

**At a meeting of the PLANNING AND HIGHWAYS (EAST) COMMITTEE
held REMOTELY on MONDAY 29th MARCH, 2021 at 5.00 p.m.**

Present:-

Councillor Butler in the Chair.

Councillors Bewick, D. Dixon, M Dixon, Doyle, Foster, E. Gibson, Hodson, O'Brien, Scanlan and D. Wilson.

Declarations of Interest

Declarations of interest were made by Members in respect of the following items of business:-

Item 6, Applications made under the Town and Country Planning Acts and Regulations made thereunder – Planning Application 19/01559/FUL
Land at James William Street, Sunderland

Councillor Scanlan made a declaration that she had undertaken discussions on the matter with residents however she was satisfied that she was able to consider the application with an open mind.

Item 6, Applications made under the Town and Country Planning Acts and Regulations made thereunder

- i). Planning Application 18/00640/FUL - Burdon Lane, Burdon, Sunderland
- ii). Planning Application 19/01497/HY4 - Land North of Burdon Lane, Burdon, Sunderland
- iii). Planning Application 19/01559/FUL - Land at James William Street, Sunderland

Councillor Doyle declared a pecuniary interest in all three items and left the meeting at the appropriate point on the agenda taking no part in any discussions or decisions thereon.

Item 6 Applications made under the Town and Country Planning Acts and Regulations made thereunder, Planning Application 21/00225/FU4 - Land North of St Marys Way/Former Vaux Brewery Site and Galleys Gill, Gill Bridge Avenue Sunderland

Councillor Doyle sought advice from the Committee's Solicitor in respect of the application. He stated that he had campaigned alongside one of the objectors to the application on the wider issue of the sewage infrastructure within the city and had made public statements that he believed it was inadequate. However with regard to this particular application, he was

satisfied that he would be able to consider its determination with an open mind. The solicitor replied that if Councillor Doyle was satisfied that he was able to consider the application with an open mind then he should act accordingly.

Item 6, Applications made under the Town and Country Planning Acts and Regulations made thereunder - Planning Application 20/00492/FUL Full Erection of car preparation centre (Retrospective), Wearside Auto Park Hendon Street, Sunderland

Councillor Butler declared an interest in the item as he believed there was a possibility that a family member was employed by the applicant. Councillor Butler left the meeting at the appropriate point on the agenda taking no part in any discussion or decision thereon.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors P. Smith, Waller and A. Wilson.

Minutes of the last meeting of the Planning and Highways (East) Committee held on 1st February, 2021

2. RESOLVED that the minutes of the last meeting of the Planning and Highways (East) Committee held on 1st February 2021 be confirmed and signed as a correct record.

Objection to the Traffic Regulation Order (TRO) for the Proposed Community Parking Management Scheme (CPMS) in the Royal Hospital Phase 4 Amendment Area (Barnes Ward)

The representative of the Executive Director of City Development presented a report (copy circulated) which advised the Committee of objections that had been received, by the Council, in respect of the proposed TRO for the proposed CPMS and additional restrictions that were intended in the area of the Royal Hospital Phase 4 Amendment, and to requested the committee to not uphold the objections that could not be resolved within the constraints of the scheme

(For copy report – see original minutes)

The Committee was advised that that the Council proposed to introduce an extension to the existing permit based CPMS in the Barnes area. The scheme had been designed following requests and petitions from residents and then extensive engagement with elected Members, residents and businesses in the area together with the Council's statutory consultees. The scheme was intended to reduce the amount of indiscriminate and obstructive parking,

principally by workers from the Royal Hospital, on the streets within the scheme.

Members were advised of the two phases of the community engagement and the drawings showing the proposals consulted on were included as Appendices A and B to the report. Following analysis of the second engagement and the agreement of the working group, a final public engagement pack consisting of a letter and drawing was sent out in July 2020, advising residents that the proposals would be taken through the necessary statutory process. The final engagement drawings were detailed in Appendix C to the report.

From 21st December 2020 to 22nd January 2021 the CPMS Traffic regulation Order (TRO) was advertised both on site and in the local press. In response to the advertisement the council received two formal objections to the proposed CPMS. The approximate location of the objectors were shown on a plan in Appendix D to the report, with a summary of the objections outlined in Appendix E.

The representative of the Executive Director of City Development having addressed questions from the Committee, Councillor Mullen, (Barnes Ward Member) was invited to address the Committee and spoke in support of the proposal.

Consideration was given to the proposal and with the recommendations having been put to the Committee, it was:-

3. RESOLVED that the Executive Director of City Development be advised that:-
 - i) the objections to the TRO, for the proposed THE CITY OF SUNDERLAND (SUNDERLAND ROYAL HOSPITAL AREA) (WAITING AND LOADING AND PARKING PLACES) (AMENDMENT NO2) ORDER 2021 not be upheld;
 - ii) all objectors be notified accordingly of the decision;
 - iii) the Executive Director of City Development instruct the Assistant Director of Law and Governance to take all necessary steps to make and bring into effect the associated Traffic Regulation Order and;
 - iv) the Executive Director of City Development take all necessary action to implement the physical works associated with Traffic Regulation Order.

Objection to the Traffic Regulation Order (TRO) for the Proposed Junction Protection Scheme on Cleveland Road (Barnes Ward)

The representative of the Executive Director of City Development presented a report (copy circulated) on an objection that had been received, by the

Council, in respect of the proposed junction protection scheme (no waiting at any time / double yellow lines) on Cleveland Road (Barnes Ward), and to request the committee to not uphold the objection that could not be resolved within the constraints of the scheme.

The Committee was informed that the Council proposed to introduce a junction protection scheme (no waiting at any time / double yellow lines) from Colchester Terrace to Ettrick grove following extensive engagement and consultation with elected members, residents and other organisations in the area. The scheme had been designed following complaints and requests to improve road safety on Cleveland Road.

Members were informed of the two phases of the community engagement and were informed that following the engagement, the Traffic regulation Order (TRO) was advertised both on site and in the local press from 21st December 2020 to 22nd January 2021. In response to the TRO advertisement the council received four objections in total. Officers were able to contact the objectors to the scheme and discussed the proposals in more detail and answered any questions they had. Following the discussions three of the objections were withdrawn leaving one objection remaining. A summary of the objection was outlined in Appendix C to the report.

The representative of the Executive Director of City Development having addressed questions from Members, consideration was given to the proposal and with the recommendations having been put to the Committee, it was:-

4. RESOLVED that the Executive Director of City Development be advised that:-
 - i) the objection to the TRO, for the proposed THE CITY OF SUNDERLAND (SUNDERLAND ROYAL HOSPITAL AREA) (WAITING AND LOADING AND PARKING PLACES) (AMENDMENT NO2) ORDER 2021 not be upheld;
 - ii) the objector be notified accordingly of the decision;
 - iii) the Executive Director of City Development instruct the Assistant Director of Law and Governance to take all necessary steps to make and bring into effect the associated Traffic Regulation Order and;
 - iv) the Executive Director of City Development take all necessary action to implement the physical works associated with Traffic Regulation Order.

At this juncture the Chairman advised that the first two planning applications on the agenda (18/00640/FUL Burdon Lane, Burdon, Sunderland and 19/01497/HY4 Land North of Burdon Lane, Burdon, Sunderland) would be considered together as they were on adjacent plots of land.

Planning Application Reference 18/00640/FUL Full Application 60 dwellings with access from Burdon Road and associated open space, landscaping, infrastructure and earthworks, Burdon Lane Burdon Sunderland

Planning Application Reference 19/01497/HY4 Hybrid Application Regulation 4 I: Full Planning permission for 532 residential dwellings (Use Class C3) with associated infrastructure and landscaping: Outline planning permission (all matters reserved except access) to erect up to 358 residential dwellings (Use Class C3), a neighbourhood centre (comprising 2.9 hectares of development including 1.5 form entry school and uses from within use classes A1,A3,A4,D1,and D2), associated infrastructure and landscaping. Land North of Burdon Lane, Burdon Sunderland

The Executive Director of City Development submitted reports (copies circulated) in respect of the above applications

(for copy reports – see original minutes)

The representative of the Executive Director of City Development thanked the Chairman for allowing him to present the applications together and advised that while they would be presented as one item, the applications would be required to be determined separately, with the larger Hybrid application (19/01497/HY4) being determined first, followed by the smaller application (18/00640/FUL) from Persimmons Homes.

Members were informed that the site was covered by the Core Strategy Development Plan (CSDP) and in particular Strategic Policy SP5. This stated that South Sunderland would continue to grow and become a spatial priority for housing and economic development. In order to achieve this the South Sunderland Growth Area (Policy SS6) was allocated as a new sustainable community.

Policy SS6 established 10 criteria that needed to be considered to ensure the proposals satisfied the land use policy, namely:-

- The land north of Burdon Lane was allocated for approximately 1000 homes
- The application must provide 10% of the homes as affordable homes
- The provision of a neighbourhood centre
- Extensions to two existing primary schools
- Provision of public open space
- Allotment provision either on or off site
- Suitable alternative green space provision
- Cycleways and footpaths
- A new and improved public transport service
- Contribution to a Ryhope / Doxford link road

The Committee was informed that applications satisfied each of 10 requirements and therefore the principle of development was deemed to be acceptable. The representative of the Executive Director of City Development went on to brief the Committee on the following issues that needed to be considered in determining the application:-

- Design quality / Landscape and visual impact.
- Highway implications
- Socio-economic factors
- Ecology and nature conservation
- Water environment
- Heritage and Archaeology
- Ground conditions and hydrogeology
- Noise Vibration and Air Quality
- Planning Obligations
- Environmental Impacts

In conclusion, Members were advised that the proposals were considered to be compliant with the CSDP housing allocation policy SS6, all technical matters had been adequately addressed within the report, none of which raised significant concerns that would outweigh the benefits of the proposal. The supporting Environment Impact Study had considered that the overall environmental impact of the development would not be severe, and as such, it was considered that there were no significant reasons for the applications to be refused.

The Chair thanked the Officer for his report and invited questions from the Committee.

In response to an enquiry from Councillor E. Gibson, the representative of the Executive Director of City Development and Highways Officer explained the proposed operation of the access to the site from the new Doxford/Burdon link road and in particular how traffic would get from the new link road and on to Burdon Lane.

Councillor Bewick highlighted the fast-moving nature of the traffic using the existing road from Burdon to Ryhope and asked if any traffic calming measures were to be proposed. The Highways Officer replied that there were proposals to introduce speed restrictions and improvements to Burdon Lane. They were not included as part of this particular application but were under consideration as part of the proposals to provide the new link road. Councillor Bewick responded that the current speed limits on the road tended to be ignored by drivers and suggested that traffic calming measures would be more appropriate.

Councillor Michael Dixon referred the Junction Improvement Trigger 4 detailed on page 108 of the agenda which required that no more than 600 dwellings shall be occupied until the specified highway infrastructure was completed and open to traffic. He noted that the application would result in the

provision of 592 homes and asked how this would impact on the Trigger. The Highways officer confirmed that discussions were ongoing with the developers and there was a real possibility that the highways improvements required under Trigger 4 would be brought forward. Councillor Dixon welcomed this as he feared that without the improvements there was a real danger that many of the smaller roads within St Michael's Ward would develop into rat runs.

Councillor Hodson advised the Chairman that he had four questions. Firstly, when looking at the proposals for the site it looked like the result would be to link and merge the communities of Doxford Park, Ryhope and Burdon. Could the Officer explain why this was considered acceptable in planning terms. Secondly, there appeared to be a lot of green space corridors used to link the developments. Once the site was adopted, who would own and maintain these areas of green space, particularly if not all the phases of the development were carried out? Thirdly, where would the allotments be provided and finally it appeared that some of the development was within the boundaries of Doxford Parish. Was an additional level of consultation undertaken with Doxford Parish in the same way that Hetton Town Council would be consulted on proposals within their area?

The representative of the Executive Director of City Development replied that strategically the approach had always been to merge the 4 areas (land north of Burdon Lane, Chapelgarth, Ryhope and Cherry Knowles). This was enshrined in Strategic Policy SP5 and the Core Strategy Development Plan. The aim was to provide a new urban settlement with a green edge with each site being linked via their perimeter boundaries containing cycleways and footpaths which would allow someone to move unhindered across the whole of the settlement. The management and maintenance of the areas of green space would be referenced in the Section 106 agreements. This would be via a Management Company with no financial burden placed upon the Council. The offset allotment provision would be located in Tunstall and Ryhope. In response to Councillor Hodson's final question the officer advised that he was not aware that there was any formal consultative process established with Burdon Parish

Councillor Hodson replied that the fact that the maintenance of the green corridors would lie outside of the Councils control rang alarm bells for him.

The Chairman then welcomed and introduced Councillor Fagan who was afforded the opportunity to address the Committee and spoke in objection to the application, citing the loss of public green space, the negative impact of the development on existing residents including a huge increase in traffic and air pollution together with the impact on residents of the noise, vibration and dust associated with a period of construction that was envisaged would last for a period of ten years.

At this juncture the Chairman advised that a request had been received from Mr Richard Garland of George F White LLP to have a statement read out to the Committee on behalf of their clients, the owners of Tunstall Poultry Farm which formed part of the South Sunderland Growth Area but sat outside of the

applications in question. The Chairman asked the representative of the Executive Director of City Development to read out the statement advising that he would allow 5 minutes.

Following the reading of the statement the Committee was informed that 2 requests had been made to have statements read out by an Officer in objection to the applications. The Chairman advised that he would allow 5 minutes per statement. The representative of the Executive Director of City Development then read out the statements received from the following members of the public in objection to the applications.

- Mr Ian Fawcett
- Mr Shaun Nicholson

The grounds for objection centred on:-

- The extra strain on the road network
- The rise in pollution and in particular its impact on children in the near-by schools
- The loss of green space and destruction of the settlement break
- Failure to carry out statutory consultations on changes to the schemes within the application
- Failure to allow proper public participation in respect of the application
- Inaccuracies within the Committee report before members
- No evidence that SCC had undertaken an assessment as required under Natural Habitat Regulations
- Failure to fully assess the cumulative impact of the applications.

The Chairman then welcomed and introduced Mr David Abbercrombie who had requested the opportunity to address the Committee and speak in support of the application on behalf of the applicant, the Burdon Lane Consortium. The Chairman advised that he would have 5 minutes to do so.

There being no questions for Mr Abbercrombie on his presentation, Chairman then invited members to comment on and debate the application.

In relation to the first application (18/00640/FUL) Councillor E. Gibson expressed her disappointment that because of the current covid restriction the Committee was unable to undertake a site visit with planning officers. She stated she was opposed to the loss of green space and the impact of the applications on the residents of Burden Village which would lose its rural character if the development was approved. She advised that she had not opposed the previous application because of the action that was to be taken to alleviate the serious flooding issues in Lodgeside Meadows and Thristley Woods however issues of flooding still remained. She advised the Chairman that she intended to oppose the application.

With regard to the larger hybrid application Councillor Gibson expressed concern at the loss of green space, the loss of the rural aspect that

surrounded the historic village of Burdon together with the negative impact on resident wildlife and in particular on the 34 species of breeding birds. Burdon was a medieval village whose character would be changed forever by the proposal. For these reasons she would be opposing the application.

Councillor Hodson referred to the quality of the housing design which he felt was disappointing and not of a high enough quality. It was reminiscent of 1970s urban sprawl and did not reflect the nature of the site, Sunderland or the wider North East. He disliked the layout which appeared inward looking and closed off. He expressed his concern at the damage the applications would do to the medieval character of the historic Burdon Village and the effect they would have in blurring the distinction between the separate settlements of Doxford Park, Burdon and Ryhope. He stated that for the reasons of design quality and residential amenity he would be opposing the applications.

Councillor Bewick expressed his concern at the loss of green space and its replacement with urban sprawl. He believed that instead, Sunderland, as a Council should focus on continuing to deliver developments on its brown field sites in Hendon and on the riverside.

Councillor Michael Dixon echoed Councillor Gibson's disappointment that a Committee site visit had not been possible and queried whether a deferment would be appropriate until such time as this could happen. Councillor Dixon was supported by Councillor Forster who noted that the current restrictions were to end shortly. The Committee's Solicitor reiterated that statutory guidance had prevented the undertaking of a site visit and questioned what the Committee hoped to gain in holding one given the need to take decisions expeditiously. He added that the option had been there for members to visit the site on an individual basis and noted that the application had been on the Committee report matrix for in excess of two years.

The representative of the Executive Director of City Development stated that there had been a great deal of debate this evening regarding the loss of green space. She reminded members that the key thing to remember was that the site under consideration was allocated within the Council's adopted Local Plan and had been allocated for up to approximately 1,000 homes under policy SS6. The opportunity to debate whether or not the site was appropriate for development had long since passed. The scheme before members was bringing forward a development proposal via two applications which fully accorded with the Local Plan and was actually delivering less units than were allowed in the Plan allocation. She appreciated Members' issues in respect of the site visit but added that the proposals had been in process for a considerable amount of time and there was a statutory requirement that applications were determined in a timely manner.

The Chairman having invited the Planning Officer to sum up, advised the meeting that the Officer recommendation in respect both applications was that approval be granted. He was aware however that a number of Members had spoken passionately against the proposals and asked if anyone wish to move

an alternative recommendation. In addition he reminded members that they would also need to consider the implications for the Council of going against the Officer recommendations.

In reply, it was moved by Councillor Hodson and seconded by Councillor Bewick that consent was not granted on the grounds of the principle of development, the design quality (both architecturally and in terms of layout) and the impact on residential amenity.

Councillors D. Dixon and D. Wilson spoke to the meeting stating that Committee had no grounds to refuse the applications in respect of the principle of development as this had already been established with the allocation of the site for development being contained within the Council's approved Local Plan.

At the invitation of the Chairman, the representative of the Executive Director of City development addressed the Committee confirming the position outlined by Councillors D. Dixon and D. Wilson. She added that there had been a considerable amount of consultation regarding the site not only in respect of the drafting of the Local Plan but also in respect of the policy establishing the South Sunderland Growth Area. Members were advised that any development that accorded with the Local Plan and the NPPF should be determined without delay. If Members resolved to go against the Officer recommendations then there would be serious implications for the Council including a potential Public Inquiry together with the associated costs. She strongly urged Members to approve the applications.

The Chairman then asked that the motion that consent was not granted to the applications, as moved and seconded by Councillors Hodson and Bewick, was put to a vote.

Upon being put to the vote, the motion was defeated with 2 Members voting in favour, 6 Members voting against and 1 member abstaining.

The Chairman then moved that the officer recommendation in respect of Planning Application 19/01497/HY4 - Land North of Burdon Lane, Burdon, Sunderland was put to a vote.

Upon being put to the vote, the recommendation was approved with 4 Members voting in favour, 3 Members voting against and 2 members abstaining.

The Chairman then moved that the officer recommendation in respect of Planning Application 18/00640/FUL - Burdon Lane, Burdon, Sunderland was put to a vote.

Upon being put to the vote, the recommendation was approved with 4 Members voting in favour, 3 Members voting against and 2 members abstaining.

Accordingly it was:-

5. RESOLVED that:-

i) Approval be granted to Planning Application 19/01497/HY4, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to signing of the Section 106 Agreement and to the conditions as detailed in the report, and

ii) Approval be granted to Planning Application 18/00640/FUL, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to signing of the Section 106 Agreement and to the conditions as detailed in the report.

Planning Application Reference 19/01559/FUL Full Application: Erection of apartment block to provide 13 no. residential units. Land at James Williams Street Sunderland

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

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report and the additional information contained in the circulated late sheet, advising the Committee of the key issues to consider in determining the application.

Consideration having been given to the application and the Officer recommendation having been put to the Committee, it was:-

6. RESOLVED that the application be approved subject to the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended) and subject to the conditions as set out in the report and the late sheet.

Councillor Butler declared an interest in the following item of business and left the meeting during its consideration. The Vice Chair Councillor D. Wilson assumed the Chair for the duration of the item.

Planning Application Reference 20/00492/FUL Full Application Erection of car preparation centre (Retrospective), Wearside Auto Park Hendon Street, Sunderland

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

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of the key issues to consider in determining the application and addressed questions from Councillors Scanlan and Dixon on the mechanism for consulting Ward Councillors and from Councillor Doyle regarding the number of attempts made to gain the missing information from the applicant and the process to be undertaken regarding any potential enforce action should the application be refused.

Consideration having been given to the application, and the Officer recommendation having been put to the Committee it was:-

7. RESOLVED that the application be refused for the reasons as detailed in the report.

Councillor Butler returned to the meeting and assumed the Chair.

**Planning Application Reference 20/02391/LP3 Local Authority (Reg 3):
Construction of a high-level pedestrian and cycle bridge across the
River Wear, linking the north and south sides of the river between the
'Vaux' site and the Sheepfolds area.**

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

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report and the additional information contained in the circulated late sheet, advising the Committee of the key issues to consider in determining the application.

In response to enquiries from Councillor Doyle, Officers provided further detail in respect of the designs being considered in relation to the bridge parapets, what were considered 'appropriate times' in respect of the undertaking of archaeological surveys and the connection of the bridge to existing cycle networks.

Councillor Wilson referred to the design of the bridge and noted that there was a tendency for the design of recent developments in the city to reference Sunderland's history. He called for innovation in design and questioned whether using the past to design the future was the correct way to move Sunderland forward.

Councillor Foster stated that the bridge was much needed and he was excited that it was to be delivered.

Consideration having been given to the application, and the Officer recommendation having been put to the Committee it was:-

8. RESOLVED that the application be approved in accordance with Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions as detailed in the report and the additional condition 21 as detailed in the late sheet.

Planning Application Reference No. 21/00112/LP3 Local Authority (Reg 3) Erection of a building to form a multi-storey car park containing 12 split levels with vehicular access from Farringdon Row, with associated earth works, landscaping, drainage and infrastructure provision. Land bounded by Farringdon Row to the West and the A1231 to the South.

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

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report and the additional information contained in the circulated late sheet, advising the Committee of the key issues to consider in determining the application.

In response to an enquiry from Councillor Doyle Officers detailed the number of cycle spaces to be made available in the car park and explained the maintenance regime in respect of the green wall.

At this juncture the Chairman advised that a request had been received to have a statement read out to the Committee in objection to the application. The Chairman asked the representative of the Executive Director of City Development to read out the statement advising that he would allow 5 minutes. The Officer read the statement received from 'Ian' on the evening of 26th March objecting to the application on the grounds of its poor design quality

Consideration having been given to the application, and the Officer recommendation having been put to the Committee it was:-

9. RESOLVED that the application be approved in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to:-

i) The satisfactory resolution of matters relating to drainage to the satisfaction of the Environment Agency, Lead Local Flood Authority and Northumbrian Water (including any additional / amended conditions).

ii) The satisfactory resolution of matters relating to ecology to the satisfaction of the Council's Ecologist and Natural England (including any additional / amended conditions) and,

iii) The conditions as detailed in the report.

Planning Application Reference No. 21/00225/FU4 Full Application (Reg 4) Detailed planning application comprising 132 no. residential units, 154sqm of ancillary ground floor space (use classes E(a), E(b), E(g) and F2(b))) suitable for cafe, retail or community enterprise, and a community allotment known as 'Kingsley Gardens' on land to the North of St, Mary's Way, Sunderland, including parts of the former Vaux Brewery Site and Galley's Gill

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

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report, and the additional information contained in the circulated late sheet, advising the Committee of the key issues to consider in determining the application.

Members were informed that the applicant Siglion Developments LLP was seeking full planning permission for the erection of 132 residential units, 154sqm of ancillary ground floor space (use classes E(a), E(b), E(g) and F2(b)) suitable for café, retail or community enterprise; and a community allotment/ garden known as 'Kingsley Gardens'. New public realm, landscaping and mews spaces would also feature within the development proposals The 132 homes within 5 tailored individual clusters would comprise a mix of property types including terraced houses, stacked maisonettes and apartments.

The application site had initially included part of Galley's Gill as a proposed sustainable drainage/ water feature. However, the Sustainable Urban Drainage System (SUDS) within the housing area itself was considered to satisfactorily deal with the development's surface water flows. The housing on-site SUDS scheme included permeable paving and geocellular crates which provide the necessary attenuation and source control measures. The acceptability of this application was not dependent on the wider SUDS proposals. In addition, the proposed Galley's Gill drainage scheme was still to be fully designed and detailed and would be advanced by the Lead Local Flood Authority (LLFA) under their Permitted Developments rights. Consequently, it was not considered relevant or appropriate to include reference to the Galley's Gill SUDS as part of the application and as such, the red line had been amended accordingly so that it now only included the residential development platform and Kingsley Gardens.

Members attention was also drawn to the representations received detailed on pages 274-276 of the agenda and the consultation responses detailed on pages 276-278.

The representative of the Executive Director of City Development then drew the Committee's attention to the principle of the proposal in relation to the following key aspects as detailed on pages 282–316 of the agenda:-

1. Land use policy considerations
2. Highway engineering considerations
3. Design, Heritage and Archaeology considerations;
4. Amenity considerations;
5. Ecology, Arboriculture and Landscaping considerations;
6. Sustainability considerations;
7. Water and flood risk considerations;
8. Ground Conditions;
9. Section 106 (planning obligations) and Viability;
10. Equality Act 2010 – 149 Public Sector Equality Duty.

With regard to the Viability Assessment members' attention was drawn to the information detailed in the Late Sheet. The Committee was advised that as set out in the main agenda report, the Applicant's Viability Assessment had been assessed by the Council's external advisor who has confirmed that overall the scheme was not viable when delivering a CSDP policy H2 compliant development. However, additional commentary had been made in respect of the assumptions regarding abnormal costs and to ensure robustness in the process it was recommended that these were subject to a further review. Members were therefore requested to delegate the item back to Officers to enable this aspect of the assessment to be independently reviewed by a RICS accredited assessor. Following this review should any further information come to light that altered the position that the scheme was not viable it would be reported back to Members.

The Chairman then invited questions from Members.

Councillor Doyle stated that he was satisfied with the principle of the development but still had outstanding questions regarding the issues of drainage. He referred to the commentary on pages 310-311 of the report regarding the weight given to the advice provided by Northumbrian Water (NWL) and the remarks made in a meeting held on 4th November, 2020 that it was not within the remit of the Local Planning Authority (LPA) to question NWL's strategy towards its infrastructure nor the capacity of its network. Councillor Doyle stated that this view appeared to be contradicted by the legal opinion of Alex Shattock dated 21st February, 2021 and submitted as part of the representations made by Mr Latimer in objection to the application. He asked if an Officer was able to clarify whether issues in respect of the capacity of the sewerage network could be regarded as material in the determination of this application and future applications.

The representative of the Executive Director of City Development replied that section 7 of the report before the Committee was significant and clearly demonstrated that the LPA recognised the materiality of the issue of foul water and had considered this.

Councillor Doyle stated that he was trying to decide how to weight this up and asked that if the Committee was taking the materiality of sewerage and the evidence surrounding it into account, could it also take into account the contrary evidence submitted by the objectors.

In reply the Committee's solicitor informed Members that on one hand there were the assertions made by an objector and on the other, independent evidence submitted by statutory and non-statutory consultees. He advised that the evidence submitted by the objectors should be treated with some caution as it had not been independently examined, scrutinised or subjected to any form of peer review.

Councillor D. Dixon stated that he did not consider himself an expert on sewerage in any shape or form. He had read the Committee report and was prepared to take it at face value. However he noted that in his presentation, the Planning Officer had stated that there could be certain circumstances which may result in the discharge of foul water into the sea and that this was policed via various legislation and permitting regimes. Councillor Dixon added that perhaps there was a difference between what was permitted under legislation and what Sunderland felt as a city was an acceptable level of discharge. He asked Officers what the calculated flow rate into the sea would be under a worst-case scenario?

The Committee was advised that that was a matter for NWL and the Environment Agency who were the enforcement body in terms of the permit. The flow rates into the sea were an issue for the permitting regime and not a concern for the LPA in that sense. In response to a further enquiry from Councillor Dixon, the Planning Officer advised that he would liaise with the Environment Agency to provide the Committee with details of the flow rates.

In response to an enquiry from Councillor M. Dixon. The Planning Officer clarified and confirmed the response received from Northumbria Police as detailed in the late sheet. The representative of the Executive Director of City Development then addressed further issues raised by Councillor Dixon in respect of the design, construction, sustainability and marketability of the planned properties.

The Chairman then welcomed and introduced Mr Robert Latimer, who had requested the opportunity to address the Committee and speak in objection to the application. The Chairman advised that he would have 5 minutes to do so.

Mr Latimer spoke in objection to the application citing:-

- The Committee report before members ignored the fact that the evidence submitted by Mr Latimer in objection to the application all came from both Northumbrian Water and the Environment Agency.
- He was not against the development in itself but was keen to ensure it did not lead to an increase in the discharge of sewerage into the river and onto the coast

- Previously members had been advised that they could not question the advice given by NWL and the Environment Agency however he had obtained legal advice that stated this was not the case. He therefore wanted to ask Members, how could they independently ensure that there was capacity in the sewerage system?
- The carefully worded application gave the impression that a new sewer was to be built on site. This was not the case. There was only one route (the current route to Hendon). If the sewerage didn't go there the only alternative was for it to spill out of the CSO below the site.
- The current route backed up even in times of normal rain and discharged into the river. In 2019 there were 554 spills from within the immediate neighbourhood of the site alone.
- The provision at Hendon did not have the capacity to cope. It could only deal with 1186 litres. This was the situation 20 years ago and no account had been taken of the houses built since or those planned.
- The Environment Agency had no interest in the application because they claimed it was more than 20 metres from the river. Were they not aware that the cost to rectify the system in Whitburn cost £150m?
- The Council were the guardians of the coast and the river. Shouldn't they use the powers available to them to hold NWL and the Environment Agency to account?

Then Chairman then asked the Committee if they had any questions for Mr Latimer.

Councillor Doyle asked Mr Latimer if the evidence he had submitted in objection to the application had been independently assessed and peer reviewed, and also, as Mr Latimer had suggested that he was happy with the principle of the development, what changes to the application would be required to allow him to be satisfied with the development going ahead? In relation to changes, Mr Latimer replied that he would like to see a condition attached to the planning permission that required that an independent assessment was undertaken to ensure that the sewerage system had the necessary capacity to cope with the development. In respect of the first question he contended that his evidence was independent as the figures had been provided by NWL and the Environment Agency, this contrasted with the Committee report which he suggested was lacking in evidence and in particular the lack of any measurement of flow rates.

The Committee's Solicitor then addressed the meeting informing Members that prior to its publication, the Committee report had been sent to a senior Queen's Counsel with particular reference to section 7 of the report dealing with issues of water and drainage. He was more than satisfied that the

approach being taken by the Council was correct and found that those sections of the report were legally sound.

The Chairman then introduced Mr Steve Wharton from NWL who spoke to confirm Northumbrian Water's consultation response to the application. He advised Members that the proposed discharge of 30 litres that was estimated from the application would enter the public sewerage system on the south bank of the River Wear. This would have no influence over how the sewerage system would operate north of the river. He confirmed that the capacity of the sewerage system on the south side of the river was capable of handling the foul flows from the proposed development. Improvements to the sewerage system south of the river had already been made as part of the earlier developments on the Vaux site to facilitate the flow of foul water to the Hendon treatment works. Surface water would discharge directly from the site into the River Wear.

In response, the Chairman asked Mr Wharton if he could confirm that no foul sewerage would flow directly from the Vaux site into the River Wear? Mr Wharton replied that he could confirm this absolutely.

Councillor Doyle thanked Mr Wharton for his clarification and asked the Committee's Solicitor if he was able to supply Members with a copy of the legal advice from the QC that he had referred to earlier? The Solicitor replied that it would not be possible as the matter had been discussed via a conference call and there was no physical record.

The Chairman then welcomed and introduced Mr Andrew Hird, the Agent for the applicant, who had requested the opportunity to address the Committee and speak in support of the application. The Chairman advised that he would have 5 minutes to do so.

Members having listened to the presentation and there being no questions for Mr Hird, the Chairman invited Members to give consideration to the application.

Councillor Doyle stated that as the Committee was unable to have sight of the legal advice referred to by the Solicitor, he was personally having difficulty in determining the veracity of the evidence provided. He was having difficulty weighing up the evidence from both sides and as a result felt unable to come down on one side or the other. He requested therefore that a named vote was taken so that it would be recorded in the minutes that he wished to abstain.

Likewise Councillor M. Dixon advised that he was intending to abstain and requested a named vote. He believed that Mr Latimer had presented a compelling case and that the weight of his evidence should be respected even though he believed that the principle of the development had been established. He felt that the Members should commend people like Mr Latimer and encourage them to attend and address the Committee.

Councillor D. Wilson stated that he intended to vote in favour of the application, however what the Committee had heard from Mr Latimer still left him with some concerns. He referred to Councillor D. Dixon's earlier comment and stated that just because there were rules and regulations, it didn't mean that Sunderland had to live by them if it felt as a city that it could improve upon them.

Councillor Forster stated that Mr Latimer was an honest man and his persistence reflected the fact that he was not getting the answers that he rightly deserved.

Councillor D. Dixon advised that he intended to vote in favour of the application but reiterated that it was absolutely right that as a city, Sunderland should not always accept the statutory minimum as its standard. The Committee should have a right to know what has been pumped into the river and if it was not happy, it should expect that something was done about it.

There being no further comments the Chairman moved that the Officer recommendations were put to the vote.

Upon being put to the vote the Officer recommendations were approved with 5 Members voting in favour (namely Cllrs D. Dixon, Forster, E. Gibson, Scanlan and D. Wilson), 1 Member voting against (namely Cllr O'Brien) and 4 Members abstaining (namely Cllrs Bewick, Butler, M. Dixon and Doyle).

Accordingly it was:-

10. RESOLVED that approval be granted to the application under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to:-

- i) a further review of viability, as outlined in the late sheet
- ii) the conditions as detailed in the report and in the late sheet
- iii) the completion of the required Section 106 Agreement.

Planning Application Reference No.: 21/00125/TP3 Tree Preservation Order LAP Reg 3 - 1no Sycamore tree - Prune low branches Location: Benedict Court Saint Georges Way Sunderland SR2 7AX

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

(for copy report – see original minutes)

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

Consideration having been given to the application and the Officer recommendation having been put to the Committee, it was:-

11. RESOLVED that the application be granted approval under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the expiry of the public consultation period and subject to conditions as detailed in the report

Planning Application Reference No.: 21/00248/TP3 Tree Preservation Order LAP Reg 3 Proposal: Application to fell 1no Ash tree (T1), 2no Alder trees (T2 & T5) and to crown reduce to previous pruning wounds 4no Willow trees (T3, T4, T6, & T7) subject to TPO114 Woodland 3. Location: Rear of Calthwaite Close Sunderland

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

(for copy report – see original minutes)

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

Consideration having been given to the application and the Officer recommendation having been put to the Committee, it was:-

12. RESOLVED that the application be granted approval under Regulation 3 of the Town and Country Planning (General Regulations) 1992, subject to the conditions as detailed in the report

Items for Information

Members gave consideration to the items for information contained within the matrix (agenda pages 336 - 340).

In response to an enquiry from Councillor Doyle regarding application 20/01442/VA3 (Bay Shelter Whitburn Bents Road Seaburn SR6 8AD) the representative of the Executive Director of City Development advised that the application was currently being held on the matrix pending the receipt of drawings from the applicant which sought to address issues raised by Members when the application was previously before the Committee and deferred.

Councillor Doyle referred to Application 20/01183/LP3 Land Bounded by Silksworth Road, Clinton Place and City Way Sunderland - Provision of a 520 space car park. He advised that he had previously requested a site visit in respect of the application and hoped that this could be undertaken as soon as

the guidance permitted. Councillor D. Dixon stated that he was under the impression that the application had been withdrawn. The representative of the Executive Director of City Development explained that this was simply a timing issue and whilst the application was still present on the planning matrix at the time of agenda publication it was currently in the process of being withdrawn and he would ensure that this was chased up.

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

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

(Signed) BUTLER
(Chairman)