacted by residents and had visited the site with residents; he had not expressed an opinion on the matter and would be considering the application with an open mind.

16/00789/FUL – Land at Scotia Quay/North of Low Street, Sunderland

Councillor Mordey declared that he had been contacted by residents on this matter; he had not expressed an opinion on it and would be considering the application with an open mind.

16/0038/HY4 – Chapelgarth, South of Weymouth Road, Sunderland

Councillor English declared that he had attended workshops with residents in relation to this application. He had not expressed an opinion on the application and would be considering it with an open mind.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors D. Dixon, Kay, P. Watson and S. Watson

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of Commercial Development submitted a report (copy circulated) relating to the South Sunderland area, copies of which had been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(For copy report – see original minutes).

**16/00509/FUL – Erection of 9no. dwellings with associated parking and stopping up of highway. (Amended description)
Adjacent site of former public house, Portsmouth Road, Sunderland, SR4 9AS**

The representative of the Executive Director of Commercial and Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

1. RESOLVED that the application be approved for the reasons set out in the report subject to the 13 conditions set out therein.

**16/00715/FUL – Erection of single storey extension to side and rear.
30 Rachel Close, Sunderland, SR2 0AF**

The representative of the Executive Director of Commercial and Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed. Members were advised that an application of this nature would normally be dealt with by officers under the delegated powers however in this instance the application had been referred to the Committee by Councillor English. There had been a representation received from a neighbouring property and the issues raised in the representation had been set out in the report and were addressed therein.

Councillor English referred to the guideline that stated that extensions should not be more than 50 percent of the width of the original building however this proposal exceeded that. He was advised that the application needed to be looked at on its own individual merits and that the 50 percent was just guidance rather than a strict maximum. It was not considered that the proposed extension being wider than 50 percent would have a significant impact to justify refusing the application.

Local resident Mr Lee Milner then addressed the committee in objection to the application. He referred to the fact that not only did the proposal exceed the 50 percent width guidance it also did not meet the necessary spacing standards as there would only be 10.4metres between the properties when the SPD required a separation of 14metres, this was 45percent less than the guidance required. The guidance also required that extensions be set back from the existing property line and this application did not accord with this either. As there were three contraventions of the guidance he did not feel that it would be in the public interest to approve the application and he was concerned that approving the application would lead to a precedent being set. He also referred to overshadowing and stated that he had spoken with a professor from Sunderland University who had stated that there would be overshadowing caused by the development. He was also concerned by the loss of privacy the proposal would cause.

The representative of the Executive Director of Commercial Development responded to the objector and advised that there had previously been an application for a two storey extension withdrawn as it had been considered to be intrusive. This application was for a single storey extension with a hipped roof to further reduce the massing of the extension. The extension would be screened by the boundary fence and by the planting within the garden. The guidance was in place to prevent overbearing developments and to prevent terracing. The objector's property was due

south of the application property and as such it was not considered that there would be any overshadowing of the objector's property. The angle between the windows meant that it was unlikely that there would be any loss of privacy.

2. RESOLVED that the application be approved for the reasons set out in the report subject to the 3 conditions set out therein.

**16/00789/FUL – Erection of office HQ building for Tombola Ltd with associated works including landscaping
Land at Scotia Quay/North of Low Street, Sunderland**

The representative of the Executive Director of Commercial and Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

3. RESOLVED that the application be approved for the reasons set out in the report subject to the 21 conditions set out therein.

**16/00958/LB4 – Internal Alterations comprising provision of additional door to servery area within kitchen and metal stud wall with plasterboard finish to kitchen
Barnes Infant School, Mount Road, Sunderland, SR4 7QF**

The representative of the Executive Director of Commercial and Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

4. RESOLVED that listed building consent be granted under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to the 2 conditions set out therein.

**16/01210/LAP – Change of use from day care unit to six-bedroom short break residential unit for people with disabilities
Grindon Mews, Nookside, Sunderland, SR4 8PQ**

The representative of the Executive Director of Commercial and Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

5. RESOLVED that consent be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report subject to the 2 conditions set out therein.

16/00388/HY4 – Hybrid planning application – Outline planning application for up to 750no.residential units, public open space and internal road network along with up to 1000 square metres of ancillary commercial uses including Retail (A1), Financial and Professional Services (A2), Restaurant and Cafes

(A3), Offices (B1) Non Residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking.

All matters apart from access to be reserved in relation to the outline elements of the proposals.

The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds.

Chapelgarth, South of Weymouth Road, Sunderland

The representative of the Executive Director of Commercial and Development outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed. He advised that this was a hybrid planning application consisting of a residential lead outline element for up to 750 houses, public open space, and internal road networks along with up to 1000 square metres of ancillary commercial uses. All matters were reserved except for access. The full element of the proposal required to facilitate any future residential proposals involved the provision of infrastructure including a new protected right turn into the site off Weymouth Road, landscaping and the creation of attenuation ponds.

The site was 49.73 hectares and was bounded by Weymouth Road to the north, Doxford International Business Park to the west, the A19 and Burdon Lane to the south and Blakeney Woods to the east.

Due to the overall size of the proposed development the application had been supported by an Environmental Statement as required under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended in 2015). The main purpose of this environmental assessment was to consider the significance on the impact on the environment. The Assessment covered: land use and agriculture; landscape and visual impact; transportation; socio-economic effects; biodiversity; water resources and flood risk; noise and vibration; air quality; and the cumulative impact of the development

There were no historic or existing planning applications in relation to the site however the site did form part of the Masterplan for Chapelgarth; the main objective of the Masterplan was to establish a land use framework which accorded with the Council's Unitary Development Plan (UDP). The first phase of the development of the Masterplan had been approved under planning application 97/00614/FUL and provided 128 dwellings. The Masterplan identified the entire site as being able to accommodate 860 dwellings.

The application had been advertised by both site notices and press notices and neighbours had been sent notifications. The application had also been advertised as a departure from the UDP. Following the statutory consultation period there had been a number of responses received from both statutory and non-statutory consultees and their responses were set out in the report. No objections had been raised by these consultees however should Members be minded to grant consent then conditions had been sought from Natural England, Northumbrian Water, Highways England and the County Archaeologist. Representations had been received from 48 separate addresses following the neighbour notifications. The content of these representations had been set out in the report and had been

considered and addressed within each relevant section of the report when material to the planning application. The relevant UDP policies were set out in the report.

The majority of the site was allocated in the UDP under land use policy SA9 (housing) however part of the site was currently allocated under policies covering open space and as such the application had been advertised as a departure from the UDP. Within the site there would be amenity space and public realm; green links and alternative natural greenspace. The national and local planning policies which provided the framework for the determination of this proposal were set out in the report; paragraphs 14 and 49 of the NPPF took precedence for this application. Paragraph 14 indicated that there was a presumption in favour of sustainable development and for approving development proposals which accorded with the development plan; where the development plan was absent or silent or relevant policies were out of date then permission should be granted unless it could be shown that any adverse impacts would significantly outweigh the benefits of the proposal or that specific policies in the framework indicated that development should be restricted. Paragraph 49 referred specifically to housing developments and stated that policies for the supply of housing should not be considered up to date if the local planning authority could not demonstrate a five year supply of deliverable housing sites. It was important to note that the Council could not robustly demonstrate a five year supply of deliverable housing sites and therefore paragraphs 14 and 49 of the NPPF were relevant and housing applications should be considered in the context of the presumption in favour of sustainable development.

The commercial element of the proposal had demonstrated via a sequential test that the introduction of the community hub was acceptable.

The proposal was considered to be a sustainable form of development and the application had been supported by a sustainability statement which provided a core thread in terms of the delivery of new homes. The principle of the development was considered to be acceptable.

Matters relating to siting, design and appearance were set out in the report with the primary aim of ensuring that the proposal achieved good design. Paragraph 56 of the NPPF emphasised that good design was a key aspect of sustainable development. In accordance with the guidance provided within paragraph 56 the outline element of the proposal had been accompanied by a design code which sought to commit to specific requirements and showed how the site had been sub-divided into 5 character areas, each one fixing a number of parameters and rules.

The design code and open space strategy formed regulatory plans and should Members grant consent then the plans would provide the framework for future development proposals. The plans had clearly depicted areas identified for children's play provision, amenity open space, green links and suitable alternative natural greenspace. It was considered that the design code would provide a robust planning tool to facilitate the sustainable delivery of the site and that as such it accorded with paragraph 59 of the NPPF.

Representations had been received relating to the loss of an agricultural field for residential development. The design and access statement and the design code had shown that consideration had been given to the likely impacts of the loss of

agricultural land and had concluded that there would be a net minor benefit as a result of the development proposal.

Paragraph 32 of the NPPF related to highways and required that all developments which generated a significant amount of movement should be supported by a transport assessment and development should only be prevented or refused on highways grounds where the residual cumulative impacts of the development were severe. The agenda report covered all of the material highways considerations and concluded that the transport assessment and the addendum had satisfactorily demonstrated that, subject to the imposition of conditions should Members be minded to grant consent, the delivery of section 106 contributions and priming of a bus link, that the surrounding and wider highway network would be able to cope with the proposal. Subject to the imposition of conditions relating to the preparation of a stage 1 road safety audit, construction traffic routes, the submission of a framework travel plan and a scheme of highway improvements to Weymouth Road and Moorside Road it was considered that there were no highway reasons for withholding planning permission.

There would be socio-economic benefits from the development including offering employment opportunities, procuring local goods and services, enhanced open spaces and improved accessibility, financial contributions from section 106 towards education; recreation; biodiversity; highways; allotments and the delivery of 75 affordable houses. The development would fill a gap in the housing provision and would help provide for the needs of families which would reduce outward migration from the city. Overall the scheme would have a moderate benefit on the local economy, employment and community.

In terms of ecology and nature conservation the proposal had been fully assessed in accordance with the duties imposed on local planning authorities including the appropriate European and national legislation and local planning policy. The application had been supported by survey work and verification reports and due to the site's proximity to European designated sites along the coastline the council had prepared its own habitats regulations assessment in line with European legislation in the form of the habitat directive. As a result of the assessment mitigation measures had been incorporated into the design of the development site to absorb the likely significant effects of recreational activities such as dog walking arising from new residents and to reduce the pressure on the coast from the existing population. Suitable alternative natural greenspace had been incorporated into the layout of the site and a circular walk was proposed. The layout of the site had also incorporated buffers around Blakeney Woods and existing hedgerows in order to mitigate against potential ecological impacts. The overall residual impact of the development would be no more than minor significance.

With reference to flood risk the proposal had considered the views of residents and the feedback at the pre-application stage and a drainage strategy for the site had been proposed. The design of the proposal had been subject to consultation with the council's Flood and Coastal Engineer who welcomed the approach adopted. It was considered that the proposal complied with the NPPF and UDP policies and that the residual impacts on flooding of the proposed development were found to have a moderate positive impact on the environment.

The application had been subject to a phase 1 preliminary geotechnical and geoenvironmental assessment along with a coal mining report. Should Members be minded to grant consent then further investigative works would be required to ensure the suitability of the site and as such it was recommended that conditions requiring a full phase 2 site investigation be imposed on any consent granted.

The impacts of noise and vibration including construction noise and vibration on existing and future residents had been considered and a noise assessment had been carried out. Following consultation with the Public Protection and Regulatory Services section it had been noted that most adverse effects as a result of the development were likely to be suitably controlled by conditions or secured by the section 106 agreement. It was noted that once more than 740 dwellings were completed without modification to the adjoining Weymouth Road noise levels would increase to a moderate level. Overall the development was considered to accord with both national and local planning policy and would not give rise to significant adverse impacts on health and quality of life as a result of the new development. The development was considered to comply with the policies relating to air quality and the impact of the development was considered to be not significant.

Further investigative works were required in relation to ground conditions and following consultations with the county archaeologist a suite of conditions had been recommended to be attached to any consent granted.

There were Section 106 contributions proposed which had been formulated as part of the Infrastructure Delivery Study which supported the South Sunderland Growth Area Supplementary Planning Document. These contributions included: £2,141,250 towards education; £641,240 towards play and recreation; £208,153 towards ecology; £1,385,250 towards highways; and £237,000 for public transport. There was also a requirement for 10 percent of the houses to be affordable housing. There would also be £20,240 to provide off site allotments and on-going maintenance. There would also be a requirement for management arrangements to be put in place for the on-site children's play equipment, open space and the provision of suitable alternative natural greenspace and the delivery and maintenance of public realm area and a living acoustic noise bund.

It was not considered that there would be any adverse impact from the development that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the NPPF and UDP. The environmental statement had concluded that whilst there would be some localised adverse impacts in terms of transportation and noise there were also beneficial impacts in terms of flood risk, drainage and socio-economics. Overall it was considered that the economic impact of the development would not be severe and as such there were no significant reasons for the application to be refused.

Councillor English commented that the introduction of Sustainable Urban Drainage Systems was welcome as there had been issues with flooding in the area which this would help to alleviate. He then queried the Highways England comments and was advised by the Highways Engineer that Highways England had been consulted as a statutory consultee and that they had asked for further surveys to be undertaken; there had been assessments done of the traffic at the A19/A690 junction and Highways England were now satisfied.

Councillor English commented that the highways improvements were welcome; he had concerns over the amount of parking on Moorside Road from employees at Doxford Park which restricted access for buses; he had concerns that further parking restrictions could lead to workers parking in residential cul-de-sacs. The Highways Engineer advised that he was aware of concerns however they were not relevant to this application as the issues already existed and were related to Doxford International Business Park rather than this development. There were already parking restrictions in place to restrict parking to only one side of the road. As part of the application it was proposed that there would be new traffic management implemented including parking restrictions and a school zone on Weymouth Road. Other alternatives such as introducing one way traffic could be used to alleviate issues; there was a desire to work with residents to develop a suitable scheme.

Councillor English then referred to the suggestion from Nexus that bus operators would not gravitate towards the site without incentives and queried what these incentives would be. The Highways Engineer advised that there was an infrastructure delivery plan for the area and that there would be walking and cycle routes developed. Section 106 funds could be used to subsidise the bus services into the area until there had been enough new houses built that the services would become commercially sustainable.

Councillor English then expressed concerns over the lack of new health provision proposed; there was already a lack of services in the area with no provision in Doxford Ward and the provision in Silksworth already being stretched; he did not think that the services would be able to cope with the increase in population as people already struggled to get doctors' appointments. He was informed that the NHS had been consulted and that they had said that there would be sufficient capacity and that if in the future it was found that there was not sufficient capacity then it would be possible to extend the existing doctors surgeries. The community hub that would be built on the site could be used as a doctor's surgery in the future should it be necessary. Dentist's surgeries were market driven.

Councillor English then queried where the Section 106 money allocated to schools would be spent and queried the allocation for sports provision; there was not enough recreation provision in Doxford Ward. He was informed that the exact schools had not yet been identified however it was anticipated that there would be a school in Doxford Ward and a school in Ryhope Ward would be extended; discussions around this were still on going. The sports pitches would be linked to the new school and would be open for community use.

Councillor English then asked for clarification on where the Section 106 funds aligned to allotments would be spent; there were two sites already in Doxford which were severely underfunded and he asked that the funds be allocated to improving these sites. He was informed that work was being done with the Responsive Local Services department to identify the most appropriate locations; it was expected that the funds would be used to extend existing sites or improve derelict plots on existing sites.

Councillor Hodson referred to residents' concerns that this greenfield site was being developed rather than brownfield sites; he asked why this site had been chosen for development over brownfield sites. He was informed that the need for housing in the area had been established in the mid 1990's and that the UDP in 1998 had allocated

the majority of this site as housing land. There was a need to identify a 5 year supply of deliverable housing land in the city and there was currently an undersupply of identified housing land; the parts of the site which were not allocated for housing were considered to be sustainable locations for housing development. The land was currently used for agriculture however it was graded as 3B land which was low quality farm land. 60 percent of the identified housing sites were brownfield sites.

The Chairman then introduced the members of the public who were in attendance to speak against the application.

Mr Alan Patterson stated that he wanted Sunderland to be prosperous and he supported the principle of new houses being built however he was concerned by these proposals and he thought that there had been inadequate consultation with local residents and that the consultation had been poorly advertised. He believed that the questionnaires had also been off-putting for residents and the online registration process to allow completion of the questionnaires had excluded residents and he thought that there had not been sufficient time for residents to submit their views and there had been concerns that their personal details would be in the public domain. He also felt that this meeting was undemocratic as a number of residents had not received letters until 4th August which was too late for them to register to speak at the meeting and also with the meeting being held during August a number of residents were on holiday.

Mr Patterson then stated that there was a weak demand for housing in the city which was evidenced by the 4,516 long term empty houses in the city. He did not think that it was necessary for 750 houses to be built on a greenfield site when there were so many empty houses in the city. Sunderland was the only city in the country to show a reducing population and also house prices in the city were falling which showed that there was obviously a weak demand. He also stated that Sunderland was predominantly a low wage economy and he felt that it was a dangerous proposition to build houses to attract wealthier people to the city prior to new highly-paid jobs being created. He also advised that residents liked the semi-rural nature of the area which would be lost by the development and that the development would lead to more empty houses in the city and would reduce the value of existing houses. He also had concerns over the amount of traffic that would be created; the risk of flooding and the impact on endangered species including bats and tiger moths which lived on the site.

The representative of the Executive Director of Commercial Development responded stating that the consultation had been carried out in accordance with the law and there had been site notices posted for the required duration and letters had been sent to local residents. Residents could still have submitted representations after the end of the consultation period and they would have been considered by the planning officer. There was a shortage of three plus bedroom houses in the city and it was possible that the empty houses were not of this size. House prices were not a material consideration for the planning process. The concerns over flooding, wildlife and highways had been covered in the report. The bat survey had identified a small number of trees which may house bat roosts; these trees would not be removed. Tiger Moths were able to flourish in built up areas. The application had been considered on its own merits.

Local resident Mr David Wilkinson then addressed the Committee. He stated that as the application had been brought forward by Siglion which was a joint venture between the Council and its partners that the Sub-Committee would not be able to determine the application as the Members would not be impartial. He was informed by the Chairman and the Committee's solicitor that the Sub-Committee was properly constituted and was lawfully entitled to determine planning applications under Regulation 4 of the Town and Country Planning Act. The purpose of the Sub-Committee was to determine planning applications and the Sub-Committee was able to make decisions on applications from the Council and partner organisations. The Chairman also referred to the letter on this matter which had been sent to Mr Wilkinson from the Assistant Head of Law and Governance.

Mr Michal Chantkowski then addressed the Committee on behalf of local residents. He stated that residents had spoken loudly against the proposal and there were real concerns over the damage the proposal would do to the environment and that the sustainability of the development had not been fully addressed. The UDP had been created in 1998 and he did not believe that it was still relevant; he felt that the housing strategy for Sunderland was a 20th century strategy which did not address the problems experienced in the 21st century. He was concerned that only 10 percent of the development would be affordable housing as he felt that there was a need for more affordable housing in the city. He also felt that it was wrong that an application was being brought forward for this greenfield site before the brownfield sites had been developed. He felt that the £2million of Section 106 funds for schools would not do very much and he was concerned that the Council did not have control over how academies would spend any money allocated to them he also referred to the lack of NHS provision in the area. He felt that it was important that Doxford be kept as a green area.

Councillor Mordey queried whether Mr Chantkowski was speaking on behalf of a political group; this Committee was not a political forum. Mr Chantkowski confirmed that he was a Member of Sunderland Green Party however he was speaking today having been asked to do so by residents.

The representative of the Executive Director of Commercial Development then responded to the points raised by Mr Chantkowski; he advised that the site had originally been allocated for housing in the mid-1990's and since then the South Sunderland Growth Area documents had re-affirmed that this site would be used for housing. 10 percent was the normal requirement for affordable housing. The NHS had been contacted and they were satisfied that the existing health provision would be sufficient. The £2million for schools was considered to be a satisfactory amount.

The Chairman then introduced the speakers in support of the application.

Mr John Seager advised that he was the Chief Executive of Siglion which had been set up as a 20 year partnership to drive the regeneration of dormant sites within Sunderland. There was a desire to make Sunderland a city people chose to live and work in. This was a landmark site and would create a number of neighbourhoods each with a village green and local shops and it would provide benefits to existing residents as well as new residents. The site would be linked into the existing housing estates and there would be facilities for walkers, cyclists and horse riders provided. The number of houses to be built had been reduced from 900 to 750 following consultation so that the new development would match the housing density of the

existing housing estates. There would be a number of developers involved in the actual construction of the houses and this meant that there would be a number of different house styles on the site.

Mr Ian Cansfield advised that he represented the planning agent Cundalls. He stated that the site was allocated for housing and that the proposal would boost the supply of housing for the city; the proposal was in line with national planning guidance and the impacts of the development would be minimal. This was a well-designed scheme which would support the regeneration of the city and which would provide a substantial amount of amenity green space. He welcomed the officer's recommendation to approve the application.

Councillor M. Dixon queried whether there would be any self-build plots on the site. He felt that self builds could lead to compromises in the design of the estate. He was advised by Mr Seager that it was a possibility however the proposals were not yet at a stage where this could be confirmed.

The Chairman then put the officer's recommendation to the Committee and with:-
9 Members voting for the recommendation; and
2 Members voting against
It was:-

6. RESOLVED that consent be granted in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report subject to the 45 conditions set out therein and subject to the signing of the section 106 agreement.

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

(Signed) S. PORTHOUSE,
Chairman.