

**Development Control
(North Sunderland) Sub-Committee**

SUPPLEMENT

2 November 2011

Number:	S1
Application Number:	11/01796/FUL
Proposal:	Erection of (70) 2, 3 and 4 bedroom dwellings with associated highways, landscaping and car parking.
Location:	Land at Maplewood Avenue, Marley Potts, Southwick, Sunderland

Further to the main agenda report appropriate consideration has been given to the key elements of the scheme, which are as follows;

- The Principle of the Development
- Viability and Affordable Housing
- The Appearance and Layout of the Development
- The Impact upon Neighbouring Properties
- Highways Issues
- Sustainability
- Section 106 Agreements

The Principle of the Development

As explained in the main agenda report the site has been cleared as part of Gentoo's house clearance programme. As the site is identified as white land in the Unitary Development Plan (UDP), policy EN10 is applicable. This policy stipulates that where land has not been identified for change then any proposals that come forward should be compatible with the prevailing land use in that area. As the proposal seeks to provide new housing on a cleared housing site, the development accords with this policy and is therefore considered to be acceptable in principle. Nevertheless, policy EN10 also requires proposals for new development to be in accordance with other strategic and City-wide policies and as such the following sections assess relevant material considerations and their applicable UDP policy context.

Viability and Affordable Housing

UDP policy H16 states that the City Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. More recently the Strategic Housing Market Assessment and recent Economic Viability of Affordable Housing Requirement Study has further identified a need for 10% affordable dwellings on housing sites, at a 75% social rented / 25% intermediate split.

The applicant considered this to be financially unviable in terms of their proposed scheme. Subsequently, a viability assessment was requested by the Council, to support the applicant's affordable housing statement and determine how much financial capacity there was left in the scheme for section 106 contributions and affordable housing (based on current market conditions).

The assessment was considered by colleagues in Property Services. The appraisal raised viability issues in delivering both section 106 contributions for play space and open space and affordable housing targets. It was consequently determined that there was only sufficient funding available within the scheme towards play space and open space. Following further conversations with the applicant, it was agreed that the provision of affordable housing would need to be re-assessed at later stages in order to determine whether changes in the market may allow for a percentage of the affordable housing requirement to be delivered.

Since then the applicant has reconsidered their position and has advised that they will no longer consider submitting any further viability assessments.

With this in mind and having reconsidered the application and the viability statement, given the scale of the development and the likely build out period of 25 dwellings per year, i.e. approximately 3 years of development, the Council accepts the site specific circumstances and will no longer require any further viability assessments to be submitted as part of this application and as such concedes that no affordable housing 'in-perpetuity' will be provided.

Nevertheless, and as noted previously, the applicant in their affordable housing statement has made a number of alternative offers / suggestions to provide affordable housing, including the use of First Buy. None of these would satisfy affordable housing policy regarding affordability in-perpetuity. Notwithstanding this, the Council would welcome such offers as a gesture of goodwill given that the proposals would have limited financial implications for the applicant.

The Appearance and Layout of the Development

Policy B2 of the UDP requires that the scale, massing, layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas. Expanding upon policy B2, the Council also has additional guidance, in the form of Supplementary Planning Guidance (SPG) and a Residential Design Guide Supplementary Planning Document (SPD). These documents contain further recommended standards and examples of good design practise in which to inform proposals.

The application has been submitted following extensive pre-application discussions between the applicant and the Local Planning Authority (LPA) to discuss the principle, amount and layout of the

proposed development. Throughout these discussions a number of principles were agreed, which have been translated into the submitted scheme and as such the proposed development is considered to be acceptable in terms of layout.

However a fully detailed set of plans and drawings relating to the scale, architectural character and material quality were not presented until the application was submitted. Given the scale of development proposed, the initial range of house-types submitted were considered by the LPA to represent a poorly conceived and low quality proposal, which did little to enhance or improve the appearance of the area. Whilst it is acknowledged that the applicant seeks to provide a development of 'affordable for private sale housing' the LPA does not consider such an aspiration to be suitable justification for the delivery of what it considers to be a poor quality scheme. The composition and detailing of house types plays an important role in the creation of successful places and as such the LPA requested that the applicant reconsider their initial attempt at the elevational treatment of the dwellings.

Following the resolution of architectural detailing of individual house-types, a full schedule and samples of materials to be used in the construction of the dwellings would also be required to be submitted for the consideration of the LPA. As is normally the case, such matters can be controlled via the imposition of appropriately worded conditions, should the scheme prove to be otherwise acceptable.

The Impact upon Neighbouring Properties

Expanding upon UDP Policy B2, the SPG and SPD also contain further recommended standards and examples of good design practise in which to inform proposals.

Notwithstanding the above design concerns, having assessed the layout of the scheme on existing properties it is considered that the proposed development is generally in accordance with the Council's design guidance, in as much as the properties are spaced apart from existing properties surrounding the development site by the requisite 21m between main facing windows and 14m between main facing windows and secondary or blank elevations. This is due to the development being laid out around the existing road network i.e. Maplewood Avenue and Marley Crescent, and as such the proposed development follows the established building line of existing and pre-existing properties. This is considered to account for the slight elevation in ground levels between proposed units on Marley Crescent and the existing properties on the opposite side of the street, as this was the pre-existing relationship.

However, as a consequence of introducing two cul-de-sacs within the scheme and in view of the various house types the applicant is proposing to develop, i.e. detached and semi-detached properties, the spacing within the development has lead to the 14m and 21m standard not being achieved. Nevertheless, given that the scheme follows the established building lines of the previous residential estate and as the interfacing distances are generally between 17m and 20m for main facing windows, and 11.5m and 12.5m for main windows facing secondary elevations, it is considered that the general spacing within the development is acceptable in this instance. Furthermore, it is important to note that as the spacing between the proposed development and existing residential properties surrounding the site complies with the required standards, the shortfall will only be applicable to prospective purchasers.

On balance, taking into account the measures that have been taken by the developer to minimise impacts upon the surrounding area, combined with the general overall improvement the scheme will provide to the area, the proposal is considered as being acceptable and as such, in accordance with policy B2 of the UDP and SPG / SPD guidance.

Highways Issues

UDP policies T14 and T22 of the UDP cover matters relating to ensuring that developments are easily accessible and have adequate levels of parking. With these policies in mind and given that the majority of the proposed development is to be built around the existing street layout, careful consideration has been given to the introduction of the two cul-de-sacs.

It was previously explained to the applicant via consultation with Network Management City Services (Transportation) that cul-de-sacs serving more than 3 dwellings should be constructed to a prospectively adoptable shared surface standard. In this regard the applicant was advised that the maximum length of such cul-de-sacs should be 25m, whilst the shared surface should, as an absolute minimum, be 6.0m in width consisting of a 4.8m carriageway with 0.6m hard strip either side to accommodate utilities, street lighting etc.

Furthermore, the applicant was also required to demonstrate how adequate visitor parking provision would be accommodated while still maintaining sufficient space to allow ease of access / egress from driveways, as well as manoeuvring space so as to negate the need for vehicles to reverse the length of the cul-de-sac. It was then advised that if the above could not be adequately translated into the proposed layout then consideration should be given to reducing the number of dwellings from 4 to 3 within each cul de sac, thus negating the need to provide prospectively adoptable layouts.

In response the applicant reconfigured the cul de sacs and following consultation with Transportation it is now considered that the proposed layout has remedied the previous shortcomings and is now on balance acceptable. Nevertheless, it has been advised that as the spacing within the turning areas to the head of the cul de sacs are to an absolute minimum it should only be accepted on the basis that there are no boundary features. Consequently, should Members be minded to approve, permitted development rights for boundary enclosures should be removed from the applicable units in order to ensure adequate inter-visibility between vehicles and pedestrians is retained.

- Traffic Calming

It should also be noted that the applicant has been advised that the proposed indicative 'rumble strips' would not be an acceptable alternative to the existing speed cushions. A revised and comprehensive scheme of traffic calming would be required, which would require amendments to the existing traffic calming features, as such statutory consultation under the Highways (Traffic Calming) Regulations 1999 would be required by the Local Highway Authority on the applicant's behalf. The applicant has therefore been advised that the estimate cost for the consultation and advertisement would be £5,000.00, the actual cost of which would be payable regardless of any outcome.

Furthermore, Maplewood Avenue and the wider Marley Potts area has been identified as a potential 20mph Zone, although funding has yet to be identified. The establishment of a 20mph Zone would extend the traffic calming features available, including the provision of a simple '20' repeater sign or 'roundel' on the carriageway. Therefore as opposed to amending the existing traffic calming (as above) the applicant has been advised to consider funding the implementation of the wider 20mph Zone, the actual cost of which would be payable regardless of the outcome, plus an estimated £20,000.00 for physical works which would be payable upon completion. Such matters though relate to processes and approvals administered by the Local Highway Authority and are outside the remit of this planning application.

In conclusion, in view of the fact that the development is to utilise the existing road layout and as a consequence of the satisfactory amendments to the proposed cul de sacs the proposed development is considered to be acceptable in regard to highway safety, in accordance with policies T14 and T22 of the UDP.

Sustainability

UDP Policies R1 and R4 help guide the agenda on encouraging sustainable forms of development, both in terms of methods of construction and with respect to how a development functions, once it is complete. The submitted sustainability section in the Design and Access Statement considers the development to have the potential to make significant sustainability contributions, although it is noted that it is not their intention to work towards Code for Sustainable Homes compliance. Nevertheless, in accordance with SPD guidance all major residential developments should meet at least Level 3 of the Code for Sustainable Homes. As such it is still considered appropriate to incorporate a suitable worded condition to this effect, should Members be minded to approve the application.

Section 106 Agreements

Policy H21 of the UDP sets out the requirements for open space provision within new developments. As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment. As the submitted scheme does not provide any on-site facilities and in accordance with council procedures, the applicant was advised that they will have to make a financial contribution for off-site play provision at the current rate of £701 per unit (£49,070). As a consequence the applicant has submitted a draft Heads of Terms agreeing to this requirement. Moreover, the applicant has also provided an additional sum of £6,930, which is to be focused on improving the path link between Maplewood Avenue and the open playing fields to the north of the site.

It is proposed that such matters should be dealt with by way of an agreement under section 106 of the Town and Country Planning Act 1990, which will be required to be completed, should Members be minded to approve the application, before the granting of planning permission. Regarding the specific play areas City Services (Community Services) has confirmed that this money would contribute towards the nearest priority, i.e. North Area Priority 8 Witherwack Area (Marley Potts/Carley Hill), as defined in Moving Forward Sunderland's Play and Urban Games Strategy 2007-2012 (Update 2010).

Environmental Health and Ground Contamination considerations

In view of the close proximity of the proposed development to nearby residential premises the applicant should make an application for prior consent to Environmental Services in respect of work on construction sites under the Control of Pollution Act 1974. An application should be made prior to the commencement of any works and as such, should Members be minded to approve the application, a suitably worded informative shall be placed on the decision notice.

Given the proximity of the proposed development to residential properties it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy construction works should be permitted to take place on Sundays and Bank Holidays at any time, whilst consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and the minimisation of noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are minded to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

Furthermore, as the site is an archived landfill site and in view of the fact that the submitted Geoenvironmental Appraisal states that ground gas monitoring is ongoing, following discussion with colleagues in Environmental Services it is recommended that no works, other than investigation works, shall be carried out on the site prior to the written approval of any necessary remediation strategy. Consequently, should Members be minded to approve, the decision notice should be condition accordingly.

CONCLUSION

Taking the above into consideration, the proposal is considered to contribute positively to the regeneration of the Southwick area and is acceptable in terms of design, layout, highway and residential amenity and is therefore recommended for approval. The application should therefore be delegated to the Deputy Chief Executive in order to enable the conditional approval of the application subject to the successful completion of a section 106 agreement in respect to off site play and the improvements to the footpath connecting Maplewood Avenue with the playing fields to the north of the application site.

RECOMMENDATION: **Delegate** to the Deputy Chief Executive to;

- Grant permission subject to the following conditions and subject to completion of a Section 106 agreement
- Refuse permission should the legal agreement not be completed.

Conditions:

1. Three Years
2. Accordance with approved plans

3. Construction Methodology
4. Wheelwash
5. Boundary Enclosures
6. Landscaping (hard and soft)
7. Landscaping 5 years
8. Removal of permitted development rights (boundary)
9. Land Contamination 1
10. Land Contamination 2
11. Land Contamination 3
12. Land Contamination 4
13. Land Contamination 5
14. Construction Methodology
15. Hours of Construction
16. Submission of Materials
17. Code Sustainable Homes Level 3
18. Surface Water Drainage
19. Off Street Parking
20. Sales/Site office

Number:	S3
Application Number:	11/02920/TEX
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

Site/Proposal

This application is for prior notification of proposed development by telecommunications code system operators Vodafone Ltd. The installation comprises a dual user 12m high, light weight lattice telecommunications tower supporting 3no Vodafone antennas and 3no O2 antennas to provide 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 X 0.798m X 1.643m 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 TA Centre on Dykelands Road in Sunderland.

The rather expansive site occupied by the Territorial Army covers an area of approximately 11814m². The majority of the sites built development are located towards the northern end of the site 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 sites 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 Knoll's Road inclines gradually from north to south with street furniture in the shape of lighting columns measuring approximately 8m high evident, whilst the grounds of the TA Centre fall away marginally from the palisade fencing and kerbside of Mere Knoll's 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. One of the aims is to avoid the potential for proliferation of masts, which would result, were both operators 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.

The Prior Notification 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. 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 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 on grounds of siting and/or appearance. 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.

Representation

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, 22 Kingarth Avenue and 4 Douglas Road, whilst objections have also been received from properties further afield such as 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.

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

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

Relevant National and Local Planning Policy.

National planning policy in relation to proposed telecommunications developments is provided in Planning Policy Guidance 8: Telecommunications (PPG8). Material considerations include the significance of the proposed development as part of a network and Local Authorities may require evidence of the need for development and also that alternative sites have been considered. Authorities should not question the need for the telecommunications system which developments are proposed to support. It is further stated that each telecommunications system has different antenna types, siting needs and other characteristics and that Planning Authorities should have regard to any technical constraints on the location and proposed development.

PPG8 further indicates that protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications.

Considerable importance is attached by PPG8, to keeping the numbers of telecommunications masts and sites for such installations to a minimum, consistent with the efficient operation of the network, with the sharing of masts strongly encouraged where it represents the optimum environmental solution in a particular case.

It is further recommended through PPG8 that in seeking to arrive at the best solution for an individual site, sympathetic design and camouflage should be utilised to minimise the impact of the development on the environment and that in considering the design of an individual development, consideration should be given to screening and planting. This is expanded upon in Annex 1 of PPG8, which provides guidance on prior approval procedures for telecommunications permitted development. Paragraph 12 identifies the use of appropriate materials and colouration as important considerations in allowing a mast to blend easily into its surroundings, with other features identified as important including dimensions, shape and construction method. Paragraph 13 identifies other important considerations, which include the height of the site in relation to surrounding land, the existence of topographical features or vegetation, the effect on the skyline or horizon and views from any side.

In respect of health, it is acknowledged in PPG8 that health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior

approval. However, it is the Government's firm view that the planning system is not the place for determining health safeguards. 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 International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure, it should not be necessary for the Local Planning Authority, in processing an application for planning permission or prior approval to consider further health aspects and concerns about them. The agent has confirmed that the proposal meets with the ICNIRP guidelines and therefore it is not considered that the issue of health should be considered further.

Furthermore, the Code of Best Practice on Mobile Phone Network Development issued by the Office of the Deputy Prime Minister (ODPM) states the scale, massing and height of proposed development should be considered in relation to that of adjoining buildings, topography, the general pattern of heights in the area and views, vistas and landmarks.

In respect of local planning policy, the application site is not allocated for any specific purpose within the Unitary Development Plan (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 (SPG).

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.

Section 15 of the adopted Supplementary Planning Guidance (SPG) advises that telecommunications equipment should be sited so as not to harm the visual amenity of neighbouring residents and avoid clutter of masts and apparatus and should be appropriately coloured to match existing street furniture.

The proposed siting, design and impact on residential amenity

With regard to the site selection process, the applicant advises that a number of alternative sites were considered. The following sites were discounted for the below reasoning.

- Lowry Road, opposite Morrisons – The site was discounted for strategic planning reasons and was not considered to provide a sufficient level of service to subscribers to justify cost of installation.
- Chichester Road, adjacent to Sea Lane – The proposed location was within close proximity to residential housing and in an area that has views over the coastline.
- Marriott Hotel, Seaburn – The proposal was at an advanced stage but was withdrawn as commercial terms could not be agreed between the provider and the landlord.
- Martinos Restaurant, Dykelands Road – The proposal was considered but it was discounted because it had a greater impact than the chosen site.

In respect of the above, the Local Planning Authority (LPA) believes that a more suitable site for the proposed apparatus had been found at the Marriott Hotel on the seafront in Seaburn. However, the applicant has confirmed that negotiations broke down as commercial terms could not be agreed. The applicant has, at the request of the LPA, submitted additional information which provides further insight into the reason for the failure to agree commercial terms.

The e-mail dated 26th October 2011, confirmed that negotiations between the operators and the hotels property management company were at an advanced stage but reached an impasse due to the unrealistic rental expectations of the management company.

In this respect the applicant has provided the following justification –

“The issue of being unable to agree on a mutually acceptable rental is critical importance to the Operator, as this forms a significant part of the Operational Expenditure (OPEX) involved in running a telecommunications network. Rental for mobile base stations is calculated on a basis of the population size, with certain areas of demand being able to acquire higher rentals than others ie the larger the city = higher demand for services = higher rentals. For instance, an urban city location will benefit from higher rentals than a rural village. Also, a large city such as London or Birmingham will benefit from higher rentals than a smaller city such as Sunderland.

As part of the negotiations for the Seaburn Marriot, the hotels agent was insisting on a rental that was 15% above the guideline that Vodafone expect to pay in an area such as the outskirts of Sunderland. Whilst the costs involved with the proposal are not considered to be material considerations, if a rental for site is agreed at levels of 15% above their expected guideline, then this could have severe consequences for the future OPEX of the company. In effect, the rental demanded was considered to be unsustainable and had to be rejected in order to protect the integrity rental paid throughout the industry. If unsustainable rentals are paid, the market is artificially distorted leading to a reduction in the future development of the network”.

With regard to the above, whilst it should be noted that the financial constraints of the operator are not a material planning consideration for the purposes of determination, it is understood that the telecommunication operators have financial constraints within which they must work. External economic factors cannot be influenced by the City Council and due consideration must therefore be given to the site proposed by the operators in this instance.

The TA Centre is, as is noted above, located within a predominantly residential area of the City and is flanked by residential streets and dwellings on all four sides.

In terms of siting, the LPA's main concern is the relative openness of this particular area of the site. Whilst it is acknowledged that pedestrian views into the site are extremely limited from the northern and eastern aspects, and that the land upon which the mast would be erected is marginally lower than the street level on Mere Knolls Road, the views from west to east remain fundamentally open with low boundary walls and paladin style fencing doing little to screen the proposal from Mere Knolls Road. Against this back drop is the fact that proposed lattice tower would be installed between two low level buildings, one with a ground to roof height of 5m and the other with a ground to roof height of 3.6m. In this respect, with a tower height of 12m and a combined apparatus height of 15m the lattice installation would benefit from little screening within this exacting location and would appear somewhat conspicuous within its setting.

Further to the above, the host site is effectively surrounded by residential properties on the western and southern elevations whilst almost a third of the south eastern curtilage abuts a residential curtilage with the nearest residential property, that of 11 Kingarth Avenue, siting approximately 32 metres due south east of the proposed mast installation.

Whilst it, is evident that the masts siting would not impact on residential amenity in respect of overshadowing, loss of sun/day light, overlooking and privacy, the principle impact of the lattice tower on the amenity of the afore mentioned properties is considered to be visual and generated by a combination of the openness of the site, the appearance of the installation and perhaps more significantly, the layout of the surrounding residential dwellings.

The surrounding dwellings are laid out in such a fashion that the relationship of the host site with these properties is almost 'courtyard' like in nature with views from the first floors of these properties focusing into the relative openness of the TA Centre. The rear elevations of these properties host primary windows and it would not be unreasonable to suggest that residents of these properties might expect to spend considerable time within these rooms.

In respect of the above and from a visual amenity perspective, the lattice style of mast proposed is a solution that will generally be more appropriate for areas within a commercial/industrial setting and is not usually considered to be an appropriate addition to a residential locality such as this. In this instance, it is considered that the proposed design of the telecommunication apparatus would be incongruous within its setting and coupled with the lack of screening would only serve to increase its prominence when viewed from both the surrounding residential properties and Mere Knolls Road.

In assessing the landscape of the site, the LPA believe that it may be possible for the applicant to install the proposed telecommunications equipment within a less prominent location adjacent to the higher rise buildings to north of the site.

In respect of the above reasoning the proposed siting and design of the proposal is considered to be contrary to guidance provided within PPG8, which suggests that solutions should be sought that have a sympathetic design and camouflage allowing a mast to blend easily into its surroundings.

Proliferation and mast sharing

This proposal is an application made by Vodafone Ltd, for a proposal which would incorporate their

equipment, as well as antennas serving O2 Ltd. Thus, the proposed equipment is a shared installation providing coverage for two operators. This approach has been employed by the O2 and Vodafone partnership across Europe in recent times with new or in some cases replacement apparatus designed to incorporate both operators equipment within their structure. It is considered that this approach is reasonable so as to reduce the number of masts required whilst providing coverage for both operators.

In respect of concerns raised by one of the objectors with regard to potential future additions to the proposed installation, it is acknowledged that the operators would be free to upgrade and install additional apparatus to the lattice tower in the future providing it was done so in accordance with the 'permitted development' rights afforded by Schedule 2, Part 24, Class A (a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, notwithstanding the above, it should be noted that the material consideration of the telecommunications structure can only be made in relation to the submitted scheme and not the in relation to how it may look in the future.

Other issues raised by the objectors

- In respect of health, a number of residents expressed concerns that the monopole would present a health hazard. However, it should be noted that the application was accompanied by a Declaration of Conformity with ICNIRP Public Exposure Guidelines and, therefore, appears to accord with the standards as set out by the ICNIRP. As such, with due regard given to the guidance as set out by paragraph 30 of PPG8 which states that the planning system is not the place for determining health safeguards, it was not considered necessary to take potential health issues into account when determining this application.
- In respect of property values, Planning Policy Statement 1 Delivering Sustainable Development 2005 (PPS1) considers with the question of private interests as material considerations, and states that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasions. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Thus, the potential devaluation of property as a result of a planning decision is not considered to be material in the determination of a planning application.

- Some residents raised concern over the levels of consultation which were carried out in connection with the application.

In this regard, the conditions set out in Schedule 2 Part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 (GPDO) set out the manner in which the Council in its capacity as Local Planning Authority must publicise an application for prior notification of proposed development by

telecommunications code system operators. These are consistent with the requirements of Part 2, Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) which set out the publicity requirements for applications for planning permission. These requirements are that an application such as that under consideration shall be publicised by giving requisite notice:

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

The DMPO Article defines an 'adjoining owner or occupier' as any owner or occupier of any land adjoining the land to which the application relates.

It is the Council's practice to send individual letters to the occupiers of all properties that adjoin sites which are the subject of planning applications.

The measures undertaken in this instance fully comply with the legislative requirements for publicity that must be carried out by the Local Authority in connection with applications for prior notification of proposed development by telecommunications code system operators (as required by the GPDO). As such, the Council has carried out, and indeed has exceeded, its statutory duties in terms of the number of site notices that were placed around the site subject to the application.

- The potential impact upon television/radio reception, raised as a concern by objectors is not considered to be a matter to be dealt with by the planning system.
- In respect of the objectors' queries regarding coverage, the applicant did provide a coverage and transmission plan as part of the overall submission. This plan was received by the LPA on 7th October and was uploaded to the web for public viewing. The plan has provided details of the existing 3G UMTS coverage available in the area. The existing plans show a coverage gap in the Seaburn area with only outdoor/car and limited suburban coverage available, whilst the illustrative plans showing the level of coverage were the proposed equipment installed show this improved to dense urban/suburban coverage available. The applicant has advised that both networks presently have an urgent requirement to provide 3G services to the area and see this proposal as a means of addressing this coverage gap.

The information provided by the applicant in respect of the two operators coverage needs is considered to adequately demonstrate the need for a telecommunications installation in this location and in line with PPG8, it is not considered that the Local Planning Authority need further question these details.

- Concern has been expressed over the ability of local residents to view the submitted plans. In this respect, the subject plans are available for inspection at the Customer Service Centre in the city and all consultation letters make it clear that the plans are also available to view online on the City Council's website.

- Finally, one letter of representation raised an issue over pre-application discussions with the LPA. The content of pre-application discussions can be requested under the Freedom of Information Act (FOI) by accessing the FOI log on the City Council's web page.

Conclusion

In determining this application in line with PPG8, which stresses the importance of keeping environmental impact to a minimum, it is considered that the harm in that respect outweighs the benefits that the proposal would bring. Accordingly, the proposed installation, by means of its siting and design would introduce an obtrusive and uncharacteristic feature to a residential locality, to the detriment of the visual amenities of the streetscene. The proposal therefore fails to accord with the criteria set out by PPG8, the Code of Best Practice on Mobile Phone Network Development issued by the former ODPM, policy B26 of the UDP and Topic 15 of the Development Control SPG and the request for prior approval should be refused accordingly.

RECOMMENDATION: Refuse

Reason:

The proposal, by reason of its siting and design, would introduce an inappropriate form of development, appearing unduly obtrusive and injurious to the visual amenity of the area and neighbouring residents, contrary to policy B26 of the adopted Unitary Development Plan, Section 15 of the adopted Supplementary Planning Guidance Development Control Guidelines, Planning Policy Guidance note 8: Telecommunications and the Code of Best Practice on Mobile Phone Network Development issued by the former Office of the Deputy Prime Minister.