

DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE

AGENDA

**Meeting to be held in Committee Room 2 on Monday, 2nd
September, 2019 at 5.15p.m.**

Membership

Councillors Atkinson, Bewick, D. Dixon, M. Dixon, E. Gibson, Greener, Haswell, Hodson, Jackson, Mordey, Mullen, Scaplehorn, Scullion, P. Smith, Tye, Waller and A. Wilson

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of City Development (copy herewith).	

**E. WAUGH,
Assistant Director of Law & Governance.**

Civic Centre,
SUNDERLAND.

22nd August, 2019

Item 3

Development Control (South Sunderland) Sub-Committee

2nd September 2019

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of City Development for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 19/00736/ADV
23 Exeter Street Sunderland SR4 6QY
2. 19/01171/TP3
City Of Sunderland South Hylton House Hylton Bank Sunderland SR4 0JL

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk.

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 (Development Management Procedure) (England) Order 2015.

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 City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

Reference No.: 19/00736/ADV Advert Application**Proposal:** **Retention of non-illuminated boiler and bathroom advertisement on gable end of dwelling.****Location:** 23 Exeter Street, Sunderland, SR4 6QY**Ward:** Pallion**Applicant:** Mr Mark Wooler**Date Valid:** 12 July 2019**Target Date:** 6 September 2019

PROPOSAL:

Advertisement Consent is sought for the retention of 2no. non-illuminated signs, which have been installed on the gable elevation of Exeter Street facing onto Oxford Street. The surrounding area is predominantly residential in nature with commercial properties along St Lukes Terrace to the east.

The advertisement panels measure 2 m x 1.5 m in area and are non-illuminated. They are attached to the wall at approximately 2.9 m from ground level. Both signs incorporate white lettering advertising boiler and bathroom services. One sign has an orange background and the other has a green background.

This application would normally have been determined under the Council's Scheme of Delegation, but has been referred to the Sub-Committee for determination at the request of Councillor Haswell, given the amount of public interest in the application.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Pallion - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: 07.08.2019

REPRESENTATIONS

3 no. letters of objection have been received from Anne Lawrence of 1 Oxford Street, Margaret Mcready of 2 Oxford Street and Mrs P Kerr (no address given). The reasons for objection are as follows:

- The positioning of the signs on a domestic building is an intrusion to local residents and would be more appropriate on a commercial property such as those on St Lukes Terrace.
- The advertisements are not appropriate within a residential area and are totally out of keeping with the street.
- Not appropriate in residential location.

POLICIES:

To properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP), which has been formally adopted and therefore carries significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable local planning framework and continual supply of land for development.

Policy B21 of the City Council's adopted Unitary Development Plan (1998) states that applications for advertisement consent will be determined based on their effect on amenity and public safety. Large scale advertisement displays will be subject to particular scrutiny with regard to their effect on amenity.

The Council is also currently in the process of delivering a Core Strategy and Development Plan 2015-2033 which, will serve to replace the current UDP. Given the advanced stage of the plan within the adoption process, policy BH4 within the Core Strategy and Development Plan 2015-2033 must therefore be given significant weight.

Policy BH4 states that development for advertisements should be well designed and sympathetic to the character and appearance of their location and to the building to which they relate, having regard to matters such as size, materials, construction, location, level of illumination and cumulative impact with other signage on the building and within the vicinity. Nationally, Paragraph 137 of the NPPF states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment...advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment'. It also states that advertisements should only be subject to local authority control in the interests of amenity and public safety, taking account of cumulative impacts.

CONSIDERATION OF APPLICATION

With regard to the abovementioned relevant national and local planning policies, it is evident that the main issues to consider in the determination of the application are the effects of the proposed sign on amenity and public safety.

It is acknowledged that St Lukes Terrace to the east of the site provides a number of commercial premises which exhibit a variety of signs including signage which is located on gable elevations.

Although signage of this type would be considered appropriate within the commercial setting of St Lukes Terrace, the application signage is located outside of the commercial area on the gable of a residential terrace within a residential area, and given the size, position and location of the signs it is considered that they appear as both prominent and obtrusive additions within the street.

The position, size and location of the signage therefore raises significant concerns in respect of the visual amenity of the locality and they are considered to be inappropriate within the residential setting.

With regard to public safety the Council's Highways section have provided no objection to the proposal, but have requested that should the application be approved a note be applied to the decision outlining the need for the Council to be notified should the signage be removed or changed and if any maintenance works are proposed.

Given the above, whilst the signs raise no concerns in respect of public safety, they do detract from the visual amenity of the area, in conflict with the requirements of the core principles and paragraph 137 of the NPPF and policy B21 of the Council's UDP.

CONCLUSION

The advertisements have an unacceptable impact on the visual amenity of the locality. As such, they do not comply with the requirements of paragraph 137 of the NPPF and policy B21 of the UDP.

RECOMMENDATION:

It is therefore recommended that Members should refuse this application for consent to retain the advertising signage, for the reason given below.

Reasons:

1 The advertisements are situated on the gable elevation of a residential terrace within a residential area. They appear as incongruous and intrusive features by virtue of their location, position and size, and are detrimental to the visual amenity of the locality, contrary to the requirements of paragraph 132 of the NPPF policy B21 of the Council's adopted UDP and policy BH4 of the Draft Core Strategy and Development Plan 2015-2033

Reference No.: 19/01171/TP3 Tree Preservation order LAP Reg 3

Proposal: **Tree Works - prune back overhanging branches and reduce/weight overhanging limb to car park - Sycamores T1, T2 and T3, reduce overhang to neighbouring garden - Ash T4 and prune back from neighbouring gardens - Sycamores T5 and T6.**

Location: City of Sunderland South Hylton House, Hylton Bank, Sunderland, SR4 0JL

Ward: St Annes
Applicant: Sunderland City Council
Date Valid: 11 July 2019
Target Date: 5 September 2019

PROPOSAL:

Consent is sought for works to Tree Works to 6 trees which overhang residential dwellings which are planted in the car park of South Hylton House and are subject to TPO 13.

The application has been submitted by the City Council on land in its ownership and for this reason the application falls to being determined by Committee.

It is proposed to carry out works to include:

- Prune back overhanging branches and reduce/weight overhanging limb to car park - Sycamores T1, T2 and T3,
- Reduce overhang to neighbouring garden - Ash T4 Sycamores T5 and T6. prune back from neighbouring gardens.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

St Annes - Ward Councillor Consultation

Final Date for Receipt of Representations: **08.08.2019**

REPRESENTATIONS:

This application has been publicised by means of a site notice and no representations have been received.

POLICIES:

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

CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

The main issue to consider in this instance is the impact of the proposed works on the character, appearance and amenity value of the area.

Policy CN17 of the adopted Unitary Development Plan (UDP) is applicable in this instance, which states that the Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality.

The trees line the car park of south and they overhang the gardens of some properties within the head of the cul de sac of Dene View Crescent the trees are considered to have a high amenity value in that they screen the depot from the residential properties.

The Council's Arboricultural Officer confirmed that the work is required to prevent the trees overhanging the gardens of the residential dwellings. In this instance the level of works would be such that the amenity value of the trees would be retained with minimal harm to the character and appearance of the trees within their setting.

For such reasons, the proposal is considered to be compliant with the requirements of policy CN17 of the UDP and it is therefore recommended that Members be minded to grant consent for the proposed tree works, subject to the conditions set out below.

RECOMMENDATION:

Minded to Grant consent under the Town and Country General Regulations Order 1992.

Conditions:

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy CN17 of the UDP.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/00640/FUL	Persimmon Homes Ltd.	96 dwellings with access from Burdon Road and associated open space, landscaping, infrastructure and earthworks.	20/09/2018	20/12/2018
Doxford	Burdon Lane BurdonSunderland			
19/01000/LP3	Sunderland City Council	Application for the erection of a electricity substation associated with approved planning application ref: 17/02418/HY3 which provided permission at the site for the erection of B2, B8 and ancillary B1 uses.	13/06/2019	08/08/2019
Hendon	Former Littlewoods Home Shopping GroupCommercial RoadSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/01820/FUL	Persimmon Homes Durham	Construction of 227 dwellings with associated access, landscaping and infrastructure.	19/10/2018	18/01/2019
Hendon	Former Paper Mill Ocean Road Sunderland			
19/00392/FUL	Jaspia Ltd	Demolition of existing university building and erection of 2no. buildings containing retail at ground floor, with 258no. student bed accommodation on upper floors.	08/05/2019	07/08/2019
Millfield	Forster Building Chester Road Sunderland SR1 3SB			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved). (Amended plans received 27 March 2019).	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			
18/01844/FUL	North East Property Partnership Ltd	Demolition of existing buildings and construction of a mixed use building for internal and external display, sale and storage of building supplies (including kitchens and bathrooms) to visiting members of the public and the trade, with associated car parking and servicing arrangements (Use Class: Sui Generis)	17/10/2018	16/01/2019
St Annes	Former Dewhirst Factory Pennywell Industrial Estate Sunderland SR4 9EP			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
19/00006/OUT	Mr Phil Jeffries - CJ Taverns	Proposed new residential development consisting of 15 dwelling houses and 10 apartments with associated parking.	27/02/2019	29/05/2019
Silksworth	The LicenseeThe Hunters LodgeSilksworth LaneSunderlandSR3 1AQ			
18/01877/REM	Mr Paul Hunt	Reserved matters application relating to details of appearance, landscaping, layout and scale pursuant to outline approval 14/01461/OUT for the erection of 250no (c3) residential dwellings. AMENDED RED LINE AND PLANS.	18/01/2019	19/04/2019
Silksworth	Land AtSilksworth Lane/Silksworth RoadSilksworthSunderland			