

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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Ms. Irene Lucas CBE
Chief Executive

Reference No.: 17/00976/SUB Resubmission

Proposal: **Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets. (RETROSPECTIVE).**

Location: City Hospitals Sunderland Childrens Centre Durham Road Sunderland SR3 4AG

Ward: Barnes
Applicant: ParkingEye Ltd
Date Valid: 11 May 2017
Target Date: 10 August 2017

Location Plan



PROPOSAL:

Planning permission is being sought retrospectively for the erection of an Automatic Number Plate Recognition (ANPR) camera attached to a black 5 metres high column, black camera cabinet, black pay and display unit, 3 black signage poles and associated signage at the City Hospitals, Sunderland Children's Centre, Durham Road, Sunderland.

The proposed development affects the Children's centre, which occupies a large site to the north of Durham Road, Sunderland. The grounds are bordered to the west by Sunderland College Campus, east by Barnes Park, north by The Goal Centre and directly opposite the residential properties at Humbledon Park.

The site is grade II listed and a separate advertisement consent application and listed building consent have been submitted for consideration (see ref : 17/00977/ADV and 17/00978/LBC).

Members may recall that a similar proposal was refused by South Sunderland Development Control Sub-Committee dated 25.10.2016 for the following reason. (ref : 16/01359/FUL).

"The proposals would be detrimental to the visual amenity of the area and harmful to the setting of the listed building by reason of design, appearance and siting and as such would be contrary to policies B2 and B10 of the UDP."

Following the issuance of the above decision notice, discussions took place between the City Council's Heritage Protection Officer, two representatives from City Hospital and a representative for Parking Eye Ltd in order to find a suitable and practicable solution for the site. The current proposal represents a significant reduction in the number of advertisement panels on the site and has also sought to reposition the previously refused ANPR columns.

The site is currently used as a car park with 70 parking bays, including 2 disabled bays.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Barnes - Ward Councillor Consultation

Final Date for Receipt of Representations: **22.06.2017**

REPRESENTATIONS:

No letters of representation 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

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

B_10_Development affecting the setting of listed buildings

COMMENTS:

Issues to consider.

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced and planning applications determined, with regard to it. The NPPF sets out a series of 12 "core planning principles" which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings, alongside conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

These core principles of the NPPF feed into policies EN10, B2, B10 and T14 of the Council's saved adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on visual and residential amenity and the setting of the listed building;
3. the impact of the development on highway and pedestrian safety;

1. Principle of development.

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

The development for which planning permission is sought is designed to support the management of the Children's Centre existing car parks and so does not give rise to any conflict with the established land use of the site. The proposals therefore accord with the objectives of policy EN10.

2. The impact of the development on visual and residential amenity.

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and visual amenity of the locality in which the site is situated, whilst policy B10 seeks to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In terms of visual amenity, the proposed development essentially involves apparatus and equipment which would be typically expected in car parks of this nature. The number of camera columns, pay and display machines and cabinets are not considered to be excessive for the size of this site and following pre-application discussions, the current quantum and exact siting are considered to be acceptable.

The proposed development does not give rise to any residential amenity concerns given the minor scale and nature of the proposed apparatus and the distances between the respective structures and neighbouring dwellings, the closest being located on the south side of Durham Road.

Although there have been no objections to the proposal in relation to privacy, it is considered worthwhile noting that the proposed cameras are designed to focus on the registration plates of vehicles entering and leaving the car park of the Eye Infirmary and as such, there does not appear to be any scope for filming of neighbouring residential properties. In any case, however, it must be noted that the operation of such cameras is subject to strict controls and working practices, with operators required to adhere to The Human Rights Act, The Data Protection Act, The Freedom of Information Act, The Data Commissioners Code of Practice, and The Regulatory and Investigatory Powers Act. Together, these forbid the misuse of such apparatus and any breach of these Acts would leave the operator liable to prosecution.

With regard to the above, it is considered that the impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policy B2 of the UDP.

3. The impact of the development on highway and pedestrian safety.

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

To this end, the City Council's Highway team has confirmed that the proposals raise no concerns in relation to highway and pedestrian safety. The development therefore accords with the requirements of UDP policy T14.

Conclusion.

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity and visual amenity. To this end, the proposed development is considered to comply with the requirements of the core principles of the NPPF and policies EN10 and B2 of the UDP.

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: Approve

Conditions:

- 1 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:

Drawing No.C-953-001 Rev B, Location Plan received 11.05.2017.

Drawing No.C-953-002 Rev B, Site Plan received 11.05.2017.

Drawing No.C-953-003 Rev B, Signage Plan received 11.05.2017.

Drawing No.C-953-004 Rev B, Signage Details received 11.05.2017.

Drawing No.C-0000-004 Rev A, External Cabinet Details received 11.05.2017.

Drawing No.C-0000-002 Rev A, Cobra Camera Details received 11.05.2017.

Drawing No.C-0000-001 Rev A, Standard Details received 11.05.2017.

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.

Reference No.: 17/00978/LBC Listed Building Consent

Proposal: Installation of automatic number plate recognition (ANPR) cameras attached to lighting column, pay and display machines and associated cabinets and the installation of 10no signs. (RETROSPECTIVE).

Location: City Hospitals Sunderland Part Former Childrens Centre Durham Road Sunderland SR3 4AG

Ward: Barnes
Applicant: ParkingEye Ltd
Date Valid: 11 May 2017
Target Date: 6 July 2017

Location Plan



PROPOSAL:

Listed Building Consent is sought for the installation of Automatic Number Plate Recognition (ANPR) cameras attached to 5m high vertical columns, pay and display machines and associated cabinets and the installation of 10 No. signs (Retrospective), at City Hospitals, Sunderland Childrens Centre, Durham Road.

The proposed development affects the setting of the listed building by virtue of the scale and siting of the individual pieces of apparatus.

Sited between Sunderland College Campus to the west, Barnes Park to the east, The Goal Centre to the north and directly opposite the residential properties at Humbledon Park.

The site is grade II listed and a separate planning application and advertisement consent application has been submitted for consideration (see ref 17/00977/ADV and 17/00976/SUB).

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Barnes - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **22.06.2017**

REPRESENTATIONS:

No representations received.

POLICIES:

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

B_8_Demolition of listed buildings
B_10_Development affecting the setting of listed buildings

COMMENTS:

In assessing the application the main issues to consider are the impact of the alterations upon the integrity and visual appearance of the listed buildings.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the local planning authority in determining applications for development affecting listed building to pay special regard to the desirability of preserving the building or its setting. The National Planning Policy Framework (NPPF) provides the Government's national planning policy on the

conservation of the historic environment. In respect of information requirements for applications, it sets out:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

In determining the proposal due consideration has been given to relevant paragraphs of the NPPF 128 - 141 and policies B8 and B10 of the saved adopted Unitary Development Plan to which the proposal accords.

Further to site visit and consultations with the City Council's Heritage Protection Officer, it is noted that the works to the grade II listed building will have negligible impact on its significance and are generally acceptable.

The Proposal is considered to be acceptable and is recommended for approval.

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: Grant Listed Building Consent.

Conditions:

- 1 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:

Drawing No.C-953-001 Rev B, Location Plan received 11.05.2017.
Drawing No.C-953-002 Rev B, Site Plan received 11.05.2017.
Drawing No.C-953-003 Rev B, Signage Plan received 11.05.2017.
Drawing No.C-953-004 Rev B, Signage Details received 11.05.2017.
Drawing No.C-0000-004 Rev A, External Cabinet Details received 11.05.2017.
Drawing No.C-0000-002 Rev A, Cobra Camera Details received 11.05.2017.
Drawing No.C-0000-001 Rev A, Standard Details received 11.05.2017.

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.