

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 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

Reference No.: 11/01796/FUL Full Application

Proposal: **Erection of (70) 2, 3 and 4 bedroom dwellings with associated highways, landscaping and car parking.**

Location: Land At Maplewood Avenue Marley Potts Sunderland SR5 5BN

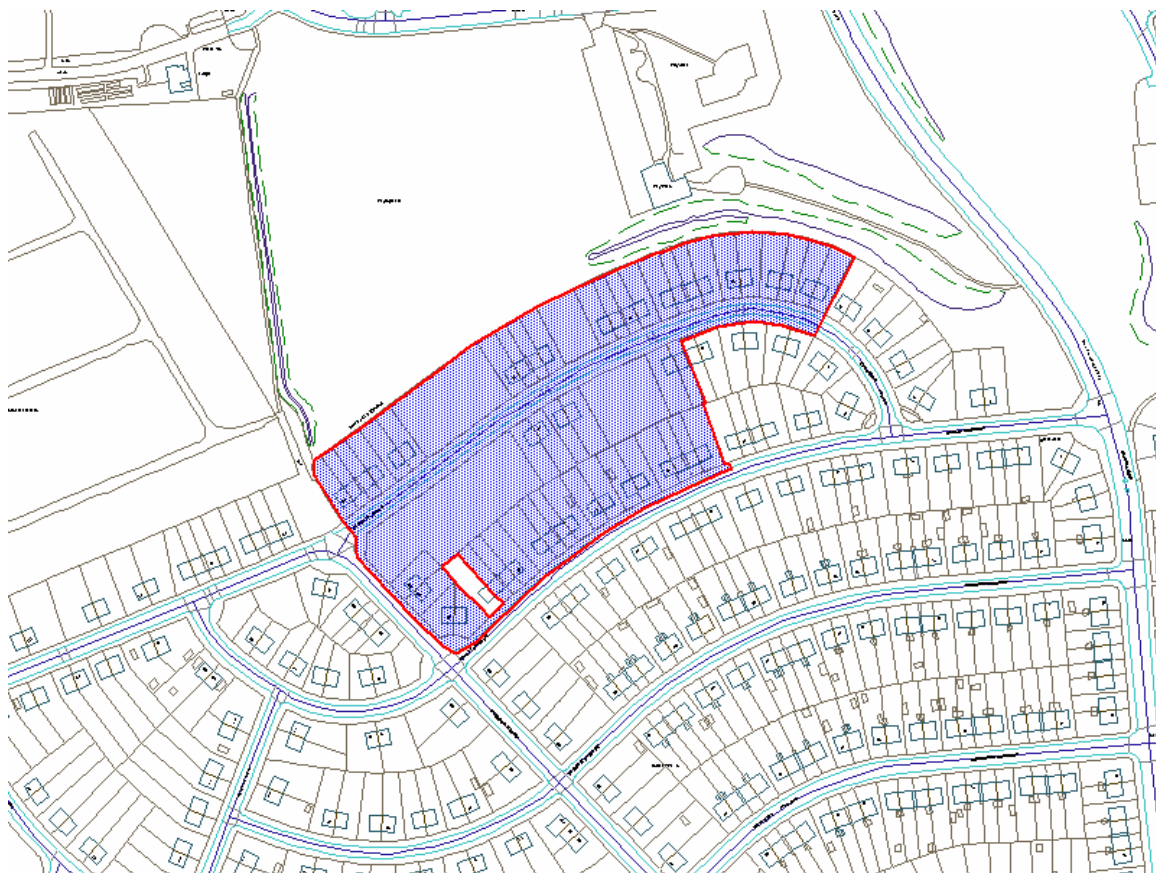
Ward: Southwick

Applicant: Gleeson Homes And Regeneration Limited

Date Valid: 10 June 2011

Target Date: 9 September 2011

Location Plan



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PROPOSAL:

The proposal relates to a development of 70 (2, 3 and 4 bed) family homes with associated landscaping and parking on this 2.1 hectare site. The site lies to the north of Marley Crescent and is dissected by Maplewood Avenue, with Elmwood Avenue running along its western boundary. To the north of the site are open playing fields and allotments.

The Planning Statement submitted in support of the proposal explains that the site is located within the regeneration area of Marley Potts. Gentoo assembled and cleared the site through the demolition of 64 houses. Gleeson, who are the applicant for this application are currently in the process of purchasing the site from Gentoo.

The housing schedule for the development comprises of the following mix:

10 X 2 bedroomed, all semi-detached

53 X 3 bedroomed, 32 will be semi and 21 detached

7 X 4 bedroomed, all detached

Vehicular access to the proposed development will be achieved via the existing road network and therefore Maplewood Avenue and Marley Crescent will remain as through roads, although two cul de sacs off Maplewood Avenue are also proposed.

The planning application has been supported by plans and elevations, Design and Access Statement, Flood Risk Assessment, Planning Statement, Heads of Terms, Affordable Housing Statement, Transport Statement, Statement of Community Involvement and a Geoenvironmental Appraisal.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

City Services - Network Management

Environment Agency

Force Planning And Police Architectural Liaison Officer

Director Of Childrens Services

Fire Prevention Officer

North Gas Networks

Northern Electric

Northumbrian Water

Nexus

Final Date for Receipt of Representations: **13.07.2011**

REPRESENTATIONS:

Neighbours

No letters of representation have been received.

Pre-Submission Community Involvement.

A Statement of Community Involvement accompanies the application, which sets out the history of engagement with residents in the area. The report explains that consultations regarding the regeneration of this area have been ongoing for some considerable time, dating back to 2002, when Gentoo identified it for housing renewal. Following some initial consultation much of the site was cleared, although as a result of the economic downturn Gentoo no longer consider themselves able to bring the site forward. This has resulted in a developer new to the north east, Gleeson Homes becoming involved.

In order to gain feedback for their proposals, Gleeson arranged a public consultation event on 11 April 2011 at Southwick Community Primary School. Posters were displayed at 23 facilities within one mile of the site including shops, schools, GP, dentist, swimming pool, library and Gentoo Offices and leaflets distributed to 1,121 local households. Ward Councillors were also made aware of the event via email.

The agent has stated that the event was well attended and of those who did attend, 7 completed feedback forms. The responses are collated in the following table, which shows that of those who visited and completed a form, the majority were supportive of Gleeson's redevelopment proposals:-

Question

Do you think Gleeson's new homes will improve the area?

7 (yes)

Do you think the prices of Gleeson's new homes are affordable to local people?

4 (yes) 2 (don't know)

Do you support Gleeson's development of new homes in the area?

7 (yes)

Comments

- Concern about proposed walkway and access between field and estate as area already suffers from anti-social behaviour e.g. motor bikes and local youths
- Affordable but not to locals
- Stigma of Marley Potts to be overcome
- Use of bushes / thorns to provide extra security

Neighbours

No letters of representation have been received.

Environment Agency (EA)

The EA confirmed that they have no objections to the proposed development. However the EA advise that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Given the variety of approaches which could be adopted in respect of sustainable drainage any proposed scheme can be developed based on such principles. Consequently, should Members be minded to approve, a surface water drainage condition could be placed on the decision notice to agree a suitable scheme.

Nexus

Nexus have no objection in principle to the proposed development. The area is well served by public transport linking the site with outlying estates, the City Centre and opportunities to interchange onto other public transport and Metro for access to other destinations.

Northumbria Police (NP)

NP have no objections to the proposed scheme and request that the applicant contact NP in order that further discussions can be held in relation to achieving Secured by Design (SBD) certification, accordingly should Members be minded to approve the application this can be attached as an informative to the decision notice.

Northern Gas Networks

Northern Gas Networks has no objections to the proposed development. However there may be apparatus in the area that may be at risk during construction works and should Members be minded to approve the application then Northern Gas Networks would require the developer to contact them directly to discuss their requirements in detail.

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues to consider in determining this application are:-

- The Principle of the Development.
- The Appearance and Layout of the Development.
- The Impact upon Neighbouring Properties.
- Highways Issues.
- Play Space Provision.
- Viability and Affordable Housing.

The application is being given further consideration, however, it is anticipated that a recommendation will be made on the supplement.

RECOMMENDATION: Deputy Chief Executive to Report

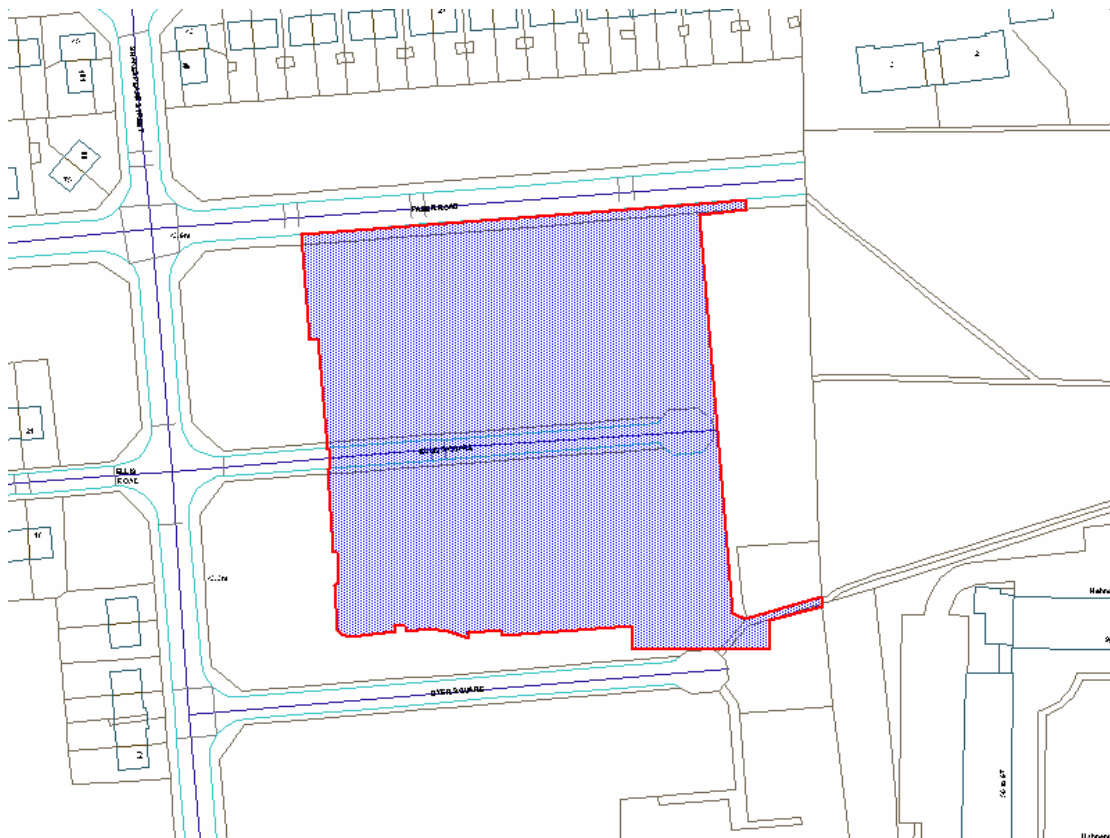
Reference No.: 11/02775/VAR Variation of Condition

Proposal: **Variation of Condition 2 (Approved Plans) of previously approved application 10/01995/FUL to install photovoltaic panels to the roof**

Location: Grace House Hospice Faber Road Sunderland

Ward: Southwick
Applicant: Gentoo Homes
Date Valid: 16 September 2011
Target Date: 16 December 2011

Location Plan



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PROPOSAL:

This application seeks a variation to Condition 2 "Approved Plans" of planning permission 10/01995/FUL in order to allow the installation of photovoltaic panels on the southern roof slope of the northern most (two storey) element of the hospice building (i.e. that nearest to Faber Road).

The southern roof slope in question faces onto the internal courtyard of the hospice complex.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

REPRESENTATIONS:

No representations 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
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
R_4_Incorporation of energy saving measures
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

Planning History

Planning permission 10/01995/FUL gave permission for the erection of a two storey, six bedroom children's hospice "Grace House", with staff and visitor car parking, landscaping and new pedestrian and vehicular access from Bardolph Drive.

Members may recall considering, and resolving to approve, planning application 10/01995/FUL at their meeting of 31 August 2010.

The development site covers an area of 0.9 ha and is located to the south of Faber Road in Southwick in a primarily residential area of Sunderland.

For the purposes of information the main issues that were considered in the approval of planning permission 10/01995/FUL were:

- The principle of development.
- Impact of the proposed development upon visual amenity.
- Impact of the proposed development upon residential amenity.
- Highway Access and Car Parking Arrangements.

All matters considered were found to be acceptable and in accordance with the requirements of Unitary Development Plan policy. The application for the hospice was approved accordingly on 2 September 2010.

Current Proposal

Since the approval of planning permission 10/01995/FUL the developers of Grace House Hospice have elected to incorporate renewable energy resources in the form of photovoltaic panels into the roof of the building. Photovoltaic panels were not present on the plans approved under reference 10/01995/FUL hence this application to vary condition two (approved plans) of planning permission 10/01995/FUL is necessary.

Consideration

The main issue to consider in the determination of this application to vary condition two of planning permission 10/01995/FUL is the impact of the proposed photovoltaic panels upon visual amenity in the locality and the effect of the panels upon the aesthetic qualities of the hospice building. Policy B2 of the Council's adopted Unitary Development Plan is relevant to the consideration of the visual appearance of the proposed photovoltaic panels.

Policy B2 states that:

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 photovoltaic panels will be installed within the material line of the concrete tiles that will form the remainder of the roof slope. The panels are also proposed to be located upon the southern roof slope of the two storey element of the hospice which faces onto an internal courtyard and will not be widely visible from any particular public vantage point or street scene.

In addition, the panels will be installed into the hospice building during initial construction, and are considered to be proportionate to the area of the roof and unlikely to have any detrimental impact upon the design or character of the hospice building. It is considered that the hospice building will relate harmoniously to its surrounding areas following the addition of the photovoltaic panels in accordance with the requirements of Policy B2 as set out above.

In addition to the above considerations it should be noted that Policy R4 of the adopted Unitary Development Plan encourages the efficient use of energy. Clearly the incorporation of photovoltaic panels into the roof of the proposed hospice will comply with the aspirations of Policy R4 of the adopted Unitary Development Plan.

Summary

The development of the hospice building was approved in August 2010 and is considered to be acceptable. Indeed the building is currently under construction. The incorporation of photovoltaic panels into the southern roof slope of the two storey element of the hospice complex is considered to be acceptable and in accordance with the requirements of Unitary Development Plan policy.

The proposed variation of condition two (approved plans) of planning permission 10/01995/FUL is considered to be acceptable and is therefore recommended for approval. If approved this would form a separate new permission but relate to all of the conditions attached to the original planning permission which are set out

below. However, some of the conditions listed below (reproduced from planning permission 10/01995/FUL) have already been formally discharged by the Local Planning Authority. Therefore an informative note will be attached to any decision notice issued advising the applicant which of the conditions remain outstanding.

RECOMMENDATION: Approve

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:

Drawing number GEN/13A/002 Revision A Location Plan received 11 July 2011

Drawing number GEN/13A/040 Revision P1 Proposed Site Plan received 10 June 2010

Drawing number GEN/13A/203 Revision B Photovoltaic Panel Layouts received 6 September 2011.

Drawing number GEN/13A/034 Revision A1 Proposed Street Elevations 1 received 10 June 2010

Drawing number GEN/13A/035 Proposed Street Elevations 2 received 9 June 2010

Drawing Number GEN/13A/221 Revision D Proposed Elevations Sheet 2 of 2 received 6 September 2011.

Drawing number GEN/13A/030 Revision P2 Proposed Elevations Sheet 1 of 4 received 9 June 2010

Drawing number GEN/13A/031 Revision P2 Proposed Elevations Sheet 2 of 4 received 9 June 2010

Drawing number GEN/13A/033 Revision P2 Proposed Elevations Sheet 4 of 4 received 9 June 2010

Drawing number C-020-02 Issue E Proposed Drainage received 9 June 2010

Drawing number GEN/13A/025 Revision P4 Proposed Ground Floor Plan received 18 June 2010

Drawing number GEN/13A/026 Revision P3 Proposed First Floor Plan received 18 June 2010

Drawing number GEN/13A/900 Refuse/Waste/Recycling Area received 9 June 2010

Drawing number GEN/13A/800-05 Boundary Wall/Fence Type J received 9 June 2010

Drawing number GEN/13A/800-05 Boundary Wall/Fence Type G received 9 June 2010

Drawing number GEN/13A/800-02 Boundary Wall/Fencing Details Type D received 9 June 2010

Drawing number GEN/13A/800-01 Boundary Wall/Fence Type A received
9 June 2010

Drawing number GEN/13A/800-06 Boundary Wall/Fence Type H received
9 June 2010

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 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 6 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing with the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 7 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 8 The car parking area hereby approved shall be completed, marked out and made available for use prior to the occupation of the development hereby approved. Thereafter the car park shall be kept clear and made

available for the parking of cars in connection with the development hereby approved and for no other purpose unless first agreed in writing with the Local Planning Authority. In the interest of highway safety and residential amenity and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the adopted Unitary Development Plan.

- 9 Prior to the occupation of the development hereby approved, precise written details of all ventilation/extraction/filtration systems, including all external ducting and stacks shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall then be fully implemented in accordance with the approved details prior to the occupation of the building and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interest of residential amenity and to achieve a satisfactory form of development on site and to comply with the requirements of policies B2 and EN1 of the adopted Unitary Development Plan.
- 10 No development, other than site preparation works, shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 11 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 12 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the UDP.

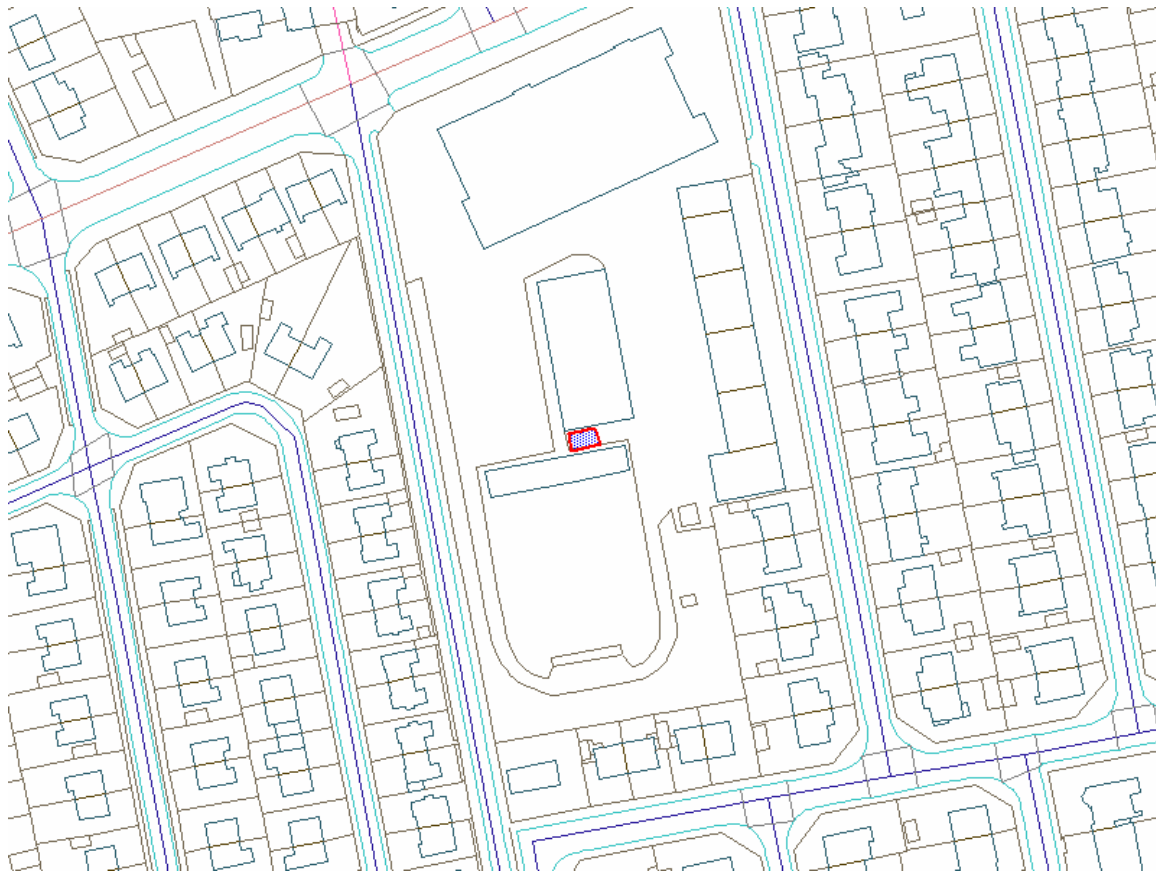
Reference No.: 11/02920/TEX Telecommunication Applications

Proposal: Installation of a 12m high light weight lattice telecommunications tower supporting 3x Vodafone antennas and 3x O2 antennas (overall height 15m) with ground based equipment cabinet and ancillary development

Location: T A V R Centre Dykelands Road Sunderland SR6 8DP

Ward: Fulwell
Applicant: Vodafone Ltd
Date Valid: 26 September 2011
Target Date: 15 November 2011

Location Plan



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PROPOSAL:

This application is for prior notification of proposed development by telecommunications code system operator Vodafone Ltd. The installation comprises a dual user 12m high lattice telecommunications tower supporting 3no Vodafone antennas and 3no O2 antennas giving an overall height of 15m. The

proposal also involves the installation of an associated ground based equipment cabinet and ancillary development.

The triangular shaped lattice tower would be finished in grey whilst the ground based cabinet measuring 1.898m (L) X 0.798m (W) X 1.643m (H) would be finished in a dark (fir) green.

The above apparatus is proposed to be installed between existing buildings located within the heart of the Seaburn Territorial Army (TA) Centre on Dykelands Road in Sunderland.

The rather expansive site occupied by the TA covers an area of approximately 11814m². The majority of the site's built development is located towards within its northern section where a number of two storey structures are present whilst single storey development, which appears to be utilised as garaging, runs alongside much of the site's eastern perimeter. The centre of the site accommodates two, somewhat lower flat roofed structures against which the proposed lattice tower would be positioned. The remainder of the site is fundamentally open providing a combination of open green space and hardstanding.

The surrounding area is predominantly residential in character with residential streets flanking all four sides of the site, Dykelands Road to the north, Mere Knolls Road to the west, Douglas Road to the south and Kingarth Avenue to the east. Mere Knolls Road inclines gradually from north to south with street furniture in the shape of lighting columns measuring approximately 8m high, whilst the grounds of the TA Centre fall away marginally from the palisade fencing and kerbside of Mere Knolls Road.

The application is one of a number received throughout the City following the formation of a strategic partnership between the Telefonica Group (O2) and the Vodafone Group to share mobile assets in the UK and across Europe. The agreement is intended to allow both organisations to consolidate the number of base stations required through mast sharing and to significantly reduce the environmental impact of network development. The aim is to avoid the potential for proliferation of masts, which would result, if both operators were to apply separately.

It should be noted that the proposal is an application for prior notification of proposed development as required by Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, for the installation of telecommunications equipment. This procedure stipulates that before installing certain telecommunications apparatus under permitted development rights, a code system operator (in this instance Vodafone and O2) 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. Critically, given the nature of the prior notification procedure, the Local Planning Authority can only consider within 56 days, the siting and appearance of the proposed development. Furthermore, failure to determine the application and notify the developer with the 56 day period will result in the proposal being granted deemed consent by default. As such, a decision must be made at this meeting if the Council is to be in a position to respond formally within the 56 day deadline imposed by the legislation and avoid the applicant being granted deemed consent by default.

As such, in determining the application, the options available to Members are to raise no observations, in which case, the applicant would be able to install the equipment, or to refuse the application. Should it be decided to offer no observations, it should be noted that the prior notification procedure is such, that conditions can not be attached to any decision.

The application would normally be determined under the Council's Delegation Scheme, but has been referred to the Development Control Sub-Committee at the request of Councillor Francis.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management

Final Date for Receipt of Representations: **25.10.2011**

REPRESENTATIONS:

Neighbours

15 individual representations have been received from the occupiers of neighbouring streets adjacent to the site including No's 16 and 32 Dunmore Avenue, 3, 7, 8, 9, 11, 16, 18, 20 and 22 Kingarth Avenue and 4 Douglas Road, whilst objections have also been received from a property further a field, 1 Shipley Avenue.

In addition to the above a 98 signature petition has also been submitted

These representations were all in objection to the proposed telecommunications installation and raised the following concerns:

- Health Risks associated with telecommunications installations;
- Potential reduction in property values were the proposal to be erected;
- Detriment to residential and visual amenity;
- The proximity of the proposed installation to residential properties and schools;
- Concern over additions to the mast in future;
- There are more appropriate sites;
- What was the outcome of pre-application enquires between the LPA and the mobile phone operators and what community involvement was undertaken;
- Concerns over the number of residents consulted;
- Ability of the local residents to view the submitted plans;
- Such installations should not be permitted or even considered in residential areas;
- The potential impact for radio interference;

- Doubts regarding the need for the telecommunications apparatus and the lack of coverage plans submitted with the application.

POLICIES:

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

B_26_Controls over telecommunications developments

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

COMMENTS:

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

1. Relevant National and Local Planning Policy;
2. Proposed siting of the installation,
3. Proposed design of the installation and associated equipment
4. Affect on visual and residential amenity
5. Proliferation and mast sharing
6. Other issues raised by objectors

Due to the timing of the request for this proposal to appear before Committee and in light of the level of objection to the application, further consideration is currently being given to the above issues. Accordingly, it is anticipated that the relevant issues will be addressed in a supplementary report.

RECOMMENDATION: Deputy Chief Executive to Report