

**At a meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE held in the CIVIC CENTRE on TUESDAY, 2ND NOVEMBER,
2010 at 4.45 p.m.**

Present:-

Councillor E. Gibson in the Chair

Councillors Ball, Charlton, Copeland, M. Dixon, Ellis, Essl, Fletcher, M. Forbes, Old, Tye, Wood, A. Wright

Declarations of Interest

10/02519/LAP – Engineering operations comprising demolition of bridge parapets and infilling of the redundant railway bridge and cutting to reflect adjacent land levels including stopping up and creation of highway. Installation of street lighting and ramp. (Amended description)

Councillors Tye, E. Gibson, M. Dixon and A. Wright declared a Personal Interest in the application as Members of the South Sunderland Area Committee which had previously awarded conditional grant funding for the project.

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 circulatory 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).

Change in the order of business.

It was agreed that application number 10/02862/FUL would be considered first given the presence of a member of the public who wished to speak in respect of that item.

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

The representative of the Deputy Chief Executive presented the report to the Members of the Committee.

Councillor Fletcher queried the presence of other front extensions to properties in the local area.

The representative of the Deputy Chief Executive advised that there had been other planning applications for front extensions in the locality which had been approved. However each planning application had to be considered on its own planning merits based on the location of the property and the siting, design, appearance and scale of the proposed extension.

Councillor Copeland commented that she did not see a problem with the front extension, all of the houses in the area were of different styles and this extension would potentially enhance the appearance of the area.

The representative of the Deputy Chief Executive advised that the staggered positioning of the properties in Bishops Way/ Vicarsholme Close was an important and harmonious feature of the street scene and the proposed extension would have a negative impact on this staggered effect.

Councillor Tye commented that 30 Bishops Way was in line with the rest of the houses in the street and it was Vicarsholme Close which had the staggered formation. He was of the opinion that the application property was out of line with the rest of the street and this development would bring it in line with the other houses in the street.

Councillor A. Wright agreed that the house appeared to be out of line with the other houses on Bishops Way. He also queried whether it would be possible for the application to be amended to include windows in the gable wall to improve the outlook from 1 Vicarsholme Close onto the application property.

The representative of the Deputy Chief Executive advised that the impact on the residential amenity of the neighbouring property 1 Vicarsholme Close needed to be taken into account and the development would lead to unacceptable overshadowing of the front habitable rooms and garden of 1 Vicarsholme Close. There would be additional privacy issues arising if windows were included in the gable wall of the proposed development.

Councillor Ellis stated that she had attended the site visit and it was her opinion that the application property formed part of the staggered layout of the houses and this was an attractive design feature of the street scene.

Councillor M. Forbes asked what distance there was between the application property, 28 Bishops Way and the neighbouring property, 1 Vicarsholme Close.

The representative of the Deputy Chief Executive advised that 1 Vicarsholme Close was 2m from the boundary with 28 Bishops Way and there was approximately 3m between the two buildings.

The officer also advised that the only material difference between the new application and the previous application (which was refused by both the Council and the Planning Inspectorate on appeal) is the re-orientation of the roof ridge line.

The Applicant, Mr Hamilton, was then invited to address the Committee in support of his application.

He stated that:

- In 2009 he had submitted an application for a front extension, there had been no objections from neighbours however the Council had refused the application
- He had explored the possibility of a 3m rear extension however it seemed that this would be likely to have a greater impact on the neighbouring properties.
- He had attempted to address the previous concerns of the Council and the Planning Inspector through this new application.
- The property has a long front garden and there would still be a stagger between the properties of approximately 1 metre. The garden would still be large and the site would not appear overdeveloped.
- The perceived difference in height arising from the extension would be minimal.
- There would be a minimal impact on the street scene. Similar extensions had been approved in respect of other properties in the locality including 26 Bishops Way.

Councillor M. Forbes asked what extensions would be possible as a rear extension would be closer to the neighbouring houses.

The representative of the Deputy Chief Executive advised that any proposed extension would be considered on its individual merits and in accordance with the Council's Household Alterations and Extensions Supplementary Planning Document. An extension to the rear of the property would not impact on the staggered appearance of the properties. However the acceptability of any such development should be discussed between Mr Hamilton and the case officer.

Councillor Wood raised a query regarding the previous refusal to issue a certificate of lawful proposed development. He asked whether there was a right of appeal against this refusal.

The representative of the Deputy Chief Executive advised that there was a right of appeal against that decision to the Planning Inspectorate. That decision related to a separate development proposal at the rear of the property which the owner had contended was permitted development through an application for a certificate of lawfulness. This had been refused as the proposal did not accord with the provisions of Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order (GPDO) due to the size of the proposed extension and because the pitch of the new roof did not match the existing roof.

Councillor Charlton commented that the previous planning application for an extension at the front of the property had been turned down and the Council's

reasons for refusal had been upheld on appeal. This new application was for substantially the same development as the previous application so the same planning objections applied.

The legal advisor to the Committee, Jonathan Rowson, advised that the previous decision of the Planning Inspectorate to refuse the appeal in respect of the previous planning application was a material consideration in determining this new application. How much weight should be attached to the appeal decision depends on how similar or distinguishable the two schemes are.

Councillor Tye commented on the bricks used to construct the existing extensions in the street; number 26 had been extended using bricks that looked different to the original structure and he felt that it seemed unfair to use the unavailability of the original type of brick as an objection to the application. He also asked for clarification of the reference to the house being three storeys as he could only see two on the plans.

The representative of the Deputy Chief Executive advised that the proposed loft space would be converted into rooms and was therefore classed as being an additional storey.

The Chairman expressed support for the Members' comments which had been made.

Mr Rowson then interjected and advised Members that there was a procedure set out in the Constitution which should be followed where some Members have concerns regarding the Officer's recommendation.

Councillor Tye stated that at this stage it would be sensible to defer the application to allow Officers and the applicant to engage in further discussions in light of the views expressed by Members and to see if suitable revisions can be made to the application to overcome the officer's concerns. He then moved that the decision be deferred.

Councillor M. Forbes seconded the motion to defer.

Councillor Ellis stated that she agreed with the officer's recommendation to refuse the application.

Accordingly it was:

1. RESOLVED that the application be deferred to enable further discussions to take place between the applicant and the planning officers with the aim of securing a form of development which could be recommended for approval.

10/02519/LAP – Engineering operations comprising demolition of bridge parapets and infilling of the redundant railway bridge and cutting to reflect adjacent land levels including stopping up and creation of highway. Installation of street lighting and ramp. (Amended description)

2. RESOLVED that Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the 8 conditions set out in the circulatory report and subject to no objections being received by 4th November, 2010, for the reasons set out in the report and circulatory report.

10/02794/FUL – conversion of listed house to 5 new apartments and 2 new houses in the converted stable block. Demolition of infill block to provide 3 town houses. With associated landscaping and parking.

Councillor Tye commented that there had been a lot of Section 106 monies in respect of other housing developments spent at St. Matthews Field; he felt that Doxford Park would be the most appropriate location for the money to be spent.

Councillor M. Forbes queried how likely it would be that the Section 106 agreement would be completed by 11th November.

Mr Rowson confirmed that substantial progress had been made on a without prejudice basis in preparing the draft agreement in advance of the Committee meeting and it was hoped that the agreement would be completed by 11th November.

3. RESOLVED that the application be delegated to the Deputy Chief Executive to either:
 - a. Grant planning permission for the reasons set out in the reports subject to the 35 conditions set out in the report and circulatory report and subject to the completion of a Section 106 agreement to secure a financial contribution towards children's play provision at either Doxford Park, St Matthews Field and/or Foxhole Woods, in lieu of on site play provision by 11th November 2010 or such other date as is agreed by the Deputy Chief Executive. Or:
 - b. Refuse permission should the legal agreement not be completed by 11th November, 2010 or such other date as is agreed by the Deputy Chief Executive, on the grounds that the development does not make adequate provision for children's play, contrary to the requirements of policy H21 of the adopted UDP.

10/02795/LBC – Conversion of listed house to 5 new apartments and 2 new houses in the converted stable block. Demolition of infill block to provide 3 town houses. With associated landscaping and parking.

4. RESOLVED that the application be approved subject to the 29 conditions set out in the report and for the reasons set out therein.

10/02846/FUL – Change of use of upper floors from offices (B1) to independent college (D1) (amended description).

5. RESOLVED that the application be approved subject to the 5 conditions set out in the report and for the reasons set out therein.

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 September, 2010 to 30th September, 2010.

(For copy report – see original minutes).

6. RESOLVED that the report be received and noted.

(Signed) E. GIBSON
Chairman