

**At a meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 30th NOVEMBER,
2010 at 4.45 p.m.**

Present:-

Councillor E. Gibson in the Chair

Councillors Ball, Essl, M. Forbes, Tye, P. Watson and A. Wright

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were received from Councillors Miller and P. Watson

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

The Deputy Chief Executive submitted a report and supplementary report (copies 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 the Regulations made thereunder.

(For copy reports – see original minutes).

10/02862/FUL – Erection of a two storey extension to the front and re-alignment of roof

The representative of the Deputy Chief Executive advised that since the last meeting of the Sub Committee there had been a meeting between officers and the applicant to discuss possible amendments which may have overcome the officers' planning concerns. However, the applicant wanted a decision on the application as originally submitted so the application had been referred back to the Committee for determination..

The applicant, Mr Hamilton advised the committee that:-

- He had provided four suggestions for changes to the application; the first three were listed in the report and the fourth was the removal of the overhang over the neighbouring property.
- He had requested that the application come back to the committee in its original, unmodified form as he had been advised of the need for an additional

consultation period should any material changes have been made to the application.

- He did not feel that the development would have any detrimental effect on the locality and the residential amenity of neighbouring properties.

Councillor Tye commented that he had hoped that the officers would have been able to reach an agreement with the applicant since the last meeting. He was disappointed to see that no agreement had been reached.

Councillor M. Forbes queried whether the fact that this was a two storey extension was a major defining factor for the officers' recommendation.

The representative of the Deputy Chief Executive replied that for a single storey front extension the maximum projection desired was 1.2metres. This application was for a two storey development with a projection of over twice this guideline amount and as such it is felt that the proposal was too much of a departure from the guidelines to be considered acceptable. There would be an impact on the neighbouring property, 1 Vicarsholme Close which would suffer an unacceptable loss of light if the development were to take place.

Councillor M. Forbes then queried whether the impact on residential amenity of neighbouring properties was commonly a ground for refusal for householder extensions and the representative of the Deputy Chief Executive was advised that this was a material planning consideration.

Councillor A. Wright commented that he felt the change in orientation of the roof would be acceptable as he believed there were other houses within the area which had this style of roof.

The representative of the Deputy Chief Executive stated that the roofs of other houses within the immediate area had the ridgeline running parallel to the road and this change of roof would create a unique feature which would not be in keeping with the street scene of the immediate vicinity.

Councillor Tye commented that in his view the other houses on Bishops Way were in line with each other and that the application property was currently out of alignment with the rest of the street. In his view the development would improve the street scene by bringing the property in line with the rest of the houses on Bishops Way.

The representative of the Deputy Chief Executive advised that this property was set back to allow views down Vicarsholme Close from Bishops Way and that if the property was moved forward it would create an overshadowing problem.

The representative of the Deputy Chief Executive then advised that the grounds for refusal for this application were the same as the grounds adopted by the Planning Inspector in dismissing Mr Hamilton's appeal in respect of the refusal of the previous application. The loss of the harmonious staggered effect was a major consideration and there would be a significant effect on the residential amenity of the neighbouring property should the development take place.

The Chairman stated that it appeared the Members had a different opinion to the officers and asked the legal representative for the Committee, Mr Jonathan Rowson, to advise of the protocol in this situation.

Mr Rowson advised that the procedure to be followed was as follows:

- The Planning Officer be asked to explain the implications of any proposed contrary decision
- The Chairman would then ask if any Member wished to propose an alternative recommendation
- Any motion to approve would then be discussed and put to the Members
- Appropriate reasons for the grant of planning permission and any conditions to be imposed on the planning permission would need to be considered.

The representative of the Deputy Chief Executive was then asked to advise Members of the implications of a contrary decision. He stated that in his view it would be difficult to justify in planning terms a decision to grant planning permission. He advised that notwithstanding the above should Members approve planning permission the third party objectors would have no right of appeal to the Planning Inspectorate and their potential remedy would be to seek a Judicial Review of the Committee's decision through the High Court which would be an expensive process for the Council. In addition, there would be a risk of a complaint to the Ombudsman. Members would need to give full reasons for any decision to approve the application.

Councillor Tye moved that the application be approved subject to the condition that the materials used in the development were a close match to those used in the existing building for the reason that the development would improve the character and street scene of the area.

This motion was duly seconded and was put to the vote.

With 6 Members voting for the motion to approve and one Member voting against the motion was carried and therefore the application was approved. The Members then, following advice from Mr Rowson, discussed the proposed reasons for the decision to approve and the conditions which should be attached to the decision notice.

Having discussed the proposed reasons for approval, Members agreed that planning permission should be granted for the following reasons:-

- The proposed development would improve the street scene and visual amenity of the area by bringing this property in line with the other houses on Bishops Way and would differentiate between the houses in Bishops Way and Vicarsholme Close.
- The proposed development would not introduce an obtrusive form of development into the street scene and would be in keeping with its surroundings and would not be detrimental to the visual amenities of the area in accordance with policy B2 of the Unitary Development Plan, Section 3 of the Development Control guidelines Supplementary Planning Guidance, Section 7 of the Household Alterations and Extensions Supplementary Planning Document and Planning Policy Statement 1: Delivering Sustainable Development 2005.

- The proposed development would not be detrimental to the residential amenity of no.1 Vicarsholme Close and would not result in a loss of outlook, overshadowing or an overbearing appearance. The proposal was therefore in keeping with Policy B2 of the Unitary Development Plan, Section 3 of the Development Control guidelines Supplementary Planning Guidance and Section 7 of the Household Alterations and Extensions Supplementary Planning Document.

The Members then discussed the conditions which should be attached to the planning consent and having sought advice from the planning officer on this point agreed that permission should be granted subject to the following conditions:-

- The development be constructed using suitable materials approved by the local planning authority which complement those used in the existing dwelling.
- The hours of work be restricted to between 08:00 and 18:00 Monday to Friday and at no time on a Saturday or Sunday in order to protect the amenities of the area.

It was therefore:-

1. RESOLVED that the application be approved for the reasons set out above and subject to the conditions set out above.

10/03007/LAP – Demolition of existing school and construction of 1 form entry primary school with temporary class accommodation, creation of new and modified vehicular/pedestrian access points, drop off point and car parking area, CCTV cameras, and proposed multi use game area with lighting and upgraded external sports field.

In response to a query from Councillor P. Watson the representative of the Deputy Chief Executive advised that it was not known what contamination was present on the site or even if there was any contamination of the land. The area was a historic industrial area. If there was any contamination found as a result of the site investigation and risk assessment works to be carried out then there would need to undertake appropriate remediation works before the development is carried out.

2. RESOLVED that the application be approved for the reasons set out in the report and supplement, subject to the 27 conditions set out in the supplementary report.

10/03099/FUL - Change of use of part of warehouse to climbing centre with associated facilities

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

10/03252/FUL – Erection of two storey house, detached double garage and barn

Councillor A. Wright commented that the city was unique as there were a number of working farms within the city boundaries. There was a need to ensure that these

farms were retained. There were problems with vandalism on the farm and this application would help to reduce these problems. He was keen to support an application to help a working, viable farm.

This was an application for an agricultural use which was allowed within the greenbelt and this was not the spread of the urban sprawl.

While the access road, Foxcover Lane, was currently not of a satisfactory standard to service the additional development it had been suggested that the applicant would be willing to invest in improvements to the road.

The existing dwelling was not within the greenbelt and this new dwelling would replace the existing agricultural dwelling rather than adding an additional dwelling.

This application would help to protect the greenbelt as it would secure the future viability of the farm which would prevent the greenbelt from returning to scrubland which could then lead to nuisance off road bikes using the area.

The representative of the Deputy Chief Executive advised that the greenbelt was there to maintain openness. There would be an additional dwelling as the existing building would not be demolished. He was of the opinion that there was no justification for building this additional property within the greenbelt. If there were concerns over security there were alternative methods such as CCTV which could potentially be implemented.

The representative of the Council's Highways Department advised that the yard within the proposed development site was large enough to accommodate large delivery vehicles however there were serious concerns over the introduction of additional vehicles onto Foxcover Lane as this was a substandard road which did not have any footway provision. It would be possible to look into the feasibility of improving the road should the applicant be willing to contribute to the cost of the works.

Councillor P. Watson commented that Foxcover Lane was a public bridleway and these were protected. He did not feel that it would be appropriate that this bridleway be turned into a public road to allow access to the proposed development. There were specific rules which needed to be adhered to for development to be allowed within the greenbelt.

Councillor A. Wright stated that this development was for an agricultural purpose and development for agricultural purposes was allowed within the greenbelt.

The representative of the Deputy Chief Executive advised that there was a requirement for the applicant to demonstrate the need for the development in the greenbelt and it was felt that this development was not justifiable.

In response to a query from Councillor Essl the representative of the Deputy Chief Executive advised that it was his understanding that there would only be one farm house for this farm as the existing property, which was outside of the greenbelt, would be sold.

The agent for the applicant, Mr Trewartha, spoke in support of the application. He stated that:-

- This would be a farm building and would be restricted to providing accommodation for farm workers and would therefore be an appropriate development.
- The officers' report was disparaging of the Agricultural Planning Appraisal; this appraisal had been produced by a highly regarded specialist and was specific to the case at hand.
- CCTV would not be viable as a security measure and there would be financial constraints.
- There had been evidence shown in the Appraisal that the farm was profitable.
- The proposed development was as close to the existing dwellings as possible to minimise any affect on the openness of the greenbelt.
- It was expected that barns would be seen in the countryside; the applicant was happy to move the barn so that the effect on the openness of the greenbelt was reduced.

Councillor P. Watson moved that the application be deferred to allow a site visit to take place to assist in considering the application. With all of the Members being in agreement with this it was therefore:-

4. RESOLVED that the application be deferred to enable a site visit to take place.

10/03396/FUL – Change of use from residential care home to a 14-bedroomed house in multiple occupation (Amended description 12.10.2010)

5. RESOLVED that planning permission be refused for the three reasons set out in the supplementary report.

10/03466/LAL – Structural repair of existing roof, including cleaning out and relining of secret gutters Address

6. RESOLVED that Members be minded to grant conditional listed building consent and the application be referred to the Secretary of State for Communities and Local Government for determination in accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, for the reasons set out in the report and subject to the 5 conditions set out therein.

Items for information

10/02291/OUT – Redevelopment of 10.62 hectares of previously developed land for a mix of uses including up to 300 residential dwellings and up to 6,000 sqm of commercial/industrial floor space, the provision of open space and associated engineering works and stopping up of highway.

7. RESOLVED that a site visit be undertaken at the request of Councillor Tye.

10/03519/LAP – Provision of a three storey commercial office building to include community facilities and publically accessible café at ground floor level with associated landscaping and car parking.

8. RESOLVED that a site visit be undertaken at the request of the Chairman.

Town and Country Planning Act 1990 – Appeals

The Deputy Chief Executive submitted a report (copy circulated) concerning the appeals received and determined for the period 1st October, 2010 to 31st October, 2010.

(For copy report – see original minutes).

9. RESOLVED that the report be received and noted.

(Signed) E. GIBSON
Chairman