

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Development and Regeneration Directorate Services in the Civic Centre.

Equality statement

It should be noted at the outset that the personal circumstances (i.e gender, age, race, religion, sexuality and disability) of the applicant are not material considerations in the determination of an application for planning permission and consequently have played no part in formulating the following recommendation/decision

Philip J. Barrett
Director of Development and Regeneration Services.

1.

North
Sunderland

Reference No.: 08/04747/FUL Full Application

Proposal: **Alterations to existing building, incorporating extension to ground floor foyer and first floor extension above.**

Location: Jupiter Centre Alexandra Avenue Sunderland Enterprise Park Sunderland

Ward: Southwick

Applicant: North East Of England B.I.C.

Date Valid: 6 April 2009

Target Date: 1 June 2009

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of a ground floor foyer and first floor extension to the existing single storey Jupiter Centre (Conference Centre) to provide new accommodation to house an educational initiative known as "Software City".

The proposed “glazed” foyer extension to the ground floor will create an additional 73.4m² of floor space and project 5.1m out from the front entrance of the existing building and accommodate a reception area, lift and stairwell. The foyer will follow a similar shape as that of the existing entrance area.

The proposed first floor extension will create 548.4m² of new floor space and be constructed on top of pillars to be erected around the outskirts of the existing building. The first floor extension will accommodate a void area above the ground floor foyer and bridge link which connects the lift and stairwell to the first floor rooms, five of which are proposed with three kitchen areas, WCs and balconies to the east, south-east and south elevations of the building situated 3.7m above ground floor level. The proposed roof design to the first floor extension is of an individual character broadly shaped in the form of the letter “W” with two flat roof features positioned to the north-east and south-west corner elevations of the building. At its highest point the roof will measure 10.9m from ground floor level, reducing to 9.5m at the bottom of the “W”, whilst the flat roof elements of the proposed two storey extension will measure 7m.

Elevations - Extensive areas of glazing are proposed within the north-west and south-east elevations of the extension with small windows positioned within the two storey flat roof elements to the north-east and south-west corners of the building.

Access - Pedestrian and vehicular access to the building will remain as the existing situation currently experienced on site.

NB: The plans submitted incorrectly label the orientation of the proposed elevations and amended plans have been requested.

The application has been advertised accordingly by way of site, press and neighbour notification.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Environment Agency
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **29.04.2009**

REPRESENTATIONS:

Northumbrian Water
No Objection to the proposal.

Third Party
No third party representation has been received to date.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

EC_2_Supply of land and premises for economic development purposes

EC_6_Major new provision of land for economic development use

NA_2_Recycled employment site

COMMENTS:

The principle issues to consider in the assessment of this application are:

- The principle of the use.
- The design, scale and massing of the proposed extension.
- Highway/access and car parking issues.

Policy (Use)

The development site is allocated in policy NA2.2 of the adopted Unitary Development Plan for B1, B2 and B8 uses. The purpose of the proposed development is to provide business accommodation for “Software City” and is a joint venture between several parties including the City Council, ONE North East and Sunderland University. The business accommodation proposed falls within use class (offices) B1 and as such accords with Policy NA2.2 of the UDP.

Design

A number of concerns have been raised with regards to the scale and massing of the proposed extension and revised plans have been requested from the agent.

Highways / Access

Having assessed the proposed development it is considered that the proposal does not raise any highway concerns given that the existing access and car parking layout are acceptable and can satisfactorily accommodate the proposed development. As such the proposal accords with policy T14 of the UDP.

Conclusion

The policy (use) and highway implications arising from the development are considered to be acceptable however revised information with regard to the design of the extension is still awaited. As such it is anticipated that this information will be made available in time for a recommendation to be made on the supplement report.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

2.

North
Sunderland

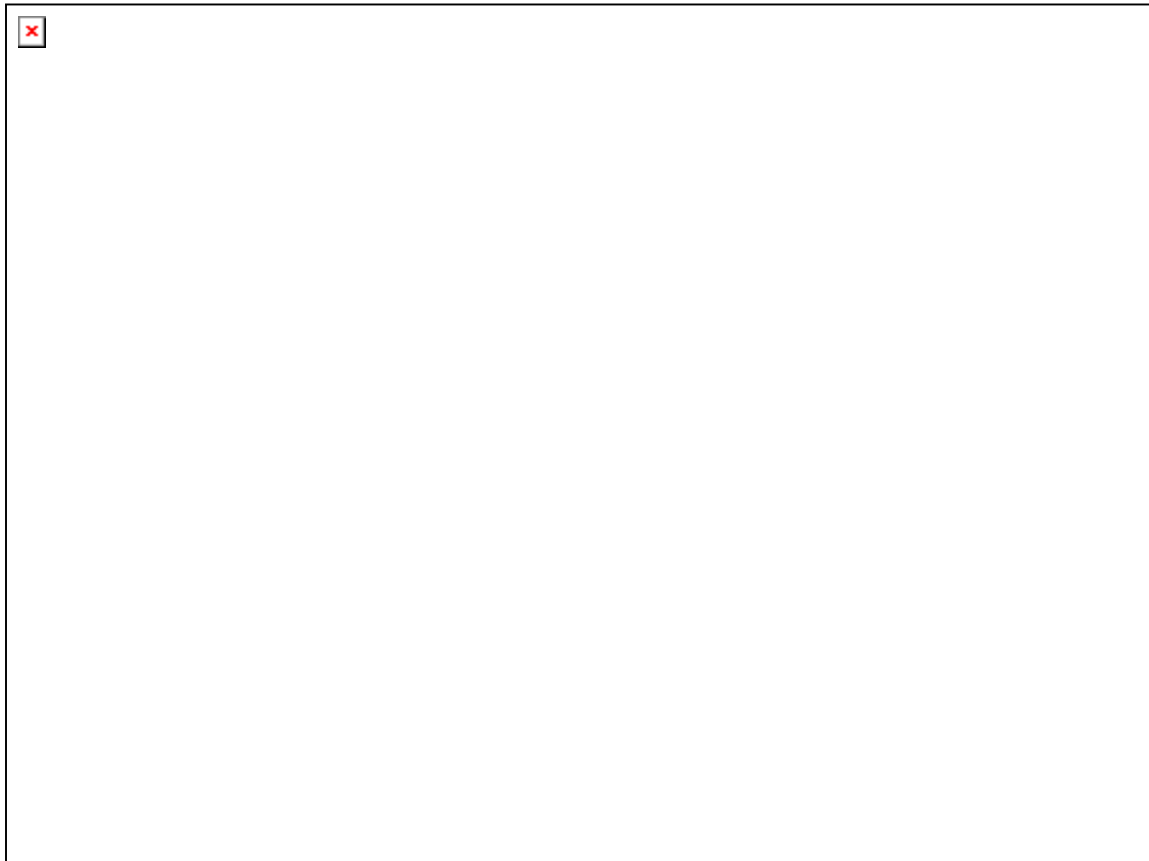
Reference No.: 09/01303/TEX Telecommunication Applications

Proposal: **Erection of 1no 12.5m streetworks column, to include installation of 1 no ground based cabinet and ancillary equipment (Cell i.d. 040051)**

Location: Grass Verge To The Front Of The Fairview Public House
Newcastle Road Sunderland

Ward: Southwick
Applicant: Telefonica 02 (UK) Ltd
Date Valid: 6 April 2009
Target Date: 31 May 2009

Location Plan



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PROPOSAL:

The proposal relates to the erection of a 12.5 metre street works column, to include installation of 1 number ground based cabinet and ancillary equipment (Cell I.D 040051).

The proposal has been submitted following a Notice to Quit from Monkwearmouth School on Torver Crescent. The site is identified as a replacement to maintain the existing level of third generation (3G) network coverage.

The monopole is to measure a maximum of 12.5 metres in height and have a diameter of 325 millimetres, which increases at the shroud to 480 millimetres. The associated street cabinet is to measure 1898 by 798 by 1650 millimetres.

The proposed site is approximately 50 metres away from the nearest residential dwellings on Haversham Park. The telecommunication site is on the A1018, Newcastle Road, towards the roundabout at the junction of Shields Road and Newcastle Road adjacent to the Fairview Public House. The proposed installation is to the southeast of the roundabout with the proposed installation sited at the back of the footway.

The area surrounding O2's telecommunication site is residential to the northeast with a small number of residential properties also located to the north. A public house is located to the south and the Green Belt to the east.

The monopole would be located within the highway verge adjacent to Newcastle Road near the roundabout with the junction to Shields Road, which is a major route into and out of Sunderland. The monopole is to be sited to the rear (south) of the existing street lighting columns, with the proposal having a maximum height of 12.5 metres, which is 2.5 metres higher than the existing lampposts.

The agent for the scheme has submitted the following supporting information

- Certificate confirming International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliance
- Supporting Technical Information
- Statement and maps relating to other sites considered as meeting their network requirements
- Elevations showing the siting of the proposed street works pole
- General Background Information on Radio Network Development

This application would normally be determined by officers under the Council's delegation scheme. However, a request has been made by a local Councillor to refer the application to the Sub-Committee. Members are advised that as the application has been made under the Prior Notification Procedure a decision to approve or refuse must be made by 30th May 2009. If the applicant is not notified of the decision by this date the application will be deemed to have permission.

Planning Policy Guidance 8 (PPG8) in respect to the Prior Notification Procedure states that:

"before installing certain telecommunications apparatus under permitted development rights, a code system operator must apply to the planning authority for a determination as to whether their approval of the siting and appearance of the development is required. Such an application will allow the local planning authority to consider, within 56 days, the siting and appearance of the proposed development".

As such within the determination of this prior approval the matters under consideration are specifically the siting and appearance. Failure to determine the application within the 56 day period and notify the developer will result in the proposal being granted deemed consent.

It should be noted that the Government is of a firm view that the planning system is not the place for determining health safeguards or the impact of telecommunication developments on human health. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

The applicant, O2, have confirmed that the proposal meets with the ICNIRP guidelines and therefore it is not considered that the issue of health should be considered further.

The World Health Organisation has reinforced this point in 2006 when they concluded that:

"considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that weak radiofrequency signals from base stations and wireless networks cause adverse health effects".

Therefore the only matters which the Local Planning Authority can consider in this type of telecom application are siting and design.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services

Final Date for Receipt of Representations: **05.05.2009**

REPRESENTATIONS:

Following expiry of the neighbour consultation period five letters of representation were received, two of which from the same objector. However, the expiry of the site notice consultations remain outstanding and any representation received will be reported on the supplementary report.

The reasons identified for objection were;

- That there is a proliferation of masts within the area.
- Concerns over health and safety
- That the proposal would have a detrimental effect on house valuations
- Visual amenity
- Close proximity to housing

No objections have been received following the completion of internal consultations.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

B_2_Scale, massing layout and setting of new developments

B_26_Controls over telecommunications developments

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

CN_5_Safeguarding the visual amenity of the Green Belt

COMMENTS:

The main issues to consider in the assessment of this application are:

- Proposed siting of the installation.
- Proposed design of the installation and associated equipment.
- Affect on residential amenity.
- Proliferation and mast sharing.

Before considering the issues it is appropriate to outline Government Guidance and relevant policies in the Council's adopted Unitary Development Plan (UDP).

The application site is not allocated for any specific purpose within the UDP, however given that the proposal relates to an application for the erection of telecommunications equipment policy B26 of the UDP is applicable, as is Section 15 "Siting of Telecommunications Equipment" of the Supplementary Planning Guidance and PPG Note No.8 "Telecommunications".

UDP policy B26 states that telecommunications development will be permitted where it would not have a serious adverse effect on residential amenity, the appearance of the area, or sites of archaeological or nature conservation value. Where such effects are considered likely, the City Council will also take into account the following factors:

1. The significance of the proposed development as part of a telecommunications network.
2. Whether any satisfactory alternative sites for telecommunications development are available.
3. Whether there is any reasonable possibility for sharing existing telecommunications facilities,
4. In the case of radio masts or towers, whether there is any reasonable possibility of erecting antennae on an existing building or structure, and
5. Whether all reasonable steps will be taken to minimise the impact of the development on local amenity.

Furthermore policy CN5 relates to the Green Belt and states;

“care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the Green Belt”.

Paragraph 15.1 of the SPG sets out the general criteria against which applications for telecommunication installations are to be determined in accordance with. The general criteria seeks to ensure that such developments are sited so as not to adversely impact on the visual amenities of adjoining occupiers, colour treatment of equipment to ensure that it is in keeping with other street furniture (lighting columns) and the surrounding area, apparatus is to be sensitively sited to the rear and side of existing buildings, a proliferation of such equipment that gives the impression of visual clutter will be avoided and landscaping around all ground based equipment will be encouraged wherever possible to assist in minimising the visual impact.

Finally, PPG8 Telecommunications highlights the potential for conflict. Masts and antenna often require a particular operating height, which allows signals to clear trees and urban clutter. Telecommunications development may therefore need particular locations in order to work effectively, which can pose conflict between the needs of the operator and the Local Authority's attempt to protect high quality landscape and quality urban areas.

PPG8 places great emphasis on the need to minimise environmental and visual intrusion. In line with Government guidance, operators are required to demonstrate that they have considered using existing masts (mast sharing) before seeking new sites for installations.

Should new installations be deemed necessary then significant regard is required to be given to the design of both the mast/monopole and any ancillary equipment necessary for its functional operation. A sympathetic design approach should be adopted in an attempt to minimise the impact of the development on environmental and visual quality. Developments should be designed so as to encourage appropriate design solutions, in terms not only of the structure of masts and antennas but also the materials and colour treatment. The guidance highlights the use of street furniture as being one of the innovative design solutions, which can be utilised to help limit the impact of telecommunication installations.

The Proposed Siting of the Installation

The proposed site is approximately 50 metres away from the nearest residential dwellings on Haversham Park. The telecommunication site is on the A1018, Newcastle Road, towards the roundabout at the junction of Shields Road and Newcastle Road adjacent to the Fairview Public House. The proposed installation is to be sited to the southeast of the roundabout with the proposed installation at the back of the footway.

This section of Newcastle Road accommodates a number of lampposts, which measure approximately 10 metres in height. There are also a number of trees to the south of the site, which are of a similar height to the street furniture.

With regard to site sharing and proliferation the applicant has indicated that for every proposed installation, a site selection procedure is undertaken to determine the most acceptable site both in terms of environmental/visual impact and

technical requirements of the installation. Mast/site sharing is a further option actively encouraged and explored by O2. The applicant has submitted details of other sites within the vicinity, which were considered prior to this submission including;

- Boldon Industrial Estate
- Other sites on Newcastle Road
- Whitburn Road
- Moor Lane
- Dovedale Road
- Land on Moor Lane

The alternative sites were discounted due to their sensitive locations, not being able to share the site, previous application refusals or unsuitability for the needs of the telecommunications network. O2 considers that the proposed site to the grass verge to the front of the Fairview public house is the most suitable within this area for their installation.

The site when read in conjunction with the surroundings, including trees, street furniture, residential properties and the fact Newcastle Road is a busy transport route, where such an installation would not look inappropriate, the proposed siting is therefore deemed acceptable. The proposed site, although adjacent to the Green Belt, is situated within an area where surrounding structures are prominent and as such is considered not to affect the visual amenity of the Green Belt.

With respect to the design given the limited height of the pole and proposed colour, which is in accordance with other street furniture, the structure is considered to be sympathetic within the context of the existing streetscene. Although the proposal would not be in line with the existing lighting columns given that there are a large number of structures present, including directional signs and lampposts, within the streetscene and surrounding the roundabout, the proposal will not appear obtrusive.

As such the proposed monopole and associated equipment by reason of its size, design and siting is considered to be an acceptable form of development, in keeping with the existing street furniture within the area and of a sufficient distance away from residential dwellings so as not to impact on residential or visual amenity, and thereby comply with UDP Policy B26 and CN5.

Proposed Design of the Installation and Associated Equipment

Policy B2 of the UDP states:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

The proposed design of the installation and associated equipment has been given consideration in relation to the surrounding area, existing structures within the streetscene and the surrounding residential properties. The proposal is to be

constructed from steel, coloured black, in accordance with other street furniture in the vicinity and as such is considered to be acceptable.

Having regard to the existing street furniture situated along Newcastle Road, it is clear that the operators have, in line with PPG 8, made the street works pole as small as possible. The proposal although slightly higher and wider than the existing lighting columns is considered not to be too dissimilar to the appearance of the street furniture housed within this section of the Newcastle Road streetscape.

The proposal is a form of development, which would be in keeping with the streetscene (scale, massing and layout), in accordance with policy B2 of the UDP.

Residential Amenity

The installation is sited approximately 50 metres away from the nearest residential property. In addition, the presence of trees, high boundaries and various items of street furniture is considered to reduce the potential impact and visual intrusion of the proposed monopole on the amenities of residents on Haversham Park. It is not considered residential amenity would be seriously compromised and thereby complies with policies B2 and B26 of the UDP.

Furthermore it should be noted that the devaluation of property is not a material consideration in the determination of the prior approval application.

Conclusion

In conclusion it can be confirmed that all material considerations relevant to this application have been given due regard and consideration. The issues identified by the objectors have been considered and addressed above.

The expiry of the site notice consultations remain outstanding. Should any further representation be received it will be reported on the Supplementary Report accordingly where a recommendation will be made

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

