

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.

Philip J. Barrett
Director of Development and Regeneration Services.

1.

Washington

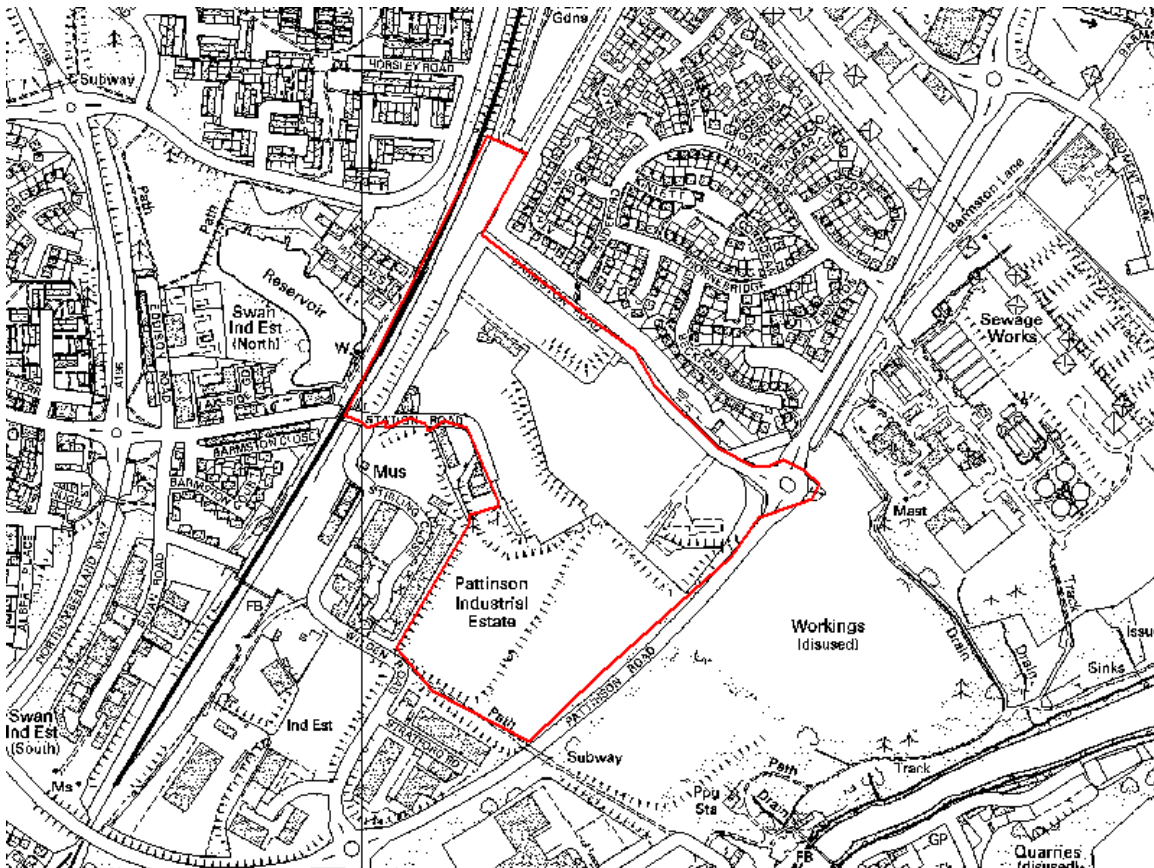
Reference No.: 09/00297/VAR Variation of Condition

Proposal: Variation of condition no.26 on consent no. 06/02303/OUT to allow the development of Development Areas A, B, C and G to proceed before the highway improvement scheme for Station Road in the vicinity of the railway bridge is submitted and implemented rather than before the commencement of development on the site as a whole.

Location: Former Cape Insulation Factory Barmston Road Washington

Ward: Washington East
Applicant: BDW Trading Ltd
Date Valid: 5 February 2009
Target Date: 2 April 2009

Location Plan



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PROPOSAL:

The application seeks to vary the time for the implementation of the highway improvements to Station Road in the vicinity of the railway bridge required by condition no. 26 on consent no 06/02303/OUT, which was for the comprehensive redevelopment of the former Cape factory site and adjoining land.

The original condition required the details of the improvement scheme to be submitted before development commenced and implemented before the occupation of the first dwelling. The exact wording of the condition being as follows:

" Prior to the commencement of development, details of improvement to the public highway known as Station Road shall be submitted to and approved in writing by the Local Planning Authority. Such improvements shall be broadly in accordance with the details shown on drawing number WCL/SA/06/012 (in the submitted Transport Assessment). Thereafter the approved scheme shall be fully implemented prior to the occupation of the first residential unit in the interests of highway safety and to comply with policy T14 of the approved UDP."

The application seeks to delay the submission of the details until a time before the commencement of development on development areas D and E and implemented in accordance with an agreed timetable. Development areas D and E lie to the north and west of the housing site (Development Area A) which was granted consent under delegated powers on 20th February 2009 (App. no. 08/03987/REM). The proposed revised condition no. 26, as initially submitted, read as follows:

" Prior to the commencement of development, on development areas D and E details of improvement and a timescale for undertaking these improvements to Station Road consisting of the addition of traffic lights, waiting restrictions and headroom warning systems shall be submitted to and approved in writing by the Local Planning Authority. Such improvements shall be broadly in accordance with the details shown on drawing number WCL/SA/06/012 (in the submitted Transport Assessment). Thereafter the approved scheme shall be fully implemented in accordance with the agreed timescale to comply with policy T14 of the approved UDP."

However following discussions with the applicant in respect of the wording of the original condition and the need or otherwise for traffic light systems to be introduced a revised wording has been submitted which reads as follows:

"Prior to the commencement of development on development areas D and E, details of improvement to the public highway known as Station Road shall be submitted to and approved in writing by the Local Planning Authority. Such improvements shall be broadly in accordance with the details shown on drawing number WCL/SA/06/012 (in the submitted Transport Statement). Thereafter the approved scheme shall be fully implemented prior to the occupation of the first residential unit in the interests of highway safety and to comply with Policy T14 of the approved UDP"

The applicant has submitted the application because the company (BDW Trading Ltd) consider the condition unnecessary in the context of circular 11/95. It

considers that as the housing is located adjacent to Barmston Road close to its junction with Pattinson Road the majority of traffic would take access from that junction with only a minority of traffic using Station Road. The figures included in the Transport Assessment (TA) it is argued indicate that Station Road has sufficient capacity to accommodate the additional traffic generated by Development Areas A, B and G, with no reserved matters consent having been sought for the latter two at the present time. Development Area C which lies further to the west has an independent access on to Wilden Road. It is further argued that the TA indicates that traffic levels even with the development of the whole of the outline site would not change traffic flows through Station Road, thereby making condition 26 unnecessary as currently worded.

It argues therefore that it is unnecessary to undertake the works until proposals are in place for Development Areas D and E which it is suggested are also for housing, (however it should be noted that Development Area G is identified for development for employment purposes) as there would be no adverse impact on highway safety and therefore the scheme would still comply with the requirements of policy T14 of the approved Unitary Development Plan (UDP).

The application is made under section 73 of the Town and Country Planning Act 1990 and if Members resolve to approve the proposal, it will result in the issuing of a new consent for the whole of the development site covered by consent 06/02303/OUT and for this reason the application is being reported to the Sub Committee.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Council For The Disabled
County Archaeologist
Environment Agency
Northumbrian Water
Director Of Childrens Services
English Partnerships
Director Of Community And Cultural Services
Business Investment

Final Date for Receipt of Representations: **08.04.2009**

REPRESENTATIONS:

Neighbours

To date four letters of representation have been submitted three of which object to the proposal on the grounds that it would be likely to decrease safety on Station Road. they argue that although the Transport Assessment (TA) indicates

that the traffic flows under the bridge do not currently cause problems the implication is that any increase in traffic may result in additional accidents given that the vicinity of the bridge is the one location with an accident record (para 4.7). The objectors argue that the road layout in this vicinity is confusing, particularly for inexperienced drivers who are those not familiar with the area.

Reference is also made to para 6.3 of the TA which indicates that it would not be desirable to increase traffic on Barmston Road because of the residential properties along the road and suggests the closure of Barmston Road to through traffic except for buses and emergency vehicles. This suggestion is supported by the objectors. The objectors argue also that some 50 - 60 houses have been constructed and occupied adjacent to Station Road since the TA surveys were undertaken which makes the implementation of a highway improvement scheme more compelling.

The objectors are concerned that if the scheme is not implemented before the occupation of the first dwelling then increasing numbers of drivers will use Barmston Road/Station Road as a shortcut further contributing to the traffic problems in the vicinity of the railway bridge.

The fourth objection has been received from solicitors acting on behalf of the owners of the adjacent site included within the original outline consent. The objection queries whether condition no.26 has already been breached in the light of the extant employment development on the west of the overall site. The objector makes the point that the condition was not called into question or challenged when the consent was issued. The objection indicates the difficulties being encountered in achieving a common designed access at the northern end of the site and common scheme with owners of the adjoining site, indicating that the proposed variation would allow the independent development of the adjoining site without securing the access and off site highway works. The point is made that condition 26 is one which can be released only in relation to the development as a whole or not at all if the council's objectives for the development of this area are to be achieved.

Concern is also expressed that if the variation is agreed, the responsibility and expense of the works would fall on the development of the client's site. In a similar vein it is suggested that BDW trading and Hellens as owners of the adjacent land appear to have engineered a ransom strip to the east of the client's site which may make it impossible to link the estate spine road and for the client to develop for residential purposes consistently with the outline consent. Potentially therefore the approval of the variation would mean that no improvement would be secured at the Station Road junction while the bulk of the residential and employment development would take place which would clearly be contrary to the intent of the original consent. In the light of the outlined circumstances it is requested that the variation of condition no.26 be declined.

Consultees

Environment Agency - no observations

County Archaeologist - has no objections to the proposed delay in the carrying out of the highway improvement scheme. However, concern is expressed about the failure to comply with the archaeological condition in respect of development

Areas A and C and the need to ensure that the condition is enforced before development occurs on the remaining Development Areas.

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_11_Measures to protect the archaeological heritage of Sunderland (general)
B_24_Appropriate provision for utility services in building development
CN_15_Creation of the Great North Forest
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
EC_2_Supply of land and premises for economic development purposes
EC_4_Retention and improvement of existing business and industrial land
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H_3_Quantification of land for new housing
H_4_Density of housing development to at least reflect that of the locality
H_6_Considerations in area based housing distributions
H_11_Housing sites with lapsed permissions normally to be approved
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
WA

COMMENTS:

In determining this application the main issue to consider is the likely implication for highway and pedestrian safety arising from the proposed delay in the provision of the suggested improvements to the highway.

In order to assess this it is necessary to set out the improvements which are envisaged. The transport statement submitted with the original outline application in 2006 included a separate section on the Station Road bridge. This indicated that the traffic flows on the road passing under the bridge was relatively low and the available accident records suggested that there was not a highway safety problem. It accepted however that it would be reasonable for the city council to seek to improve the situation if it considered it to be a sufficiently inadequate link in the highway network. Potential improvements were investigated which did not alter the structure of the bridge, which carries the mothballed Leamside line but which is still being considered for upgrade. The statement included a drawing, number 34899/WCL/SA/06/012 which indicated improvements to the footway on the northern side of the road by reducing the carriageway width while improving the situation for vehicles.

The main aims of the improvement would be to give a better route under the bridge for drivers by re-aligning the carriageway. Markings on the carriageway were suggested to indicate to drivers the available horizontal and vertical clearance available under the bridge. Clearing/chopping back of the vegetation on the south west side of the bridge was also suggested to improve driver visibility particularly for westbound traffic. The carriageway width proposed was 3m the normal minimum width for a carriageway between a kerb and a pedestrian refuge in order to provide an improved alignment. It was anticipated that the current priority system would be retained, but the statement accepted that traffic signals could be introduced in future, if it was considered necessary, although it did not clarify whether such provision would be made by the local highway authority or the applicant/developer.

The pedestrian footway under the bridge was proposed to be increased in width to around 1m, a little less than the desirable minimum of 1.2m . However, pedestrians would have better visibility past the bridge abutment of on coming pedestrians enabling safer passing.

The TS concluded that the scheme represented a material improvement for pedestrians and drivers passing under the railway bridge.

The applicant has argued that the traffic generated by residential development on Development Area A would be more likely to travel along Barmston Road to Pattinson Road i.e. to the south rather than through the railway bridge to the north. Consequently, the improvement works were not necessary until the development of Development Areas D and E for housing and employment purposes respectively. The applicant further argues that as the Transport Statement has been agreed in granting the outline consent (06/02303/OUT) condition no.26 is unnecessary as currently worded. The applicant refers predominantly to the impact of vehicular traffic and concludes that as the site would remain accessible to all forms of traffic and would not result in congestion and would retain highway safety that the condition should be amended as set out above.

First it is important to determine the status of the Transport Statement, while it was a submitted document it was not explicitly referred to in the decision except for condition no. 26. It is not correct therefore to say that the Statement is agreed, it is not for example included in the list of plans and documents to which the decision related. Condition 26 makes express reference to that part of the statement which the City Council wished to see implemented.

The condition as currently worded clearly requires the improvements before any residential development is occupied. It does not differentiate between Development Areas A and D which are the two areas of residential development proposed on the plan agreed via condition no. 2 on consent 06/02303/OUT. The footway under the bridge is the main pedestrian access to local services, including shops and schools, on the northern side of the bridge for residents of the existing Teal Farm estate and for future residents of the housing recently granted consent on Development Area A (App. no. 08/03987/REM). In addition, it is unlikely that 100% of traffic will use the Barmston Road - Pattinson Road route to access-egress the site. Consequently, the situation is likely to be one where there will be a small increase in vehicle movements together with an increase in the number of pedestrians (adults and/or children) using the footway which is currently substantially below modern requirements. While it is accepted

that the completion of Development Area A will not be likely to result in congestion there is the possibility that overall highway safety may be reduced.

One objector made reference to the fact that employment related development had already taken place in apparent breach of this condition. Technically this is correct however the view was taken at the time that development would have little if any effect on the issue of the highway under the Station Road bridge. Further, the implication through the wording of the condition was that the works were related to the residential element of the outline consent, hence the reference to their completion before the occupation of the first dwelling. It is not considered therefore that any enforcement action is appropriate in this instance.

The adjacent land owner has made the point that the condition was not challenged at the time of the original consent. This is indeed correct and it should be noted that the condition was originally drawn up by the council with the applicant in formulating the memorandum of understanding which was signed by both parties to ensure the comprehensive development of the whole site.

The adjacent landowner has also indicated that the approval of the variation could potentially make it difficult to develop his site for residential due in part to the expense of the required highway works being loaded on to the development of his land allied to the difficulties likely to be encountered in achieving a spine road for the whole residential development as originally envisaged.

In view of the above it is considered that the safety of the highway in the vicinity of the bridge will be reduced because of the increased flows through the bridge. It would be prudent therefore for the council to take a cautious approach. If the variation is allowed and an accident occurs whereby a resident from the new estate is in collision with a vehicle in the vicinity of the bridge and which would have been avoided had the improvement works been undertaken then it is likely to receive severe criticism. There has been no change in circumstances since the original consent which would materially affect the planning situation, consequently it is considered that the proposed variation is not acceptable.

Conclusion

When considering applications to vary conditions under s73 of the 1990 Act local planning authorities have three options:

- _ agree to vary the condition as submitted;
- _ agree to vary the condition with alternative wording; or
- _ refuse to vary the condition..

Further consideration is being given as to whether there is scope for agreeing some alternative wording of condition 26 to ensure that it better fits the councils intentions for the development of the site or whether the original wording should be retained. It is anticipated that these deliberations will be concluded in time to allow a further report and recommendation to be made on . the Supplement.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

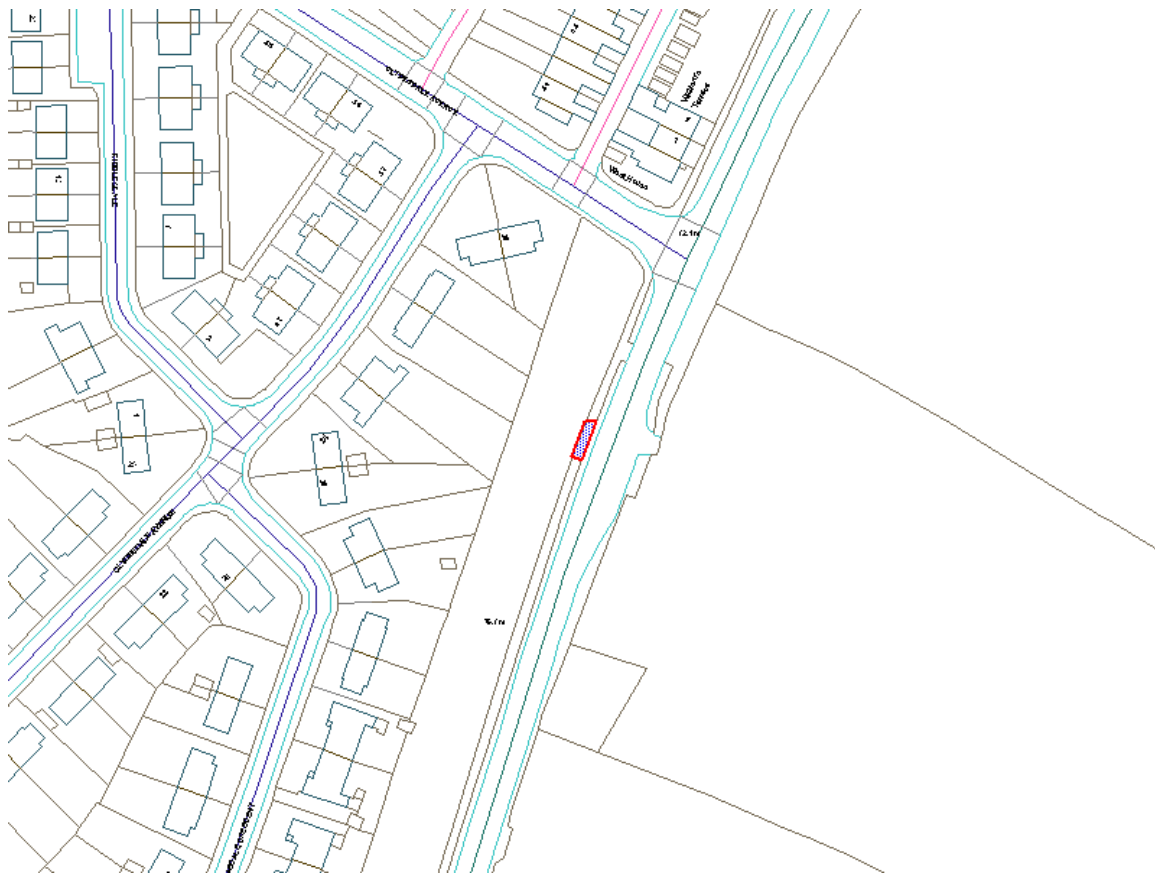
Reference No.: 09/00697/TEX Telecommunication Applications

Proposal: **Installation of 14m slimline monopole with cabinet at base**

Location: Land At the rear of 30 Clydesdale Avenue Chester Road Penshaw Sunderland

Ward: Shiney Row
Applicant: Vodafone Ltd
Date Valid: 4 March 2009
Target Date: 28 April 2009

Location Plan



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PROPOSAL:

The proposal relates to the erection of a 14-metre slimline monopole with cabinet at base at Land To The Rear Of 30 Clydesdale Avenue, Chester Road, Penshaw, Sunderland. The proposal is to have 3no. antennas, 1 No. street cabinet and 1 No. AC pillar cabinet.

The monopole is to measure a maximum of 14 metres in height and have a maximum diameter of 0.3 metres at the shroud. The associated street cabinet is

to measure 1.4 by 0.3 by 1.5 metres while the AC pillar cabinet measures 0.3 by 0.1 by 1.1 metres.

The proposed site is over 50 metres away from the nearest residential dwelling, which is number 28 Clydesdale Avenue. The telecommunication site is on the A183, Chester Road, towards the junction of Clydesdale Avenue and Chester with the proposed installation sited at the back of the footway.

The area surrounding Vodafone's telecommunication site is residential to the west while Herrington Country Park is located to the east. To the north and south there are also residential properties however they are sited in excess of 230 metres to the south and 60 metres to the north.

The monopole would be located within the highway verge adjacent to Chester Road, which is a major route into and out of Sunderland Centre. The monopole is to be sited inline with the existing street lighting columns with a maximum height of 14 metres, which is approximately 1 metre lower 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 27th April 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, Vodafone, 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.`

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Final Date for Receipt of Representations: **27.03.2009**

REPRESENTATIONS:

Following expiry of the consultation period one letter of objection was received from the owner/ occupier of number 30 Clydesdale Avenue and a petition was received on behalf of 110 people.

The reasons identified for the petition were;

- The proposal is considered to be detrimental to residential amenity
- The site is within close proximity to a school and two nurseries
- The site and design is unacceptable
- Alternative locations have not been fully investigated and considered
- Concerns over health and safety

The issues received within the objection letter are those stated above along with an expansion of the reasons.

The objector states the view out of the windows of 30 Clydesdale Avenue will be spoilt by the monopole. Further the objector states the supporting documents submitted by Vodafone claim the site is partially concealed by existing trees, however the objector feels the proposal is to be sited between the trees and as such will be seen clearly.

The objector also states that other sites have been discounted due to the proximity to residential dwellings and as such it is stated the proposed site should also be discounted due to proximity to residential dwellings.

Alternative solutions have not been fully investigated and site-sharing options not fully considered. It is also claimed there are alternative, more acceptable sites available within the vicinity, but does not make any specific suggestions. While health and safety issues are also a major concern to the objector, although as noted above they are not a material consideration in the determination of this proposal.

Finally the objector states, should the proposal be considered acceptable consideration should be given to concealing the monopole or re siting it behind a tree. Suggested conditions were also made requesting the monopole be removed when no longer required.

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

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

Before considering these three 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.

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 on the west side of Chester Road in Penshaw located near the junction of Clydesdale Avenue and Chester Road. The site is on the periphery of a residential area with the installation being proposed over 50 metres away from the nearest residential dwelling to the west, sited at the back of the footway while the nearest school is over 250 metres away. To the east of the site is Herrington Country Park with residential dwellings located to the north and south in excess of 230 metres to the south and 60 metres to the north.

This section of Chester Road accommodates a number of lampposts, which measure approximately 15 metres in height, 1 metre higher than the proposed

installation. There are also a number of trees on the site, which are larger than the monopole.

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 Vodafone. The applicant has submitted details of other sites within the vicinity, which were considered prior to this submission including;

- Hill Lane
- Penshaw Equestrian Centre
- Land at Avondale Avenue
- East side of Chester Road
- Wensleydale Avenue

The alternative sites were discounted due to their sensitive locations, not being able to share the site or unsuitability for the needs of the telecommunications network. Vodafone considers that the proposed site to the rear of 30 Clydesdale Avenue 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 Chester Road is a busy transport route, where such an installation would not look inappropriate, the proposed siting is therefore deemed acceptable. The proposed siting has received no issues in respect of highway or pedestrian safety and thereby complies with UDP policy T14.

With respect to the design given the limited height of the pole and proposed colour, which is in accordance with other street furniture, allows the structure to be viewed more sympathetically within the context of the existing streetscene. The installation would also be in line with the existing lighting columns and as such when viewed within the streetscene 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 thereby comply with UDP Policies B2, B26 and T14.

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 Chester Road, it is clear that the operators have, in line with PPG 8, made the street works pole as small as possible in order to reflect the appearance of the lighting columns housed within this section of the Chester 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 over 50 metres away from the nearest residential property and is also offset, located between the gap in the semis when viewed from Clydesdale Avenue. In addition, the presence of trees in the verge is considered to reduce the potential impact and visual intrusion of the proposed monopole on the amenities of residents in Clydesdale Avenue. It is not considered residential amenity would be seriously compromised and thereby complies with policies B2 and B26 of the UDP.

Furthermore the installation would not be too dissimilar to the appearance of the existing lampposts sited along Chester Road, with the proposal having a minimal width.

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 and are not considered to be of sufficient weight to sustain a refusal of the proposal under policies B2, B26 and T14.

Therefore, to ensure that a decision is made on the application within the statutory 56 day period which expires on the 27th April 2009, Members are recommended to approve the application subject to the condition relating to the colour treatment of all equipment.

RECOMMENDATION: Approve

Conditions:

- 1 Notwithstanding the submitted plans the column and the cabinets shall be coloured black, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 2 The applicant and / or future owner of the equipment hereby approved shall ensure that any graffiti or similar defacement is removed within seven days of being notified of it by the Local Planning Authority in the interest of visual amenity and to comply with policy B2 of the UDP.

3.

Houghton

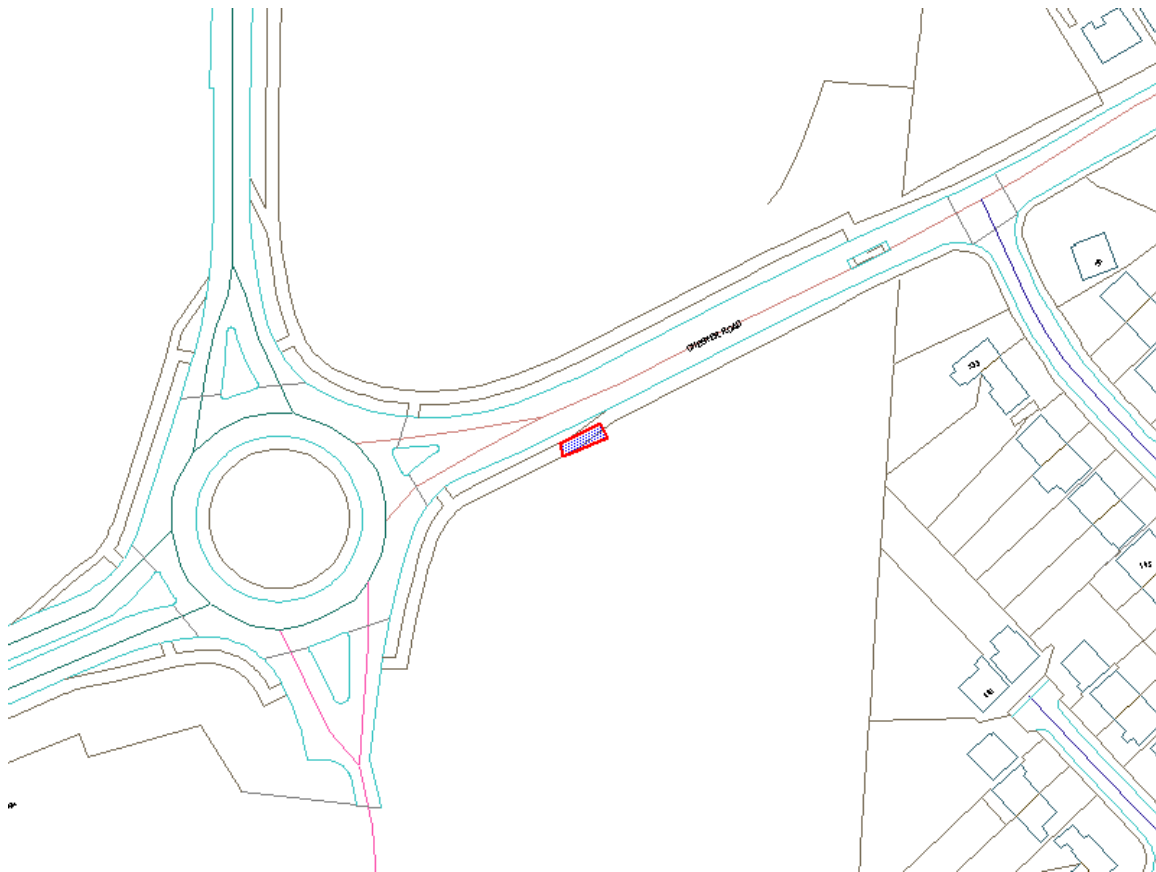
Reference No.: 09/00698/TEX Telecommunication Applications

Proposal: Installation of a 14m slim line telecommunication street work pole with cabinet at base.

Location: Land West Of 155 Briar Lea Chester Road Houghton-Le-Spring

Ward: Houghton
Applicant: Vodafone Ltd
Date Valid: 4 March 2009
Target Date: 28 April 2009

Location Plan



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PROPOSAL:

The proposal relates to the installation of a 14-metre slimline telecommunications street work pole with cabinet at base at land to the west of 155 Briar Lea, Chester Road, Houghton Le Spring. The proposal is to have 3no. antennas, 1 No. street cabinet and 1 No. AC pillar cabinet

The telecommunications street work pole is to measure a maximum of 14 metres in height and have a maximum diameter of 0.3 metres at the shroud. The associated street cabinet is to measure 1.4 by 0.3 by 1.5 metres while the AC pillar cabinet measures 0.3 by 0.1 by 1.1 metres.

The proposed site is over 100 metres away from the nearest residential dwelling, which is number 155 Briar Lea. The area surrounding Vodafone's telecommunication site is on the A183, Chester Road, towards the roundabout at the Sunderland/ Chester-Le-Street boundary with the proposed installation sited at the back of the footway inline with street lighting columns. The site is to the north of the former Lambton Coke Works and south of properties on Weymouth Drive, with Shiney Row to the east.

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 27th April 2009. If the applicant is not notified of the decision by this date the application will be deemed to have permission.

Within Planning Policy Guidance Note 8 (PPG8), indicates that under the Prior Notification Procedure;

`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, Vodafone, 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.'

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Final Date for Receipt of Representations: **27.03.2009**

REPRESENTATIONS:

No representations have been received.

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

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

Before considering these two 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.

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 installation would be located over 100 metres away from the nearest residential dwellings on Briar Lea, on Chester Road, in Houghton Le Spring. This section of Chester Road provides a number of high lighting columns measuring approximately 12 metres in height, coloured black. The proposal is to be installed in line with the existing street furniture to a maximum height of 14 metres, which is 2 metres higher than the existing lampposts.

The site is to the north of the former Lambton Coke Works and south of properties on Weymouth Drive.

This section of Chester Road is relatively busy and provides access to Chester-Le-Street, access towards the Washington Highway and into the centre of Shiney Row.

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 Vodafone. The applicant has submitted details of other sites within the vicinity, which were considered prior to this submission including;

- Regency Road,
- Golf Course Road
- Stark`s Yard,

The alternative sites were discounted due to their sensitive locations, a lack of space or unsuitability for the needs of the telecommunications network. Vodafone considers that the proposed site to the west of 155 Briar Lea is the most suitable within this area for their installation.

With respect to the design given the limited height of the pole and proposed colour, which is in accordance with other street furniture, allows the structure to be viewed more sympathetically within the context of the existing streetscene. The installation would also be in line with the existing lighting columns and as such when viewed within the streetscene will not appear obtrusive. The proposed siting has raised no issues in respect of highway or pedestrian safety and thereby complies with UDP policy T14.

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 Policies B2, B26 and T14.

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 limited height of the pole and proposed colour, which is in accordance with other street furniture, helps to allow the structure to be more sympathetically viewed within the context of the existing streetscene. 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.

Having regard to the existing street furniture situated along Chester Road, it can be seen that the operators have, in line with PPG 8, made the street works pole as small as possible in order to reflect the appearance of the lighting columns housed within this section of the Chester 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.

Conclusion

In conclusion it can be confirmed that all material considerations relevant to this application have been given due regard and consideration. It is considered that the proposal complies with the requirements of UDP policies B2, B26 and T14.

Therefore, to ensure that a decision is made on the application within the statutory 56 day period which expires on the 27th April 2009, Members are recommended to approve the application subject to the condition relating to the colour treatment of all equipment.

RECOMMENDATION: Approve

Conditions:

- 1 Notwithstanding the submitted plans the column and the cabinets shall be coloured black, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 2 The applicant and / or future owner of the equipment hereby approved shall ensure that any graffiti or similar defacement is removed within seven days of being notified of it by the Local Planning Authority in the interest of visual amenity and to comply with policy B2 of the UDP.

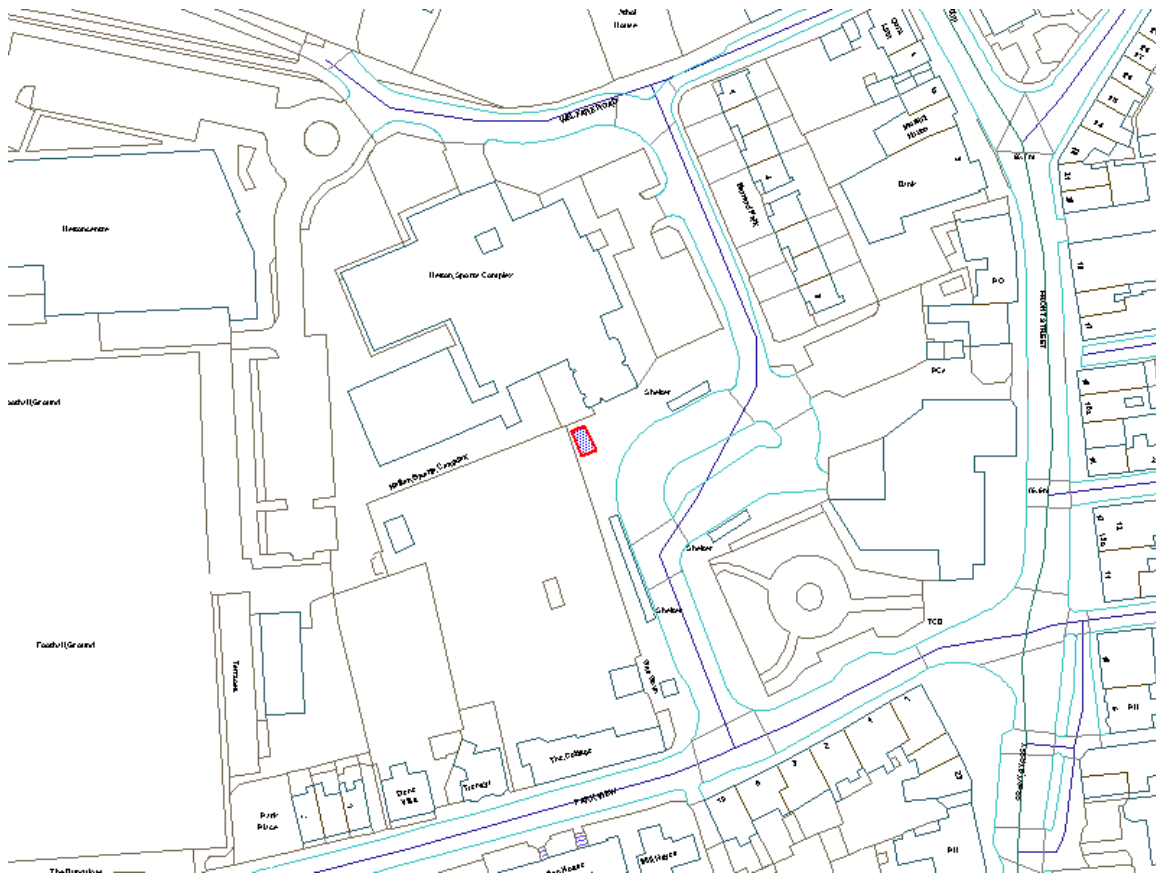
Reference No.: 09/00701/TEX Telecommunication Applications

Proposal: installation of a 14m slim line street work pole with cabinet at base. (cell id 74336)

Location: Land At Park View Hetton le Hole Houghton-Le-Spring

Ward: Hetton
Applicant: Vodafone Ltd
Date Valid: 4 March 2009
Target Date: 28 April 2009

Location Plan



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PROPOSAL:

The proposal relates to an application for prior approval for the erection of a 14 metres high slimline monopole with associated cabinet on land at Park View (Bus Station) Hetton-le Hole.

The structure is a 12 metres high street monopole with antennae on top, bringing the overall height to 14 metres. The antennae diameter measures 325mm. The equipment housing measures 1.48 metres in length, 0.35metre in width and 1.5

metres in height and is sited 1.4 metres from the brick built wall to the west. Both the proposed monopole and cabinet are to be coloured black.

The site is located on a wide section of adopted public footpath at Park View, adjacent to the bus station and west of Front Street, Hetton-le-Hole town centre. The site is bound to the west by a high brick built wall, behind which is the large rear garden of "The Cottage" which hosts a number of large mature trees which provide a high degree of screening. To the north of the site, construction is currently ongoing on the new Hetton Sports Centre. The land directly in front of the application site provides the terminus area for the bus station with associated turning areas, bus shelters, tall lighting columns, cctv poles and street signs. All of the existing street furniture is painted black. The existing character of the surrounding area consists of a mixture of commercial, transport, leisure and residential uses.

The agent for the scheme has submitted the following supporting information;

- Certificate confirming ICNIRP compliance
- Supporting Technical Information
- Statement and maps relating to the alternative 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, an objection has been made by Hetton Town Council and subsequently the proposal has been referred 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 the 27 April 2009.

The Prior Notification Procedure stipulates that before installing certain telecommunications apparatus under permitted development rights, a code system operator (in this instance Vodafone) must apply to the Local Planning Authority for a determination as to whether their approval of the siting and appearance of the development is required. The Local Planning Authority (LPA) then needs to consider, within 56 days, the siting and appearance of the proposed development. Failure to determine the application within the 56 day period and notify the developer will result in the proposal being granted deemed consent.

Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval, however this area of concern is ultimately a matter for the courts. It is the Government's view that the planning system is not the place for determining health safeguards, and it remains the Government's responsibility to decide what measures are necessary to protect public health. To date, it is the Government's view that if a proposed mobile phone base station meets the guidelines as prescribed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) then it should not be necessary for the LPA to consider further the health aspects and concerns about them.

This point has been reinforced by The World Health Organisation in 2006 when it 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."

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist
Hetton Town Council

Final Date for Receipt of Representations: **31.03.2009**

REPRESENTATIONS:

No letters of representations have 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
B_26_Controls over telecommunications developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
HA_7_Retention and improvement of Hetton Centre
S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

COMMENTS:

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

The proposed siting of the installation and;
The proposed appearance of the installation and associated equipment.

Before considering these two issues it is appropriate to outline the government guidance and relevant policies in the council's Unitary Development Plan (UDP). The application site is located within Hetton shopping centre, which is covered by policy HA7 of the Unitary Development Plan (UDP). Policy HA7 states that Hetton shopping centre will be retained and improved, within this centre, uses which are in accordance with policy S2 will be acceptable. However given that the proposal relates to an application for prior approval for the erection of telecommunications equipment, policy B26 is applicable, as is Section 15 "Siting of Telecommunications Equipment" of the Supplementary Planning Guidance (SPG) and Planning Policy Guidance No.8 "Telecommunications" (PPG8).

Policy B26 of the UDP 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 telecommunication 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.

Section 15 of the SPG sets out the general criteria against which applications for telecommunications 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 antennae often require a particular operating height, which allows signals to clear trees and urban clutter. Telecommunication 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 installation 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 applicant has provided a technical justification and coverage maps in support of the proposal, along with a list of alternative sites which were considered prior to site selection. These include other street works installations and building mounted facilities within the Houghton / Hetton area. In summary the alternative sites looked at were;

- George Vardy Ltd, Richard Street
- John Willis Garage Premises, Office Place;
- Two separate highway sites on Pavilion Terrace;
- Two separate highway site, Houghton Road;
- Roof top - Hetton and District WMC, Richard Street;
- Barclays Bank, Houghton Road;
- Sports Centre Football, ground light pylons.

All of these alternative sites were discounted due to either the visual prominence of the site in relation to residential properties or unsuitability for the needs of the telecommunications network.

In assessing the siting of the proposed scheme consideration has been given to the following factors, the height of the site in relation to the surrounding land, the existence of topographical features and natural vegetation, the effect on the skyline, the site when observed from any side, the site in relation to existing masts, structures or buildings and the site in relation to residential properties to which the proposal is considered to be acceptable.

With regards to the siting in relation to residential properties, the land to the rear of "The Cottage", has an extant outline planning permission for four new dwellings (see App. No. 07/02777/SUB), however given the layout of these residential properties and the screening that will be retained in the form of the existing boundary wall and trees, the visual impact of the proposed monopole will be significantly minimised. Members will also note that no objection has been received from the owner / occupier of "The Cottage."

In addition the siting of the proposal is not considered to pose any highway implications in terms of vehicular or pedestrian safety and therefore complies with policy T14 of the adopted UDP.

In summary, the siting of the proposed monopole and associated equipment cabinet in the north westernmost corner of the bus terminus, where a high level of tree screening is provided results in a form of development which significantly minimises any impact upon both pedestrian and vehicular traffic, whilst also reducing the visual appearance of the equipment when entering the bus terminus from either the Front Street or Park View, or from any of the surrounding residential properties. In light of above, the siting of the proposed monopole is considered to be acceptable.

The Proposed Appearance of the Installation

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 appearance of the proposed monopole has been assessed and factors such as materials, colour, design including dimensions (other than height) and overall shape have all been given due consideration and the proposal is considered acceptable.

Conclusion

In conclusion, the siting and appearance of the proposed monopole and associated cabinet is considered to accord with guidance in PPG8 and UDP policies B2, B26 and T14 and is considered to be acceptable given the screening provided by the trees to the west and the proximity of other lighting poles and street furniture within the bus terminus. Members are therefore recommended to approve the application subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

- 1 Notwithstanding the submitted plans the column and the cabinets shall be coloured black, in the interests of visual amenity and to comply with policy B2 and B26 of the UDP.
- 2 The applicant and / or future owner of the equipment hereby approved shall ensure that any graffiti or similar defacement is removed within seven days of being notified of it by the Local Planning Authority in the interest of visual amenity and to comply with policy B2 of the UDP.