

At a extraordinary meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the COUNCIL CHAMBER on TUESDAY, 24th OCTOBER, 2017 at 5.30 p.m.

Present:-

Councillor Bell in the Chair

Councillors Ball, Beck, Chequer, M. Dixon, English, Francis, Hodson, Kay, Lauchlan, Middleton, Mordey, Porthouse, Scaplehorn, P. Smith, Taylor, Turner, G. Walker, P. Walker and D. Wilson.

Declarations of Interest

Planning Application Reference: 17/00197/LP3 - Sunderland Strategic Transport Corridor – Stage 3

Councillor Mordey made an open declaration that as Portfolio Holder responsible for Transport, he had been involved in discussions on the proposal but still retained an open mind on the application.

Councillors Hodson and Kay made open declarations that they had met with residents and residents' groups to discuss the proposals but they still retained an open mind on the application.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors I Galbraith, Jackson, M. Turton, W. Turton and P. Watson.

Reference from Development Control (South Sunderland) Sub-Committee

Planning Application Reference: 17/00197/LP3

Sunderland Strategic Transport Corridor – Stage 3 Construction of a 2.15km dual carriageway between the southern bridge head of the new Wear Crossing and St Mary's Roundabout; including associated street lighting, landscaping, retaining walls, demolition of a number of buildings and stopping up of some existing accesses. (Amendments received)

The Executive Director of Economy and Place submitted a report (copy circulated) to consider the planning application seeking full planning permission for the construction of a dual carriageway on the southern side of the River Wear, known as the Sunderland Strategic Transport Corridor (Phase 3).

(For copy report – see original minutes)

Ian Birkett, Senior Planner presented the report and advised Members that subsequent to the circulation of the Committee Report, Officers had been made aware of an application being received for the Construction and operation of an 8MWe Peaking Power Generation Plant, Ancillary Equipment, Parking and Access at Land to the South of Deptford Terrace/Hannover Place.

Officers had considered the application in question and found that it would not have a material impact upon the recommendation nor any of the suggested conditions put before the Committee at this meeting.

Mr Birkett also advised of a slight amendment to the numbering of Conditions which relate to Archaeology and recommended that the reference in Condition 9 to “conditions 14 and 15” should be amended to “conditions 7 and 8” and the reference in condition 13 to “condition 13” should be amended to “condition 12”

The Chairman introduced Michael Pemberton who wished to speak in objection to parts of the proposals. Mr Pemberton advised of his wish to utilise unique technology at the Shipyards and to bring investment and the creation of jobs to Sunderland. Mr Pemberton had concerns in relation to the eastern end access to the yard which he had discussed with the engineers of Capita and also commented that the Pallion Shipyard to the side was an industrial site and in his opinion should have an emergency access therefore suggested that Members request a reengineering of the plans so access was provided.

Mr Pemberton commented that it was his intention to completely regenerate Pallion Shipyards with sustainable industries yet his plans had been frustrated by the current scheme and if reengineered would provide access to the shipyard and the proposed floating wharf.

Mr Pemberton commented that he would like Members to request a site visit so that they could see the shipyard and to understand the need for a redesign of emergency accesses.

Paul Muir, Engineer commented that this scheme had been in development for a significantly long period and it was necessary for premises along this route to remain accessible. The new route does give access to the shipyard and the proposal was deemed acceptable by Officers.

Councillor Porthouse commented that Members had to determine the application that was in front of them and they would need more specific detail of the gentleman's proposal therefore enquired if he had spoken with Officers about his proposals.

Mr Birkett advised that he had met with Mr Pemberton on a number of occasions to understand his points raised and in terms of his amendments to the scheme he requested, these had been put to the agent for consideration and in engineering terms they were very complex and costly, therefore the agent had requested that the scheme be determined as it had been submitted.

The Chairman introduced Aiden Dobinson Booth, who wished to speak in support of the application as the agent for the project. Mr Dobinson-Booth advised that the merits of the scheme were well set out within the report and in reference to Mr Pemberton's suggestion that his proposals would create jobs, so too would the SSTC3.

Mr Dobinson-Booth referred to page 6 of the report with regards to emergency access and advised that none of the consultees from Police, Fire Brigade or Ambulance services had raised any concerns, objections or requests for alterations to emergency access.

Mr Dobinson-Booth commented that the Committee were not here to determine hypothetical schemes but the one that was before them at this meeting and referred to page 17 of the report with regards to addressing the issues raised by Mr Pemberton, this stated:-

The agent has responded by stating that SSTC3 would provide better access to the Pallion Engineering site, it is not within the scope of the scheme to provide an additional access into the Pallion site, the suggested route would be a difficult and expensive undertaking that would involve extensive re-work of the area and the suggested tunnel underneath SSTC3 would not be a workable solution in engineering terms. The agent has also noted that there does not exist any planning application for the suggested floating wharf and development of a museum would be outwith the scope of the infrastructure scheme in question.

Councillor Hodson referred to Condition 37 on page 57 of the agenda which considered the detail on noise impact on local residents and also Page 45 for the monitoring of noise and air pollution and enquired if Condition 37 went far enough to address the concerns.

Marion Dixon, Environmental Health Manager advised that the Construction Environmental Management Plan included under Condition 29 covered all environmental impacts.

Members having fully considered the report and the representations made at the meeting, it was unanimously agreed that:-

1. RESOLVED that Members approve the application in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to the 42 conditions also contained within the report and circulatory report (amended).

Reference from Development Control (North Sunderland) Sub – Committee

Planning Application Reference: 17/01686/FUL

Development of a two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and café), A5 (hot food take-away) to include earthworks to facilitate external seating area to rear and associated bin store area to ground floor. (Amended description dated 11.10.2017) – Land at Marine Walk, Roker, Sunderland

The Executive Director of Economy and Place submitted a report (copy circulated) to consider the planning application for the development of a detached two storey flexible mixed use building consisting of either: A1 (retail) A3 (restaurant and café), A5 (hot food take-away) to include earthworks to facilitate external seating area to the rear and associated bin store area to ground floor. (Amended description dated 11.10.2017).

(For copy report – see original minutes)

Toni Sambridge, Principal Development Management Planner presented the report and advised of late representations received from a Mr Latimer which raised concerns over the outfall into the North Sea from NWL sewerage network. The matters raised had been covered by commentary provided on Page 65 of the agenda.

Representations were also received in the form of a Highway Report from Mr Lowther. The report made a number of observations on site conditions and reviewed road safety; however the information contained within the report did not provide any evidence that would change the local Highways Authority's recommendation.

An objection also made reference to loading and servicing arrangements for an A4 pub/restaurant use. In the Local Highway Authority consultation response it should be noted that a proposal for an A4 (drinking establishment) with an external seating area would be resisted on highway grounds and that this use class had been removed from the planning application.

Councillor D. Wilson commented that North area Councillors had raised concerns over the years in relation to road safety in this location. Mr Muir advised that the area was a publicly accessible location and officers recognise the issues on road safety and the balancing act needed between public use

and vehicular use. They were looking to review access arrangements at Marine Walk in a phased approach which would need consultation and engagement with parties, but this was outside of the scope of this application to be determined.

In response to Councillor Smith's request for clarification in relation to her concerns over methane gas in the area, Ms Dixon advised that the scheme had been reviewed for the worst case scenario and they were satisfied that there were sufficient safety nets for the development to be deemed acceptable.

Councillor Hodson referred to page 64 of the agenda and the visual amenity of the proposal in which it stated that the buildings form, styling and proposed materials took inspiration from the traditional timber buildings that historically lined the lower promenade and commented that this was quite a stretch of the imagination as it did not relate to the smaller, lightweight buildings in this location.

Councillor Hodson commented that personally he disagreed with this aspect and it wasn't fitting with the historical nature of the site.

Ms Sambridge advised that the design was subjective and the scheme had been considered by the Design Team and the Conservation Team who were both satisfied that the proposal was acceptable.

The Chairman introduced Mr Daniel Addis who wished to speak in objection to the proposal on behalf of local residents. Mr Addis commented that the removal of use class A4 was welcomed but his client remained concerned over the A3 and A5 uses for a residential area. The Condition for operating times of 8am -11pm did not protect residents with late night operating hours already in the area this would make the situation worse.

Mr Addis raised concerns on the issues that the introduction of outside seating areas may bring and the National Planning Policy Framework required developments have a good standard of amenity for existing residents, which he believed this proposal did not meet.

The loss of open space, loss of amenity land and visual importance would damage the area and the design should be very sensitive in a conservation area and must preserve and protect the listed building.

Mr Addis also commented that the proposals amenity was not suitable for this area and it would bring with it an adverse nightlife for the residents.

In response to a query from Councillor Porthouse, Ms Sambridge advised that there were 4 houses in the area in total, one residential mixed use and then three residential units.

Councillor Francis enquired as to which listed buildings were in the area. The Chairman commented that he believed these were to be the Pier and the houses above the units.

The Chairman introduced Craig Fitzakerly who wished to speak as the applicant for the proposal. Mr Fitzakerly informed the Committee that they had invested a great deal of money into the area and had already achieved planning approval back in 2016, this new revised proposal was very similar in design and appearance.

The project had created 30 jobs and they would expect a further 31 to be created from the new development. The current phase had afforded the surrounding residents a greater footfall into the area which had benefitted their businesses and there had been no objections from the statutory consultees for this proposal.

Mr Fitzakerly advised that there had been no highways issues or accidents since Phase 1 had been completed, there were no flood risks, no contaminations and no reasons this application could not be approved. He believed the project had rejuvenated Marine Walk by attracting visitors and had been used as an advert for Sunderland, including marketing at Newcastle Airport for instance.

In relation to the amenity of the land, Mr Fitzakerly wished to highlight that the cottages situated in the area presently had approval for A4 land use, which has been withdrawn from the application to be considered today.

Councillor Kay enquired as to the difference between the previous scheme approved in 2016 and what was being enhanced in this proposal, Mr Fitzakerly advised that they had marketed the site after the previous approval and it was found that the floor area was too big for the small businesses and too small for the bigger chains. This proposal had been designed so that the building could be either one large space or split into 4 units allowing the take up to be market led.

Danielle Pearson, Development Control Manager wished to clarify for the Committee that various representations had been submitted to Members and not directly to Officers, but she could confirm that all representations had now been considered and the issues raised had been covered and satisfactorily dealt with in the original report.

The application having been considered in detail, it was unanimously agreed:

2. RESOLVED to approve the application for the reasons set out in the report and subject to the 15 conditions contained within the report and the amended condition listed within the circulatory (Late Sheets) report.

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

(Signed) R. BELL
(Chairman)