

At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 8th APRIL 2024 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Curtis, Dixon, Foster, Haswell, Morrissey, Scott and Warne.

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

There were no apologies for absence submitted.

Minutes of the last meeting of the Planning and Highways Committee held on 4th March 2024

1. RESOLVED that the minutes of the last meeting of the Planning and Highways Committee held on 4th March 2024 be confirmed and signed as a correct record.

Planning Application 21/02627/FUL – Retrospective demolition of public house and proposed 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 and supplementary report (copies circulated) in respect of the above matter.

(for copy reports – see original minutes)

The Chairperson gave time for everyone to read the supplementary report.

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 Chairperson thanked the Officer for their report and invited questions or comments from Members.

Councillor Peacock enquired if there were any fears that should this proposal be rejected that it could be overturned upon appeal or were Officers secure in this recommendation. The Planning Officer advised that the change of circumstances were not substantive enough to warrant a different decision and Officers were confident in this recommendation.

In response to Councillor Dixon's enquiry as to if no progress was made on the legal agreements, what the next movement would be, the Planning Officer advised that the application would then be refused and confirmed that this process had been changed due to government guidance which aimed to quicken up the planning system and that the applicant had been made aware of this timeframe.

Councillor Morrissey wished to bring attention to a typo within the recommendation that there were only 30 days in June therefore the date the legal agreement should be completed by would be 30th June. The Planning Officer advised that this was correct and the date would be amended.

Councillor Scott commented that he was comfortable with this approach as it showed the Authority was prioritising the importance of section 106 agreements and therefore he was happy to go along with the Officer recommendation.

Councillor Foster commented that he had attended the site visit for this application and he felt it was no surprise that the building had been burnt down so he wholeheartedly supported this new recommendation.

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

2. RESOLVED that - Members either:

i) . Grant planning permission subject to:

- The draft conditions listed at the end of the report
- the successful completion of a Section 106 agreement (by 30 June 24) for the provision of
 - three affordable units on site.
 - Financial contributions towards:
 - allotments (£85.5 per dwelling house)
 - biodiversity net gain (£15,000)
 - equipped play space (£704 per dwelling house)
 - mitigation for the protected coastline (£557.14 per dwelling house)
 - open space (£68.22 per bedspace)

Or

ii). If the legal agreement, as described in the second point above, has not been completed by 30 June 24; then REFUSE CONSENT for the reason below:

- There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the provision of three affordable units on site and financial contribution towards allotments, biodiversity net gain, equipped play space, mitigation for the protected coastline and open space.

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies H2, NE2 and ID2 of the Core Strategy and Development Plan (2015-2033).

- The field surveys supporting the submitted ecology reports were undertaken more than two years ago (April – May 22). The surveys are therefore out of date, which means that there does not exist certainty in terms of whether the proposed development would be in accordance with policy NE2 (biodiversity and geodiversity) of the Core Strategy and Development Plan (2015-2033); nor the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006.

There are not any material considerations that indicate a decision should be made otherwise.

Planning Application 23/01526/FU4 – Demolition of existing warehouse and construction of seven units for general industrial, storage and distribution or light industrial (Use Classes B2, B8 and E(g)(ii)), provision of electric vehicle charging station (sui generis), construction of drive through coffee shop (Use Class E(a)); including associated access (including modifications to the access onto Robinson Terrace and provision of internal roadway), parking and turning spaces, landscaping and 3 metre boundary wall towards the east / south east of the site

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy reports – 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 and also advised that the date of 31st June would be amended to 30th June as per the previous item.

The Chairperson thanked the Officer for their report and invited questions or comments from Members.

Councillor Peacock referred to the contribution towards biodiversity net gain and this being put towards Council owned land and commented that he felt this was a good idea and enquired if this was something that could be done on

other applications in the future. The Planning Officer advised that it was a possibility within those regulations to make such provisions.

There being no further questions or comments it was

3. RESOLVED that Members either be

1. "MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to:

- The draft conditions listed at the end of the report.
- The satisfactory completion of a legal agreement (by 30 June 24) for the provision of an off-site financial contribution towards biodiversity net gain.

Or:

2. If the legal agreement, as described in the second point above, has not been completed by 30 June 24; then REFUSE CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992 for the reason below:

- There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the provision of affordable housing (15%), the undertaking of the works described in the submitted Woodland Report (including submission and approval of a detailed landscape plan, particularly for the land to the south) and the maintenance thereafter.

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies NE2 (biodiversity and geodiversity) and ID2 (planning obligations) of the Core Strategy and Development Plan (2015-2033).

There are not any material considerations that indicate a decision should be made otherwise."

Planning Application 23/02604/VA3 – Variation of Condition 2 (Plans) attached to permission Ref: 22/00140/LP3 and amended by application Ref: 23/01029/AML (Conversion, restoration and re-purposing of existing "Engine Shed" structure and construction of link building and hybrid structure to create a workshop for proposed housing, innovation and construction skills academy) for design changes in relation to building form, design details, access details and landscaping. Land South of Millenium Way/Hay Street SunderlandSR5 1BG

The Executive Director of City Development submitted a report and supplementary report (copies circulated) in respect of the above matter.

(for copy reports – see original minutes)

The Chairperson gave time for everyone to read the supplementary report.

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.

Councillor Peacock commented that having seen this development as it was on the main route to the football Stadium, it was fantastic that this building was being restored and he had been impressed that they were keeping the existing building.

Councillor Scott agreed and added that there was some excellent regeneration going on in the area and that the jobs being created was providing a massive skills influx to the City therefore he fully welcomed this proposal.

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

4. RESOLVED that Members be minded to GRANT CONSENT for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the recommended draft conditions within the main Committee Report, subject to the resolution of the drainage issue including a scheme that would broadly accord with Policy WWE3 of the adopted Core Strategy and Development Plan, and subject to no objections being received following the further publicity undertaken.

Planning Application 24/00344/LP3 – Change of Use of Land from B2 and Sui Generis to Public Realm (Use Class Sui Generis). Land At Sheepfolds Industrial Estate

The Executive Director of City Development submitted a report and supplementary report (copies circulated) in respect of the above matter.

(for copy reports – see original minutes)

The Chairperson gave time for everyone to read the supplementary report.

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

In response to Councillor Dixon's query over the Land Contamination reports, the Planning Officer confirmed that this was normal practice.

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

5. RESOLVED that Members GRANT CONSENT for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the recommended draft conditions within the main Committee Report.

Planning Application 24/00405/FU4 – Erection of temporary public structure (The Pavilion). Land At Keel Square Sunderland

The Executive Director of City Development submitted a report and supplementary report (copies circulated) in respect of the above matter.

(for copy reports – see original minutes)

The Chairperson gave time for everyone to read the supplementary report.

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

In response to Councillor Dixons queries, the Planning Officer advised that the objector referred to in the supplementary report no longer worked for the Council and had retired so this was not a Council objection and in relation to noise levels possibly affecting the residents that lived in the nearby multi storey's, these details would be considered upon submission of the advertisements applications and any controls needed would be applied at that time.

Councillor Morrissey thanked the Officer for their explanation in relation to the objectors points as he did believe these were compelling points and he was grateful for the clarification and therefore would be supportive of the application.

Councillor Scott agreed that the Officers clarification explained the mitigation against the objectors points and this was only a temporary structure but it would benefit the city in the meantime.

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

6. RESOLVED that Members GRANT CONSENT in accordance with Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended) for a period of two years and subject to conditions listed within the supplementary report, the expiry of the Press Notice on the 9th of April 2024 and no objections being received introducing new material planning consideration which haven't been addressed in the main agenda/report for circulation report.

Items for information

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

7. RESOLVED that the items for information as set out in the matrix be received and noted

The Chairperson then closed the meeting having thanked everyone for their attendance and contributions.

(Signed) M. THORNTON
(Chairperson)