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

Alison Fellows
Executive Director of Commercial Development

1. South Sunderland

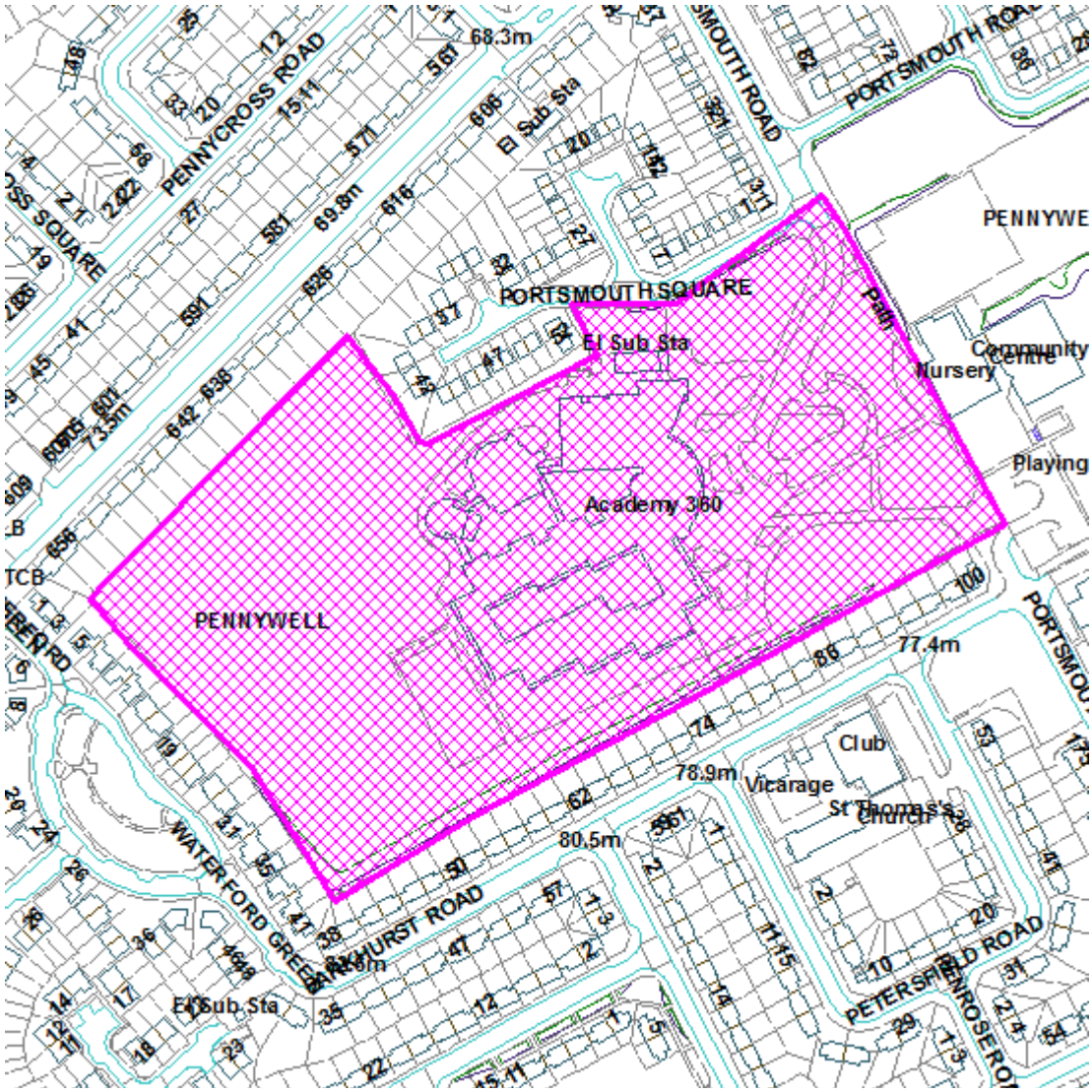
**Reference No.:** 16/00244/FU4 Full Application (Reg 4)

**Proposal:** **Extension of the existing metal fence to enclose the school site along its boundary line.**

**Location:** Academy 360 Portsmouth Square Sunderland SR4 9BA

**Ward:** St Annes
**Applicant:** Academy 360
**Date Valid:** 16 February 2016
**Target Date:** 12 April 2016

**Location Plan**



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**PROPOSAL:**

The application relates to the extension of the existing metal fence to enclose the school site along its boundary line at Academy 360, Portsmouth Road, Pennywell.

The additional fencing is proposed in two areas, the first being new fencing, vehicle and pedestrian gates at the entrance to the school from Portsmouth Road and the second being new fencing adjacent to Parkhurst Road and the footpath linking this area to Portsmouth Road.

The proposed fencing and gates at the entrance to the site from Portsmouth Road comprise a set of vehicle access gates, 7.488 metres wide, with adjacent pedestrian access gates, these being 3.896 metres wide and an area of fence, 3.011 metres long

The fencing adjacent to Parkhurst Road and the footpath comprises two adjoined fences, 18.747 metres long adjacent to the footpath and 36.701 metres long adjacent to an area of open space and Parkhurst Road. Pedestrian access gates are included in the latter fence line to maintain access to the school from this point.

The new fencing and gates would comprise blunt topped galvanised steel fencing, coloured black to match the existing boundary fencing around the school. The fencing would be 1.8 metres high to match the existing school fence. The applicant advises that the proposal is aimed at improving safeguarding at the school by enclosing its entire boundary.

**TYPE OF PUBLICITY:**

Site Notice Posted
Neighbour Notifications

**CONSULTEES:**

St Annes - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **07.04.2016**

**REPRESENTATIONS:**

Neighbours

No representations have been received to date.

The deadline for receipt of comments is 7 April 2016, which is after the deadline for the preparation of this report. Should any representations be received, these will be reported at the Sub-Committee meeting.

Consultees

Network Management

The Network Management Team has offered no observations or recommendations in connection with the proposal.

**POLICIES:**

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

B_2_Scale, massing layout and setting of new developments
CF_5_Provision for primary and secondary schools
L_7_Protection of recreational and amenity land
SA_16_Allocation of land for educational purposes
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

**COMMENTS:**

The main issues to be considered in determining this application are:-

i) Principle of the Development.
ii) The impact of the proposal on the surrounding properties.
iii) Highway Issues

Principle of the Development

The site in question is identified by policy SA16.1 of the Council's Unitary Development Plan (UDP) as land allocated for educational purposes, in this case, the site of the former comprehensive school campus, extending to 7.6 hectares. The site was redeveloped for educational purposes with the present Academy 360 replacing the former comprehensive school following the approval of planning applications 07/05269/LAP and 09/00303/LAP. The proposal accords with the aims of policy SA16.1 as it ensures the on-going secure operation of the site for educational purposes.

Policy CF5 of the UDP requires that where possible, the requirements for the provision of education shall be met on existing sites. In this regard, the proposed works would allow the academy to continue to operate from the site with improved security and as such, the proposed development is considered to accord with the requirements of policy CF5.

School playing fields are identified to be protected from development under UDP policy L7. This proposal does not impact upon playing field facilities or activities thereon. As such, it is considered that the playing fields remain unaffected by the proposed works and the proposal is therefore considered to accord with the requirements of policy L7.

It is therefore considered that, the proposed development accords with policies SA16.1, CF5 and L7 of the Unitary Development Plan and is acceptable in principle.

Design, siting and external appearance

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

In this regard, given that the proposed development comprises additional fencing and gates which are of identical design to the existing boundary fencing surrounding the school, the proposed fencing is considered to be acceptable in visual terms. The gates and fencing at the entrance from Portsmouth Road are of limited length and are set back from the highway which limits their

visual prominence. The side elevation of 311 Portsmouth Road is approximately 40 metres away and this being the closest residential property to the fence, this distance is considered acceptable in order to ensure that residential amenity is not adversely affected.

The fencing proposed adjacent to Parkhurst Road and the footpath is set back from Parkhurst Road itself behind an area of open space comprising the site of the former numbers 98 and 100 Parkhurst Road. Being set behind this area of open space limits the prominence of this fence, whilst the fence adjacent to the footpath replicates the alignment of the existing fence in this location. For these reasons, the fence is considered to be acceptable in visual terms. Being to the side of 96 Parkhurst Road and replicating the alignment of its rear boundary fence, it is not considered that residential amenity of the closest properties will be adversely affected by the proposal.

For the reasons set out above, the proposed development is considered to be acceptable with due regard to UDP policy B2.

Highway Issues

Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The application seeks consent for additional fencing and gates and does not impact upon the surrounding highway network or on-site car parking provision. In light of the above, the proposal is considered to be acceptable and in accordance with policy T14.

Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent subject to Regulation 4.

This recommendation is made on the basis that no further representations are received in advance of the expiration of the consultation period on 7 April 2016. Should any representations be received in advance of this date, the contents and implications will be reported to Members by way of a supplementary report and the recommendation re-appraised if necessary.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

age;
disability;
gender reassignment;
pregnancy and maternity;
race;
religion or belief;

sex;
sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to-
(a)tackle prejudice, and
(b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

**RECOMMENDATION: Recommendation: Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992**

**Conditions:**

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Location Plan and Existing Fence Details - Drawing Number 1516/898/001, received 16 February 2016;
The New Fence Locations and Details - Drawing Number 1516/898/002, received 16 February 2016.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3 The galvanised fencing hereby approved shall be painted or powder coated black to match the existing adjacent school fencing prior to its installation and shall be retained as such at all times thereafter in the interests of visual amenity and to accord with policy B2 of the Unitary Development Plan.