

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Commercial Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Alison Fellows
Executive Director of Commercial Development

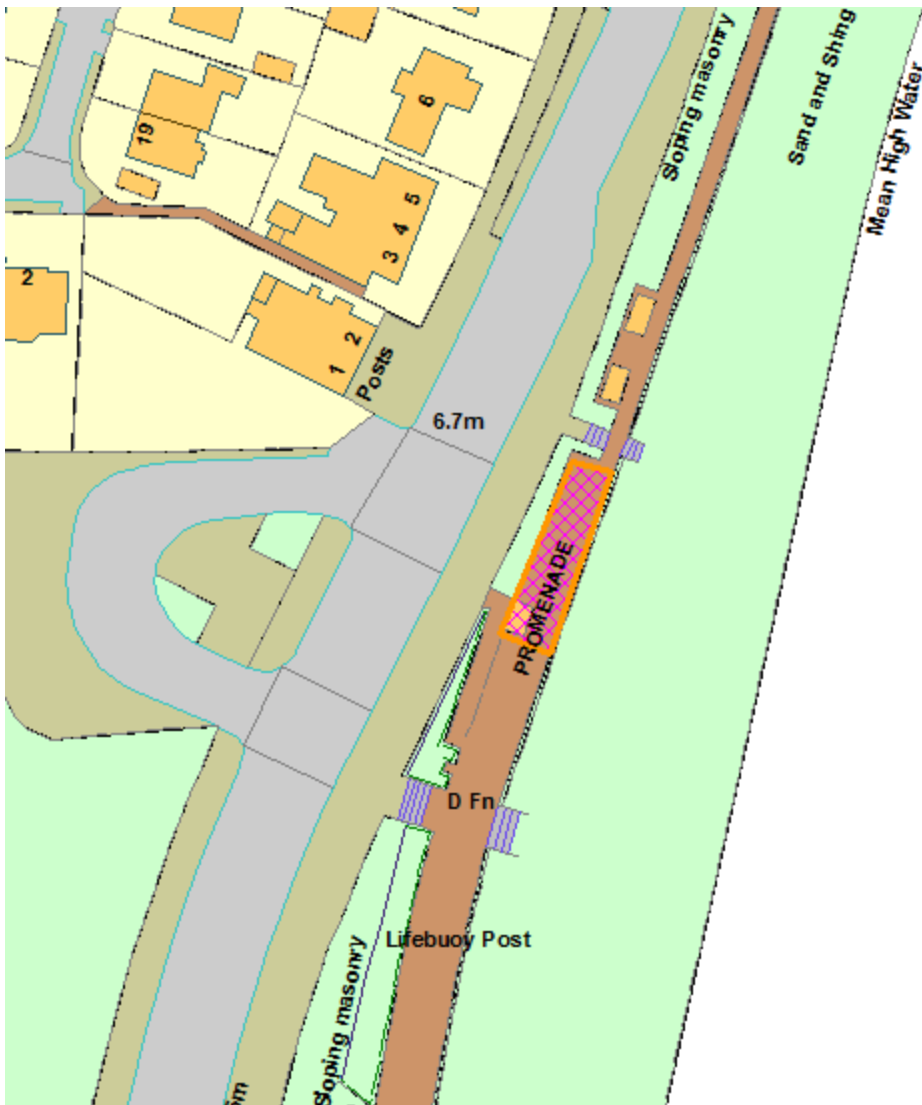
Reference No.: 15/02332/FU4 Full Application (Reg 4)

Proposal: **Single storey extension to provide covered seating area.**

Location: Kiosk 7 Lower Promenade Whitburn Road Sunderland SR6 8AA

Ward: Fulwell
Applicant: Mrs Jean Walker
Date Valid: 16 December 2015
Target Date: 10 February 2016

Location Plan



'This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2016.

PROPOSAL:

Planning permission is sought to erect a single storey extension to provide a covered seating area to an existing kiosk (No.7), on the lower promenade of Whitburn Road, Sunderland.

The existing building, known as Kiosk 7, currently provides tea, coffee, ice cream and confectionary etc on a seasonal basis via a serving hatch fronting the promenade. The rendered kiosk is relatively small scale and presents a mineral surfaced felt covering. Tables and chairs are positioned adjacent to the kiosk during the seasonal operation of the business.

The application proposes to extend the existing kiosk in order to provide a covered seating area which will allow for extended trading throughout the year between the hours of 11.00 and 18.00, seven days a week. Some external seating is shown to be retained to the immediate north of the extension.

The extension would see the depth, height and roof pitch of the kiosk retained in its current form however the promenade fronting width will be increased from 4.35m to 12.5m. The new frontage will retain the existing serving hatch and three sets of hardwood bi-fold door are to be installed. Customer access to the café will be achieved via a door within the northern gable and by a shallow ramp to the front which will cater for disabled/pram access. Initially it was proposed to retain the existing box roller shutter door to the serving hatch and install further box housing across the frontage of the extension. This has approach has been revised and the new roller shutter housing will now be contained internally with perforated roller shutters also proposed. The new development is to be finished in white render.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fulwell - Ward Councillor Consultation
Environmental Health
Environment Agency
Network Management
Final Date for Receipt of Representations: **10.02.2016**

REPRESENTATIONS:

Representations

No objections have been received as a result of the public consultation undertaken.

Consultations

Internal

The Council's Network Management section has confirmed that they have no recommendations or observations to make with regard to highway safety however it has been noted that the

applicant will need to apply for a street café license for the outdoor seating area. An informative shall be placed on the application to this effect.

External

Environment Agency - The location of the kiosk falls within a high risk zone and consequently the proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed within the submitted Flood Risk Assessment are implemented and secured by way of a planning condition.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

NA_5_Provision / improvement of visitor facilities at tourist attractions

NA_6_Encouragement to improvement of commercial and social structures in the Coastal zone

NA_26_Development / enhancement of Coastal & Seafront Zone for leisure and tourism; retention of open space.

B_19_Creation of a "user friendly" environment

S_8_Design of shop fronts

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

COMMENTS:

Considerations

The main issues to consider in assessing the application are;

1. The impact of the development on amenity and the character and appearance of the area
2. The impact of the development on highway safety
3. Implications in respect of the Habitat Regulations Assessment

1. Character and appearance of the area

Policy B2 of the UDP requires that new development should respect amenity and therefore new proposals will generally be expected to adhere with the scale and massing of development found within the locality.

Policy NA5 states that the provision and improvement of visitor facilities and other works to enhance the attraction of Seaburn Seafront will be encouraged, whilst policy NA6 states that the City Council will encourage improvements to existing commercial and social structures in the coastal zone to help ensure their viability and maximise their contribution to the seafront. UDP policy NA26 provides further clarity on the above and stipulates that the Seafront Zone will be developed and enhanced to accommodate a range of indoor and outdoor facilities providing focus for leisure and tourism.

Also of relevance is the adopted Seaburn Masterplan and Design Code wherein it is stated that the development of additional coffee shops and restaurants will be encouraged.

With regard to the above, it is considered that the existing kiosk is of limited visual quality and presents a rather tired appearance including large and relatively obtrusive box shutters. The extension to the kiosk would see the existing box shutters removed and replaced by an internally housed system which would include new perforated shutters providing a more transparent and modern finish to the frontage. The addition of the hardwood bi-fold doors and external application of white render would also aesthetically improve the building by giving it a fresh look which would complement the appearance of the new build dwellings which provide the backdrop to the building on the western side of Whitburn Road.

In terms of amenity impacts it is clear that there are no residential units within close proximity to the development and those that are within the general vicinity are sufficiently remote for there to be no adverse impact particularly given the intended hours of operation and the fact that proposal simply seeks to extend an existing commercial operation within a public promenade.

Inclusive access is to be provided for disabled customers and parents with prams in accordance with the requirements of UDP policies B19 and S8.

In light of the above reasoning the proposed development is considered to be appropriate and will facilitate the improvement of an existing commercial and tourist facility on the Seafront Zone in accordance with the provisions of policies B2, NA5, NA6, NA26 and the aspirations of the Seaburn Masterplan and Design Code.

2. Highway safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety. In this respect it is noted that the proposed development would not impact on the highway network given that it is to be positioned within the public promenade.

The proposal therefore complies with policy T14 of the approved UDP and is considered to be acceptable in respect of highway safety.

3. Habitat Regulations Assessment

The host site lies within the extent of the impact risk zone relating to the Northumbria Coast SPA and Ramsar site which is designated under the Breeding Birds Directive. Where it is considered that a development may lead to increased recreational pressure at the coast thereby leading to direct damage of habitats (both intentional and unintentional) by trampling erosion, and disturbance to bird species, particularly from people walking with dogs, a screening exercise should be undertaken to initially evaluate the proposals in order to determine whether a more detailed Appropriate Assessment or a full HRA is required.

In this instance it is noted that the development has not been supported by a Habitat Regulations Assessment screening report. However, notwithstanding the above, the overall extent of the development proposed is not considered to be significant rather it effectively seeks to enclose an area of external seating. Consequently it is not considered that there would be a substantial net gain in seating at the site.

Whilst it is evident that the provision of sheltered seating would offer greater potential for year round visitors, the applicant has confirmed that the development is unlikely to be used within the colder winter months and in any event it is not, given the existing provision of such facilities on the

Seafront, likely that this particular development would entice specific visitors/trips to the site, rather it would likely serve a passing trade that is already within the vicinity.

In light of the above it is not considered that the use will lead to additional pressure to winter migrating birds on the neighbouring protected coastal sites and hence the application is considered to be in compliance with policy CN19 of the UDP.

Conclusion

On the basis of the reasoning provided above, it is considered that the proposed development is appropriate in accordance with the relevant UDP policies. Accordingly it is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the conditions below.

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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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:

Conditions: Recommend that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the conditions below.

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

- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - The floor plans and elevations as existing received 16.11.2015.
 - The proposed floor plans and elevations as amended received 15.02.2016
 - The site section plan received 16.12.2015.
 - The location plan received 16.11.2015.

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

- 3 The materials to be used in the development hereby approved shall be;
 - Walls - White render
 - Roof - Mineral felt
 - Windows/doors - Hardwood

In the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 The development hereby approved shall be implemented in complete accordance with the approved plans and the content of the email from the applicant to the Environment Agency dated 22.12.2015.

The finished floor levels shall be set no lower than 5.95m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason; In order to reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 100 of the NPPF.

- 5 Prior to the installation of the roller shutters hereby approved, full details of their specification and colour treatment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be completed in accordance with the agreed details before the use commences in order to protect the amenities of the area and to comply with policy B2 of the UDP.