

DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE

AGENDA

**Extraordinary Meeting to be held in Committee Room No. 2 on
Tuesday 18th October, 2016 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder	1
	Report of the Executive Director of Economy and Place (copy herewith).	

**E. WAUGH,
Head of Law and Governance.**

Civic Centre,
SUNDERLAND.

10th October, 2016

Development Control North Sub-Committee

18th October 2016

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 16/01348/FUL
Sunderland Sea Anglers Association Marine Walk Roker Sunderland SR6
0PL
2. 16/01535/FU4
Northern Saints Primary Rotherham Road Sunderland SR5 5QL

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Development Control Manager (0191 561 8755) or email dc@sunderland.gov.uk .

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Ms. Irene Lucas CBE
Chief Executive

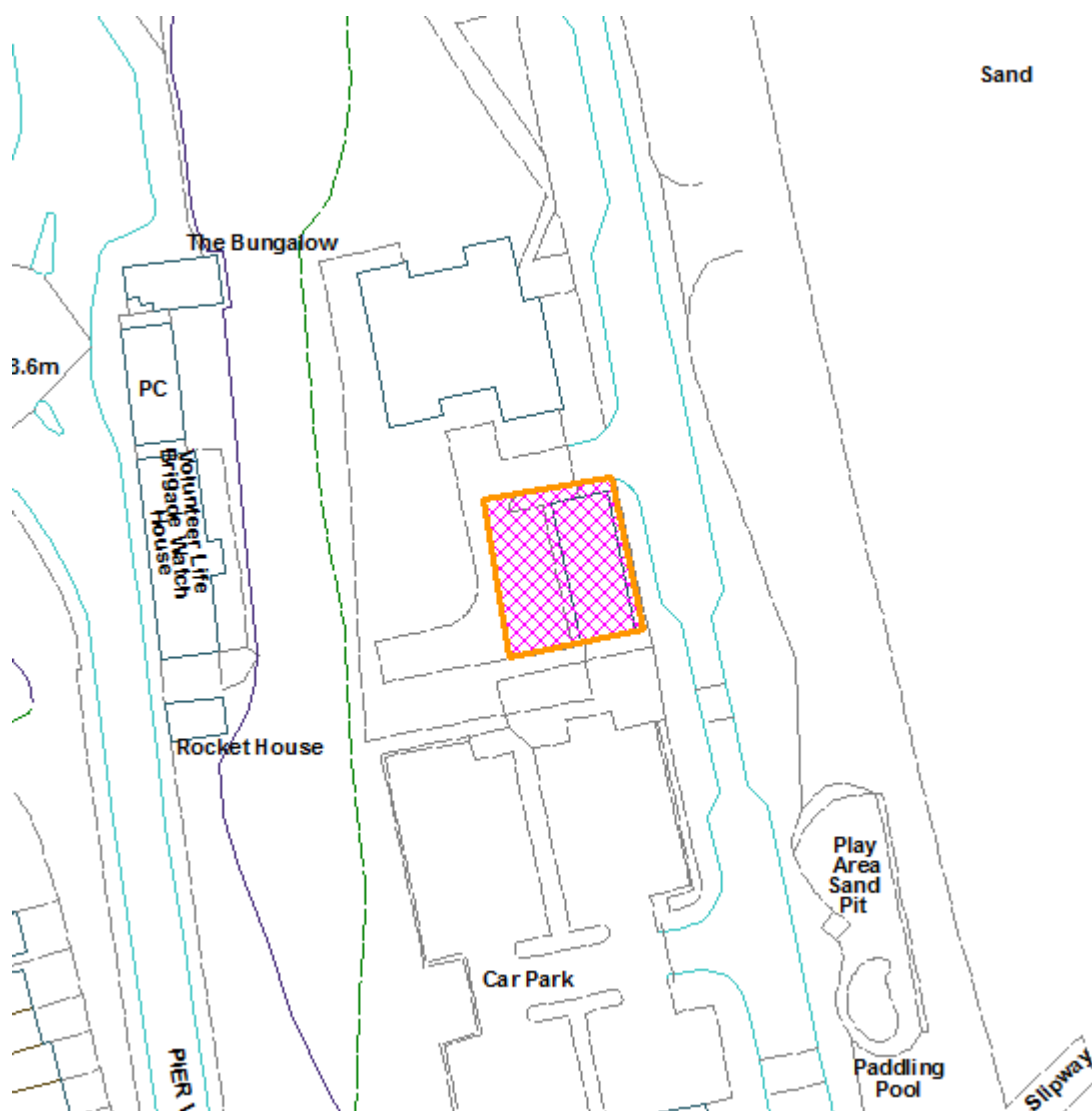
Reference No.: 16/01348/FUL Full Application

Proposal: Demolition of existing former sea anglers unit and proposed construction of a two storey commercial unit with Retail (Use Class A1) or Food and Drink (Use Class A3) or Hot Food Take Away (Use Class A5) to ground floor and Office (Use Class B1) to first floor.

Location: Sunderland Sea Anglers Association Marine Walk Roker Sunderland SR6 0PL

Ward: St Peters
Applicant: Glenrose Developments
Date Valid: 3 August 2016
Target Date: 28 September 2016

Location Plan



PROPOSAL:

The proposal relates to the demolition of existing former Sea Anglers unit and proposed construction of a two storey commercial unit with Retail (Use Class A1) or Food and Drink (Use Class A3) or Hot Food Take Away (Use Class A5) to ground floor and Office (Use Class B1) to first floor at Sunderland Sea Anglers Association, Marine Walk, Roker, Sunderland.

The application site is situated along the Roker Lower Promenade/Marine Walk and adjoins the existing Sues Place cafe to the south. Contained within the Roker Conservation Area of Sunderland, to the immediate east of the site is the North Sea and the Grade II Listed Roker Pier and Roker Lighthouse. To the rear of the site is an area of car parking and storage, leading to an area of open space that slopes upwards to the Volunteer Life Brigade Watch House. To the north of the site is the Marine Adventure Centre and the Phase 1 Marine Walk development.

The current development proposal seeks to create one ground floor commercial premises with a ground floor area of 104 square metres and the potential to be subdivided into two units. In addition, at ground floor level the proposal seeks to introduce six covered car parking bays and a bin storage area. At first floor level there is an area of office that is to be accessed from the rear parking area.

The proposal has been subject to pre-application discussions and has been supported by the following documents:

Design and Access Statement.
Heritage Statement.
Phase 1 Desk Top Study Report.
Habitat Regulations Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
DC North Chair and Vice Chair Consultation
Network Management
Environmental Health
Northumbrian Water
Southern Area Command - Police
Business Investment

Final Date for Receipt of Representations: **09.09.2016**

REPRESENTATIONS:

Further to the expiry of the consultation period no letters of representation have been received.

Northumbrian Water Limited - No comments.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

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

T_22_Parking standards in new developments

CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

EN_12_Conflicts between new development and flood risk / water resources

EC_8_Support for tourist and visitor 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.

COMMENTS:

In determining the application the main issues to consider are :

1. The principle of the use.
2. The visual impact of the proposal and the impact upon the setting of the listed pier and lighthouse and the character of the conservation area.
3. Accessibility and the impact of the proposal upon highway safety.
4. The impact upon residential amenity.
5. The impact upon protected species.
6. Other material considerations.

1. Principle of Use.

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for determination must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's Unitary Development Plan (UDP), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

Paragraph 14 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that it "should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, grant permission unless:-

- (a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole; or
- (b) Any specific policies in the NPPF indicate that development should be restricted."

It is noted that paragraph 119 of the NPPF states that:

"The presumption in favour of sustainable development (Paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

Paragraph 17 of the NPPF then sets out 12 core planning principles which "should underpin both plan-making and decision-taking." These principles, amongst other things, include the need for the planning system to:

- Be a creative exercise that seeks to enhance and improve the places in which people live and not simply be about scrutiny;
- Be a proactive driver of sustainable economic development, so as to deliver the homes, business, industry and infrastructure that are needed;
- Secure high quality design and a good standard of amenity;
- Be aware of the different roles and a character of different areas and promote the vitality of our main urban areas;
- Encourage the effective use of previously developed land that is not of high environmental value;
- Promote mixed use developments; and
- Focus significant development in locations which are, or can be made sustainable.

The local planning policy is set out in the Sunderland Unitary Development Plan (UDP) which was adopted in September 1998. The policies contained within the UDP were saved after September 2007 until such time when they are superseded by replacement local policies.

However, regard has to be given to Annex 1 of the NPPF that states that where Development Plan Policies were adopted before 2007 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It states that the closer the policies in the plan are to the policies in the NPPF the greater the weight that may be given.

The main strategic aims of the UDP in part include:

- Reduce the net level of out-migration to zero by the end of the plan period, principally through policies for housing and economic development.
- Have a sufficient range of social, educational, cultural and recreational facilities within the City to satisfy the requirements of its residents and visitors.
- Protect and enhance the best features of both the built and natural environment.

To achieve the aims the UDP provides a number of relevant strategic policies. These include:

Economic Development Tourist Facilities Policy EC8 states that:

"The Council will support the expansion of activities catering for tourists and other visitors by:-

- (i) Identifying, consolidating and safeguarding attractions;
- (ii) Refusing proposals which would have an adverse impact on tourist attractions (as identified in the area chapters);
- (iii) Actively encouraging opportunities for new tourist initiatives, especially where they are near existing areas of visitor interest;

- (iv) Providing cycle and car parking for visitors, and footpaths and interpretative facilities at tourist attractions.

The environmental implications of any proposals, particularly in the defined coastal areas will be taken into consideration."

The above policy is considered to be fully compliant with the NPPF.

Sunderland North area provides policy NA6 that relates to the seafront and 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 potential contribution of the seafront."

Whilst policy NA26 relates to coastal and seafront zone and states in part that:

"The seafront zone between the river mouth and the city boundary with South Tyneside as defined on the proposals map will be developed and enhanced to accommodate a range of indoor and outdoor facilities providing a focus for leisure activity and tourism serving the region. Any new development should, by the quality of its design, retain and if possible enhance the underlying character of the zone."

Both policies NA6 and NA26 are considered to be broadly compliant with the NPPF and should continue to be used, subject to consideration being given to the second limb of the policy which permits a range of commercial and leisure related facilities within the seafront zone. Proposals for Town Centre uses on these town centre sites will need to undertake sequential assessments. Consideration also needs to be given to the Seafront Strategy and Marine Walk.

In order to support the aforementioned policies NA6 and NA26, the City Council has produced the Sunderland Strategy (2008 - 2025), The Seafront Regeneration Strategy and the Marine Walk Master Plan.

The Seafront Regeneration Strategy provides a strategic platform to guide the regeneration of Roker and Seaburn Seafront and to deliver the objectives set out in the Sunderland Strategy.

The Marine Walk Masterplan is a Supplementary Planning Document (SPD) forming part of Sunderland City Council's Local Development Framework. As such the document has been taken forward through the statutory planning process in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). In addition under the requirements of the European Directive 2001/42/EC a Strategic Environmental Assessment and Appropriate Assessment have been prepared alongside the SPD.

The Marine Walk Masterplan sets out the parameters for the principle of development, focusing on providing a mix of uses which complement adopted planning and design policy, with a desire to achieve a range of cultural and tourism uses in order to provide a safe and pleasant environment for all. In this respect, the focus is to offer a range of facilities which help to activate Marine Walk and the surrounding locality. In providing essential facilities for the expanding Marine Walk lower promenade area the development is considered to be acceptable in principle.

2. The visual impact of the proposal and the impact upon the setting of the listed pier and lighthouse and the character of the conservation area.

In assessing the visual impact of the proposed alterations the proposal has been considered against Section 12 : Conserving and enhancing the historic environment of the NPPF relevant policies of the UDP B2, B4, B6 and B10 and Management Objective 6 and Proposal 6a of the Roker park Conservation Area Management Strategy.

The Roker Park Conservation Area - Character Appraisal and Management Strategy (2007) (CAMS) was declared in 1995 in recognition of its architectural and historic interest. The document is relevant to this application as Policy B4 of the UDP states that:

"All development within and adjacent to Conservation Areas will be required to preserve and enhance their character or appearance."

Management Objective 6 of the above CAMS seeks to:

"Secure the appropriate enhancement of the lower promenade as an area of activity and distinctive character." The objective continues to state that the Council will endeavour to create "an attractive "café life" ambience and restore the area as a valuable promenade."

Further to consultations with the Planning Implementation Team, the principle of redevelopment of this site is considered acceptable. The proposal supports the aims and objectives of the Council's adopted Seafront Regeneration Strategy and the Marine Walk Masterplan SPD, and in general terms the Management Objectives and Proposals for the lower promenade in the Roker Park Conservation Area CAMS. The existing buildings are of no historic or architectural value, they are bland later 20th century buildings identified as having negative impact on the character of the Conservation Area in the CAMS. The proposed replacement with a well-designed contemporary building is therefore supported in principle.

Management Objective 6 and Proposal 6a of the Roker Park CAMS, seeks to secure the appropriate enhancement of the lower promenade as an area of activity and distinctive character through high quality and innovative building designs. Proposal 6a advises that the general scale, height (at 2 storeys) and building line of the Marine Adventure Centre should set a pattern for future developments along Marine Walk, although a range of distinctive building forms and styles will be considered appropriate. Recent developments in close proximity to the site have accorded with this requirement, being no more than 2 storeys high.

Additionally, the Roker Park CAMS identifies that the superb panoramic views out to sea, along the coastline and into the conservation area from the sea are a key characteristic of the conservation area to be protected. The grassed embankment provides a valuable green break between the lower and upper promenade in views from the sea and pier, and along the coastline, and needs to be taken in to consideration for development proposals along Marine Walk.

With the above in mind, it is noted that the embankment also slopes down to a lower level in the vicinity of the application site, with the historic group of buildings of the Sunderland Volunteer Life Brigade and Bungalow Cafe situated directly behind the site on the top of the embankment. It is important that the views of this historic group from the lower promenade and Pier, and the green break provided by the embankment, should not be unduly affected by the proposed development. It is further important that the proposal does not adversely impact on the sea rescue function of the Sunderland Volunteer Life Brigade Watch House, in particular ensuring that views from the Watch House to the sea are not impeded. With this in mind a drawing has been submitted for consideration to illustrate the sight lines to and from the Watch House to the beach/sea over the proposed development.

In respect of the above requirements the general scale, height and design approach for the proposed new building is generally sympathetic to its historic context within Roker Park Conservation Area, and more recent developments along Marine Walk. In general appearance terms it supports the guidance under Management Proposal 6a for designs to reflect and reinforce the area's distinctive character and beach front location, drawing inspiration from the timber framed buildings that characterised original forms of development on the promenade and recent contemporary development along Marine Walk. The proposal continues the theme of "beach style" inspired developments along the lower promenade.

The reduction in the height of the proposed building to 2 storeys as requested at pre-application stage, reaches a maximum height of 8.8 metres at ridge level and 4.5 metres at eaves level, has in principle addressed previous concerns over its potential overbearing impact on the existing townscape of the lower promenade and views out from the Watch House. Subject to the imposition of a condition relating to the submission of appropriate materials should Members be minded to approve the proposal the development is considered to be acceptable and in accordance with both national and local planning policies.

3. Accessibility and the impact upon highway and pedestrian safety.

Paragraph 32 of the NPPF deals with promoting sustainable transport and states in part that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Whilst paragraph 35 adds:

"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Thereafter, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport."

Policy T14 of the UDP is broadly compliant with the NPPF and states that:

"Proposals for new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- (ii) not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- (iii) make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- (iv) make provision for the loading and unloading of commercial vehicles
- (v) indicate how parking requirements will be accommodated."

The Marine Walk promenade is a designated No Parking Zone, there are two public car parks along Marine Walk to the south of the site and a disabled parking area to the north of the site. A loading bay is located directly opposite the Phase 1 development.

Following consultations with the City Council's Network Management Section, no objections have been raised, however a number of observations have been reported relating to the following:

Servicing and delivery should be from the rear of the premises, or alternatively vehicles may park in the dedicated servicing bay north of the building. The proposed bin store and car parking should be in place prior to occupation.

In light of the above, and the imposition of conditions to control hours of delivery and the provision of a bin store and car parking prior to occupation should Members be minded to approve, the proposal is considered to be acceptable and compliant with both national and local policy.

4. The impact upon residential amenity.

Paragraph 17 Core Planning Principles states that in part that a set of core land-use planning principles should underpin both plan making and decision-taking and highlights 12 key points. One of these points states that planning should:

"always seek to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings."

Policy B2 of the UDP reaffirms this position in seeking to ensure levels of privacy are maintained and developments are respectful and enhance the best qualities of nearby properties.

In assessing the impact of the proposed development upon levels of residential amenity, it is recognised that the Sea Anglers Association is sited in close proximity to the first floor residential properties of Marine Walk, whilst the host premises does currently share a party wall with the adjoining Sue's Cafe. With the above in mind, it is recommended that should Members be minded to approve the application conditions should be imposed relating to the means of demolition and method of construction in order to ensure satisfactory levels of existing residential amenity are retained throughout the development process.

With the above in mind the proposal is considered to be acceptable and in accordance with both national and local policies.

5. The impact upon protected species.

Under Section 40(1) of the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty covers the protection, enhancement and restoration of habitats and species. In addition to the above The Conservation of Habitats and Species Regulations 2010 (as amended) is also of particular relevance in the assessment of this proposal.

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 118 of the NPPF provides as follows:-

- If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI which is likely to have an adverse effect on a SSSI should not normally be permitted. Where an adverse effect is likely, an exception should only be made where the benefits of the development clearly outweigh the impacts on the features of the SSSI;

- Opportunities to incorporate biodiversity in and around development should be encouraged;
- The following wildlife sites should be given the same protection as European Sites:
- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

There are two designated statutory sites within the vicinity of the proposal, these being the Northumbria Coast Special Protection Area which is located approximately 0.75 km to the north of the development site and the Durham Coast Special Area of Conservation located to the south.

Policy CN19 of the UDP is of particular relevance and states that :

"Special Areas of Conservation, Special Protection Areas and Ramsar sites, either designated or proposed for designation, will be conserved. Development will not be permitted unless;

- it is directly connected with or necessary to the management of the nature conservation interest of the site;
- it would not adversely affect the nature conservation interest of the site either directly or indirectly; or
- the developer can demonstrate that there are imperative reasons of overriding public interest for the development and no alternative site is available.

Where such development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of Natura 2000 is protected."

The above policy is fully compliant with the NPPF.

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast, the application has been supported by a Habitats Regulations Assessment - Sea Anglers Site, Marine Walk, Roker, Sunderland dated July 2016.

Following consultations with City Council's Heritage Protection Team comments received indicated that:

1. The Habitats Regulations Assessment (HRA) report provides a degree of information and discussion that is somewhat limited in terms of presentation and conclusive analysis. In this instance the areas for consideration should include pathways during demolition, construction and operational phases of the proposed development upon both the SPA and SAC, including functional areas; other pathways such as noise, lighting and pollution, and the potential impact of the new building design, maintenance and use, including parking associated with the properties.
2. The report references other reports not supplied with the application, and offers no more recent and detailed wintering bird, visitor and disturbance data to inform the assessment with more confidence. Numbers of wintering waders roosting and/or feeding on functional land, such as adjacent to Roker Pier, have shown a decline over the last two winters.
3. There is no assessment of the current position and potential impacts of the proposals on non-European designated sites and other key species/habitats, including SSSI, Local Sites and Wildlife Corridors.
4. There seems little surety as to the end use of the units within the developments and associated land.
5. The proposals offer no detail of measures to ensure enhancements for biodiversity on site or in the area.
6. In light of the above, the Heritage Protection Team are unable to conclude no likely significant effect on the conservation receptors and objectives of the European Sites and other non-European sites and species and as such until the above concerns are addressed in full, it is recommended that the proposal is refused or withdrawn.

Following receipt of the above observations, the proposal has been supported by a further Habitat Regulations Assessment - Commercial Development at Former Sea Anglers Unit, Marine Walk, Roker, Sunderland dated October 2016.

This amended report is still under consideration and it is hoped that the findings and conclusions can be reported to Members in a Circulatory Report prior to North Sunderland (Development Control) Sub-Committee. However it is noteworthy that as previously mentioned paragraph 119 of the NPPF states that

"The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

6. Other Material Considerations.

Policy EN14 dictates that, where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating landfill gas or mine, adequate investigations should be undertaken to determine the nature of the ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development, subject to preventive, remedial or precautionary measures within the control of the applicant planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been supported by an assessment in respect of ground contamination.

Further to comments received from the City Council's Public Protection and Regulatory Services section, it is recommended that should Members be minded to approve the proposal, the full suite of land contamination conditions be attached to be discharged on receipt of the findings of the above reports.

In addition to the above, regard should be had to the potential for odorous emissions from the proposed ground floor A5 use. It is therefore recommended that should Members be minded to approve the application that a condition be imposed requiring the submission of extraction/ventilation details.

Conclusion.

Subject to the receipt of comments from the Natural Heritage Officer in relation to the amended HRA which are expected to be outlined in a report for circulation, it is considered that with the aforementioned exception, the proposed development will contribute to the achievement of sustainable development from an economic, social and environmental perspective as identified within the key themes of the NPPF, via the introduction of further commercial units along the lower promenade area of Marine Walk, adding a further element of regeneration to the lower promenade and meeting in part the aspirations of the Seafront Regeneration Strategy and the Marine Walk Master Plan.

Via the imposition of appropriate conditions relating to the method of demolition, construction, materials etc it is considered that the development proposal will replace a currently vacant building of minor architectural quality with a more contemporary form of development, consistent with the design, currently established along the lower promenade and sympathetic with the character of the area and the wider conservation area.

The proposal is considered to comply with relevant NPPF and UDP policies and in accordance with the Marine Walk Master Plan.

In light of the continued regeneration of the Marine Walk promenade area, it is recommended that Members be minded to approve the application subject to the conditions listed 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:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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

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

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

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- (a) tackle prejudice, and
- (b) promote understanding.

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

RECOMMENDATION: , it is recommended that Members be minded to approve the application subject to the conditions listed below.

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 No. AL(9) 1000 Rev.A, Location Plan, received 01.08.2016.
- Drawing No. AL(9) 0010 Rev.A, Existing Site Plan, received 01.08.2016.
- Drawing No. AL(9) 0200 Rev.A, Proposed Site Plan, received 01.08.2016.
- Drawing No. AL(0) 0150, Proposed Elevations Part 1 of 2, received 25.07.2016.
- Drawing No. AL(0) 0151, Proposed Elevations Part 2 of 2, received 25.07.2016.
- Drawing No. AL(0) 0100, Proposed Level 00 Plan, received 25.07.2016.
- Drawing No. AL(0) 0110, Proposed Level 01 Plan, received 25.07.2016.
- Drawing No. AL(0) 0120, Proposed Level 02 Plan T12, received 01.08.2016.
- Drawing No. AL(0) 0210, Site Context Section, received 30.09.2016..

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

3 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 saved adopted Unitary Development Plan.

4 Prior to occupation of the ground and first floor premises the enclosed ground floor parking area to a flexible mixed use building, and the bin storage building shall be erected and made available for use in order to ensure a satisfactory form of development and to comply with policies EN1 and T14 of the saved adopted Unitary Development Plan

5 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 days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, contractor parking, 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 and T14 of the saved adopted Unitary Development Plan.

6 Before the development hereby approved is commenced details of the means of demolition of the existing building shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

7 The premises shall not be operated for the purposes hereby approved outside the following hours:

Monday to Sundays 08:00 and 23:00.

In order to protect the amenities of the area in accordance with policies S12 and B2 of the saved adopted Unitary Development Plan.

8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 9 to number 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 12 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

9 Site Characterisation

Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a full phase 2 desk top study, site investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

10 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of

works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

- 11 The remediation scheme approved under Condition number 10 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the saved adopted Unitary Development Plan.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 9 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 10 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 11 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the saved adopted Unitary Development Plan.

- 13 Before the use hereby approved is commenced, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. 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 S12 of the UDP.
- 14 The development hereby approved shall be carried out in complete accordance with the Section 3.3 Avoidance Measures of the Habitat Regulations Assessment: Commercial Development at Former Sea Anglers Unit, Marine Walk, Roker, Sunderland Version 1 October 2016 submitted with the planning application. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with Policy CN19 of the saved adopted Unitary Development Plan

Proposal: Erection of a single storey extension to south elevation and erection of a stand alone canopy to existing teaching block.

Ward: Redhill
Applicant: Church Of England Dioceses Of Durham & Newcastle
Date Valid: 26 August 2016
Target Date: 21 October 2016

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PROPOSAL:

INTRODUCTION

Planning permission is sought for the erection of a single storey extension and a standalone canopy at Northern Saints Primary School, Rotherham Road, Sunderland.

The site is located at the junction of Radlett Road and Washington Road and has an area of just over 3 hectares. To the north, east and west are residential dwellings, the nearest of which are to the east. To the south, beyond Washington Road, is a commercial/industrial area. The school has a floor space of 4,090 square metres and the proposed extensions would increase this by 176 square metres. The school is well screened from Washington Road by trees/hedging. The main access is from Rotherham Road to the north west.

The existing school buildings are sited predominantly in the south east corner of the site and comprise two main blocks connected by a link building. There is also a third, smaller detached nursery building close to the north west boundary of the site. The majority of buildings are single storey, although part of the Junior school is two storeys high.

PROPOSAL

The main extension, which would be used as a new administration block, is required in order to consolidate the admin' area into one location. It is stated that, currently, there is no meeting room and the existing head teachers/deputy/PA accommodation is unsuitable for purpose. This part of the proposal would create 156 sq. m of new floor space. The extension itself would be attached to the 'south east side of the link building' facing the junction of Washington road and Radlett Road. It has a square footprint and measures approx. 13 m x 11 m and is attached to the main school by a smaller link building measuring approx. 4m x 4.5 m in area. The extension is designed with a flat roof that is 4.5 m high and this sits 300 mm lower than the main school building, which is also flat roofed. The south east elevation has a feature window upon which it is intended to install a new logo for the school. The unglazed areas of the external elevations would be rendered and coloured off white. This feature, however, does not form part of the current application and is to be the subject of a separate advertisement application in due course. The extension would provide a reception and waiting area, head teacher and deputy heads office, a further office and meeting room.

It is stated that there will be no increase in staff or student numbers arising from the proposal.

The proposed new canopied area is intended to offer students an area to interact with the external environment and to study flora and fauna whilst under cover. This floor area is 20 sq. m and measures 4 x 5 m externally. It would be attached to an existing teaching block closest to the southern boundary of the site fronting Washington Road. The roof would be coloured persex supported on steel columns. A new bi-folding door would be created in the north elevation of the teaching block to provide access to the covered area.

The submitted plans indicate that there is a further phase of development proposed at the site involving the refurbishment of one of the teaching blocks. However, this does not form part of the application proposal currently under consideration.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Redhill - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **29.09.2016**

REPRESENTATIONS:

Neighbours - No representations have been received as a result of the consultation process.

Network Management - no objection on the basis that the extension is not intended to allow for an increase in the numbers of staff or pupils at the school.

Ward Members - one representation has been received raising concerns if the application is linked to an increase in pupil numbers as there is already significant traffic congestion problems at the school, which the Council and police have been unable to resolve. Planning response: this issue is addressed in the main body of the report, below.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

T_22_Parking standards in new developments

COMMENTS:

ISSUES

The key issues to consider in relation to the application are:-

- The principle of the land use.
- The appearance and layout of the development.
- The impact upon neighbouring properties.
- Highways Issues

LAND USE

The site is subject to policy EN10 of the UDP, which states that all proposals for new development will be judged on accordance with the policies and proposals of the UDP and where the plan does not indicate any proposal for change, the existing pattern of land use is intended to remain. Policy CF5 is also applicable. This is concerned with the provision of primary and secondary education facilities and states that such needs will be accommodated primarily on existing sites or those identified in the UDP.

The use of the site as a school will remain unchanged as a result of this proposal. Whilst there would be a net increase in the floor space of the school this would facilitate the creation of

improved facilities rather than increasing the number of class rooms, pupils or staff. In this regard the proposal complies with policies EN10 and CF5, subject to there being no adverse effect on residential amenity or highway safety which are considered below.

THE APPEARANCE AND LAYOUT OF THE DEVELOPMENT

The proposed admin extension is located between two wings of the existing school building and would not be highly visible from public land. It is also set well back from the junction of Washington Road and Radlett Road, which helps lessen the visual impact. In any event, the extension is considered to be of a scale and design that is in keeping with the existing school and would in no way dominate the immediate surroundings.

The proposed canopy would also be attached to a part of the school that is surrounded by existing buildings. In addition, there is a substantial tree/hedge screen to the south of the proposed canopy that would obscure views of it from Washington Road. As a result the structure would not be visible from public land and is of a scale and design that is appropriate in its setting.

In light of the above the proposal is considered to comply with policy B2 of the UDP, which requires that the scale, massing, layout or setting of new developments and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

IMPACT ON NEIGHBOURING PROPERTIES

Neither of the proposed extensions would be visible from existing neighbouring properties, the closest of which are to the east of the proposals at a distance of at least 60 m. As a result there would be no loss of outlook, light or privacy. As such the proposal complies with Policy B2 of the UDP, above.

HIGHWAYS ISSUES

The proposed development will not increase the overall numbers of staff and pupils at the school and therefore there is no requirement to provide additional car parking facilities within the school grounds for the increased floor space. In light of the above the proposal is considered to comply with policies T14 and T22 which seek to ensure, amongst other things, that new development does not cause traffic congestion or highways safety problems on existing roads and makes provision for its own parking needs.

CONCLUSION

On balance, the proposal is considered to be of an acceptable scale and design in relation to both the school itself and the surrounding built environment. The extensions would not interfere with the living conditions of surrounding residential occupiers and as such the proposal complies with UDP policies outlined above that seek to ensure that new development does not adversely affect residential or visual amenity, or highway safety. In light of the above Members are recommended to approve the application, subject to the conditions set out 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: Members are minded to Grant Consent under regulation 4 of Town and Country General Regulations Order 1992 and subject to the conditions listed below:-

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:

Existing and proposed elevations NS.130B, Existing floor plan NS.150, Proposed floor plan NS.152, Proposed floor plan NS.120 B, Proposed floor plan NS.105 A, Existing site and location plan NS.100 A all received 20 August 2016.

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.