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North
Sunderland

Reference No.: 17/01686/FUL Full Application

Proposal: Development of a two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) to include earthworks to facilitate external seating area to rear and associated bin store area to ground floor. (Amended description dated 11.10.2017).

Location: Land At Marine Walk Roker Sunderland

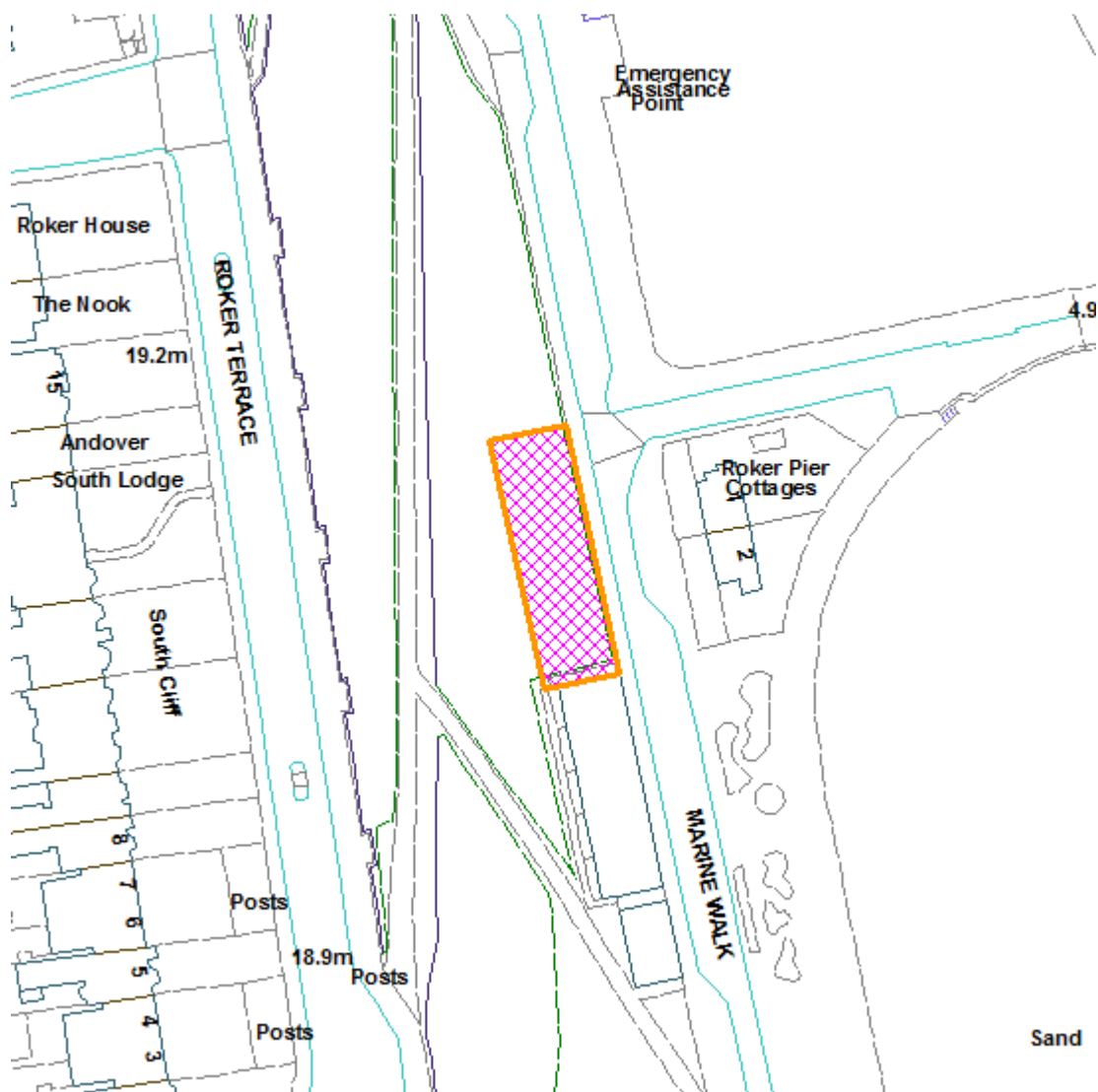
Ward: St Peters

Applicant: BBL NE LTD

Date Valid: 25 August 2017

Target Date: 20 October 2017

Location Plan



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PROPOSAL:

Planning permission is sought for the development of a detached two storey flexible mixed use building consisting of either : A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) to include earthworks to facilitate external seating area to the rear and associated bin store area to ground floor. (Amended description dated 11.10.2017).

SITE LOCATION, DESCRIPTION AND PLANNING HISTORY.

The site is located on Marine Walk (Roker's lower promenade) overlooking the North Sea and is contained within the Roker Conservation Area of Sunderland. To the immediate east of the site are two single storey cottages known as Roker Pier Cottages, (one of which is currently in residential use (C3) whilst the other is currently trading as a mixed cafe (A3) and hot food take away (A5) beyond which lies the Grade II Listed Roker Pier and Roker Lighthouse. To the south of the site is the previously approved mixed use commercial/residential development (commonly referred to as Marine Walk Phase 1).

Members may recall that a similar proposal was approved by Planning and Highways Committee dated 17.02.2016 for the following.

Development of a detached two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and cafe), A5 (hot food take-away) with associated parking area and bin store to ground floor at Marine Walk Roker, along with change of use of the existing enclosed ground floor parking area to a flexible mixed use building (as above use-classes). With associated alterations. (Amended drawings received 24.09.2015 and Amended Drawings and Description 08.10.2015).

The current proposed development site covers an area of 480 square metres and seeks to provide 677 square metres of flexible use floor space over two floors. The proposal estimates to create employment opportunities for approximately eight full time members of staff and eight part time members of staff.

The application has been referred to Planning and Highways on the grounds that the application is situated within an area identified by the Council as being of strategic importance, as identified within the Marine Walk Master Plan, and as such a strategic view is required to be taken in determining the proposal.

The proposal is a departure from the approved development plan and has been advertised as such.

The application has been supported by:

- Design and Access Statement Phase 2.

- Heritage Statement Phase 2.
- Phase 1 and 2 Ground Investigation Reports.
- Habitats Regulations Assessment.
- Ecology Report.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
Environmental Health
Network Management
English Heritage
Northumbrian Water
Southern Area Command - Police
Business Investment

Final Date for Receipt of Representations: **28.09.2017**

REPRESENTATIONS:

Historic England - No objections.

Northumbrian Water Limited (NWL) - NWL have offered the following comments:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration).
- Discharge to a surface water body.
- Discharge to a surface water sewer, highway drain, or another drainage system.
- As a last resort, discharge to a combined sewer.

Public Protection and Regulatory Services - The development is acceptable subject to appropriate conditions.

Land Contamination - Additional gas monitoring data listed as "Ground Stability Report" has also been provided and assessed; however this has not been provided with an interpretation or mitigation if necessary beyond the proposed measures for Characteristic Situation 2.

It is requested that a revision of the gas risk assessment be provided since the last two rounds of monitoring indicate concentrations of methane in BH4 with a maximum

recorded concentration of 16.4%v/v. Please note that the modified Wilson and Card (1999) method for calculation of the Characteristic Situation requires that the source of gas and generation potential/performance should be identified.

Further to receipt of the above, a revised Phase II report from Geo Environmental Ltd dated 23.03.2017 which takes account of the more recent gas monitoring data to 21.12.2016 as requested. The Characteristic Situation for gas has been confirmed to be CS2. Gas protection is required in accordance with BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. This is a points based system with scores allotted for the type(s) of protection and verification. Verification of the gas protection measures should be in CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

A remediation strategy and verification for gas protection measures should be provided in accordance with the documents listed.

Construction Environmental Management Plan (CEMP) - In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a CEMP. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

Hot Food Element of Proposal - Regard should be had to the potential for odour and noise emissions from the proposed hot food shop/cafe to give rise to complaints of nuisance or disturbance from nearby residential properties. It is therefore recommended that a suitable and effective extraction/ventilation system which efficiently captures odours, incorporates a grease filtration system and suitable noise mitigation shall be provided to serve the hot food shop/cafe. The extraction system should terminate in a suitable position about eaves level and not be fitted with any restriction at the final opening, such as a plate, cap or cowl.

Drinking Establishment (A4) - Amplified music shall not be played in any area of the development unless the following condition has been complied with:

"The applicant should undertake a noise assessment to determine whether the level of noise from the playing of live and/or recorded music in any area is likely to give rise to complaints from existing residents in the vicinity. The survey should be undertaken by a suitably qualified and experienced noise control consultant and should be in accordance with current relevant guidance and standards. The results of the assessment shall be submitted to and agreed with the local planning authority including details of any mitigation measures necessary to achieve a satisfactory noise climate at the nearest residential premises. Reference should also be made to the World Health Organisation Guidelines Values for Community Noise."

This element of the proposal was removed dated 11.10.2017 and hence the above comments are no longer relevant and no condition needs to be imposed.

Planning Implementation (Heritage Protection Team). - This proposal has been subject to detailed discussions with the architect and is following revisions to be design considered to be acceptable. The proposed development supports the aims and objectives of the Council's adopted Seafront Regeneration Strategy and the Marine Walk Masterplan Supplementary Planning Document. It is also consistent with the management objectives and proposals of the Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS).

Whilst the revised proposal comprises a larger building complex than the previously approved scheme, it is of the same height and the design approach follows the same architectural style and detailing. The scheme therefore remains sympathetic to its historic context within Roker Park Conservation Area and in close proximity to the listed Roker Pier, and particularly appropriate for its beach-front setting. The siting, scale and orientation of the buildings respond sympathetically and positively to the listed Pier and the Roker Pier Cottages opposite, and indeed the buildings above the embankment along Roker Terrace.

The building's form, styling and proposed materials take inspiration from the traditional timber buildings that historically lined the lower promenade, and along with the beach hut inspired buildings erected adjacent the site provide a mix of building forms and styles that reflect in a contemporary fashion the mix of historic building forms that once characterised the area.

The front facing gables take a direct design cue from historic buildings that were once situated along the lower promenade. They provide interest and variation to the design and have enabled the ridge and eaves height of the building to be lowered to give it the appearance of a one and half storey building, having regard to its siting opposite the single storey Roker Pier Cottages, and to retaining the green break provided by the embankment between the upper and lower promenades.

All in all the proposed development will introduce a built form that will enhance the essential character and appearance of this part of the Roker Park Conservation Area, whilst respecting the setting of Roker Pier and Roker Pier Cottages. This is in accordance with NPPF paragraph 137, UDP policies B4 and B6 and Management Objective 6 and Proposal 5a of the CAMS which seek to enhance the lower promenade as an area of activity and distinctive character through high quality and innovatively designed new buildings.

Samples of all external materials, finishes and colours for the proposed buildings should be submitted for the approval of the Conservation Team - this may be conditioned. It is noted however that the palette of materials proposed is consistent with the previous planning approval ref 15/00782/FUL and as such an adherence condition should be sufficient in order to secure a visually acceptable proposal, should Members be minded to approve.

Third party representations - Following the expiry of the consultation period representations were received from five separate parties. Members should note that the original and full copies of the representations are available to view via the planning portal on the Council's website. The following is a summary of the relevant material comments raised:

1. Increased noise and disturbance associated with an A4 (drinking establishment). This element of the proposal was removed dated 11.10.2017.

2. Objection to any additional development north of the River Wear due to lack of capacity in the sewerage network. With specific reference to information contained within this representation, the current proposal is minor in nature and does not require the submission of a Flood Risk Assessment or Drainage Strategy. Furthermore the Environment Agency are not a statutory consultee on applications of this scale, however comments have been received from NWL and are summarised above.

Notwithstanding the aforementioned and to add context to the representation the following information seeks to express the consenting mechanism for sewage treatment.

Regarding the foul sewerage network and the objection received in respect of the capacity of Northumbrian Water's infrastructure, it is of critical importance to note that all water utility companies have a legal obligation under Section 94 (and Section 106) of the Water Industry Act 1991 to provide developers with the right to connect to a public sewer regardless of capacity issues. Within the planning context the legal case precedent on rights of developers to connect new developments into existing sewers is the Supreme Court's landmark ruling in 2009 involving Barratt Homes and Welsh Water. The court held that the developer has an absolute right to connect their development into the existing sewer, whether or not it overloads the system. It ruled that the specific wording of the legislation allows for this right to be exercised.

Due to this legal right to connect Grampian conditions are often requested by water companies. Negatively worded conditions enable the sewerage undertaker to agree with the developer a drainage strategy and preferred point of connection, whilst also providing the scope to assess existing capacity and whether upgrading work is required and as such programmed. Such an approach allows the legal right to connect to be sensibly managed prior to implementation. The LPA has no further purpose in pursuing such a condition and should not put itself in a position of trying to "second guess" or duplicate a water company's decision on strategy or capacity. This is the regulatory role and statutory responsibility of OFWAT, whose duties include ensuring the long-term resilience of water supply and wastewater systems and that undertakers take steps to enable them, in the long term, to meet the need for water supplies and wastewater services.

Regarding the assertion by an objector that Northumbrian Water is not complying with their Permit it should be noted that the granting and regulation of permits is the statutory responsibility of the Environment Agency. It is an offence to cause or knowingly permit a water discharge activity unless you are complying with an environmental permit or exemption. Most activities that could pollute water are regulated under environmental permits. A person or business wishing to carry out such an activity must obtain a permit from the Environment Agency and comply with its conditions. If they do not, they will be committing an offence. They could also face a notice requiring them to comply with the permit, or have their permit revoked or suspended.

For Member information Northumbrian Water requires two permits i.e. at their Whitburn Steel and St Peter's Combined Sewer Overflows (CSOs). Northumbrian Water has also confirmed that the Seaburn and Roker works will in part reduce the spill frequency at Whitburn Steel and St Peter's CSOs i.e. the amount of times these have to discharge into the environment, although Northumbrian Water have confirmed that they comply with parameters of their permit in any event. Nevertheless, to re-iterate, the issue of permits are considered to be outside the scope of the planning regime, as they are granted under the Environmental Permitting Regulations, which are controlled and administered by the Environment Agency.

3. Highway safety and parking. (Matters considered under the accessibility and the impact upon highway and pedestrian safety section of the agenda report.)
4. Detracts from the setting of the Pier and Pier Cottages. (Matters considered within comments received from the City Council's Heritage Protection Team.)
5. Land ownership. (Certificate A on the accompanying application form has been completed to indicate ownership.)
6. Amenity concerns relating to noise, odour, hours of operation. (All matters are considered within the impact of the proposal on levels of residential amenity section of the agenda report).
7. Flexible mixed use. (The proposal is considered to be acceptable and legitimate.)
8. Ballast bank retaining wall and ground stability. (Issues relating to ground stability will be addressed by the Public Protection and Regulatory Services Section within the other material considerations section of the agenda report. Matters pertaining to structural stability of the proposal will be considered in subsequent Building Regulations Applications.

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
- B_10_Development affecting the setting of listed buildings
- EN_1_Improvement of the environment
- EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
- B_3_Protection of public/ private open space (urban green space)
- EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
- S_8_Design of shop fronts
- S_12_Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres
- 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.
- NA_30_Protection and enhancement of important views

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

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

EC_8_Support for tourist and visitor attractions.

L_7_Protection of recreational and amenity land

COMMENTS:

The main issues to consider in determining the application are:

1. The principle of the proposed development.
2. The impact of the proposal on visual amenity, the character of the conservation area and the effect on the setting of the listed building.
3. The impact of the proposal on levels of residential amenity.
4. Accessibility and the impact upon highway and pedestrian safety.
5. Nature conservation.
6. Other material considerations.

1. The principle of the proposed development.

By virtue of section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012 (which is a material consideration for the purpose of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF has two key themes:

- Providing a greater level of integration and simplification of the planning policies governing new development nationally;
- Contribute to the achievement of sustainable development from an economic, social and environmental perspective.

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- (b) specific policies in this Framework indicate development should be restricted.

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 to the environment 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 Masterplan.

In light of the above, due consideration has been given to paragraph 24 of the NPPF which states in part that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan."

Whilst the above paragraph does not make any specific reference to the size of development that needs to undertake a sequential test, it is noted that the current proposal seeks to provide up to 677 square metres of a mix of A1(retail), A3 (restaurant & cafes) and A5 uses, thresholds for retail impact assessments are set nationally within paragraph 26 of the NPPF at 2,500 square metres.

With the above in mind, in applying a sequential test due regard has been given to:

- Flexibility. The site is a coastal tourist location and seeks to meet the needs of the Marine Walk Masterplan SPD.
- The scale and form of the proposed uses are appropriate to serve the needs of the visitors to the Marine Walk lower promenade area.

In summary, whilst the proposal seeks to introduce up to 677 square metres of additional A1 (retail), A3 (restaurants & cafes) and A5 (hot food takeaways) floorspace, the proposed development is considered to support the tourism driven regeneration of the seafront by providing a range of services along Marine Walk, catering for localised day to day shopping and service requirements of residents in the immediate vicinity, The development proposal is site specific and it is considered that it would be inappropriate to locate such a development within either the town centre or an edge of centre location. To conclude, it is considered that the proposal would further support the expansion of the Marine Walk lower promenade and wider Roker seafront regeneration and as such the proposal would comply with the key policy tests relating to out-of-centre retail development as set out in paragraph 24 of the NPPF.

In addition to the above policy, NA30 seeks to protect and enhance important views of the city with particular reference to sea views along the Roker/Seaburn/Whitburn Bents frontage.

Notwithstanding the above strategic and area based policies, the majority of the site is located within allocated public open space which forms the embankment between the lower promenade at Marine Walk and the upper promenade at Roker Terrace and as such is covered by policies B3 and L7. Policy B3 states that public open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value. The policy goes on to say that proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area. Whilst policy L7 refers specifically to the protection of recreational and amenity land and states that:

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will be only granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or
- (ii) the development is for educational purposes; and
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

Similarly, access to existing or proposed open space will be protected from alternative development.

The remaining part of the site is not allocated for any specific land use and as such is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is to remain.

In terms of policies

In order to support the aforementioned policies NA6, NA26 and NA30, 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 (2008-2025) the overarching strategy for the city which states that "by 2025 Roker and Seaburn will have a key role in providing cultural tourism attractions."

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 Master Plan 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.

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 or 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 "cafe life" ambience and restore the area as a valuable promenade."

In assessing the principle of the development Policy B3 states that proposals on greenspace will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area. The policy also states that public open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value.

With the above in mind, the principle of a mixed use development was considered acceptable via the extant planning approval 15/00782/FUL. The previous approval was supported by a Planning Statement which was informed by the Sunderland Greenspace Audit and Report 2012. The aforementioned report concluded that whilst Roker is deficient in amenity greenspace, the provision of green space in Roker, both in terms of accessibility and quality is well above the City average. Contained within the planning statements assessment of the open space, it was considered that the proposal will not have a significant adverse effect on the quantity and quality of open space within the wider area given that:

"- the steep topography of the site gives it minimal amenity, recreation or nature conservation value;
- there is a large quantum of high quality, accessible greenspace provision in the immediate area; and
- the allocated tract of amenity greenspace is comprised of land all along the Roker seafront such that the proposed re-development will not impact upon its operation."

In summary it is considered that 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.

Furthermore the development will support the main strategic aims of the UDP by providing a range of social, educational, cultural and recreational facilities within the City to satisfy the requirements of its residents and visitors.

In terms of relevant strategic and area based policies, policy EC8 is fully compliant with the NPPF whilst policies NA6 and NA26 are both broadly compliant placing a reliance on The Seafront Strategy and the Marine Walk Masterplan to feed into the relevant policies.

Whilst it is recognised that the majority of the site under consideration is covered by land use policies B3 and L7 it is considered that in this instance the loss of the amenity space will not lead to a significant effect on the amenity, recreational and wildlife habitat value of the site and subsequently the economic benefits of the development are considered to outweigh the loss of the amenity open space.

The proposal is therefore considered to comply with relevant UDP policies EC8, EN10, NA6, NA26, NA30, B3 and L7 and Management Objective 6 of The Roker Park Conservation Area - Character Appraisal and Management Strategy 2007, and as such the principal of development is considered to be acceptable.

2. The impact of the proposal on visual amenity, the character of the conservation area and the effect on the setting of the listed building.

Section 7. Requiring good design; paragraph 56 of the NPPF states that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Whilst Section 12 Conserving and enhancing the historic environment; paragraph 132 of the NPPF states in part that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

In addition to the above, paragraph 137 states that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."

UDP policies B2, B4, B6 and B10 all relate to the built environment, conservation areas and listed buildings. Policy B2 relates to new developments and extensions to existing buildings and states that their scale, massing, layout of setting should,

"respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy" whilst policies B4 and B6 require all development within conservation areas to preserve or enhance their character or appearance and encouraging the retention of existing buildings and the improvement of features. In addition policy B10 advises that the proposal in the vicinity of listed structures do not adversely affect their setting.

Policy S8 of the UDP relates to shop fronts and requires new shop fronts to be of a scale, design and materials which relate satisfactorily to the building in which the shop front is to be installed, also to adjacent buildings. The policy also requires access for people with disabilities should be provided wherever possible in new shop fronts.

The Roker Park Conservation Area (CAMS) provides more area-specific guidance. Management Objective 6 and Proposal 5a seek to enhance the lower promenade as an area of activity and distinctive character through high quality and innovatively designed new buildings.

In terms of the UDP policies all with the exception of B6 (broadly compliant) are fully compliant with the NPPF.

Whilst the proposal site benefits from an extant permission, the current proposal does not require the relocation of the existing car parking provided in the existing phase, nor does it require the erection of a refuse storage building as the proposal does not involve any modifications to the existing phase of development.

The proposed two storey commercial area is sited due west of Nos.1 and 2 Roker Pier Cottages and provides a footprint that measures 39 metres in length, 10.5 metres in depth at ground floor, increasing to include a further 4 metres at first floor level by introducing a rear decking area.

Measuring approximately 4.9 metres in height at eaves level and 7.6 metres in height at ridge level, 1.5 metres below the overall height of the adjacent phase 1 buildings. Designed with a dual pitched roof that incorporates roof lights in both planes, the north, east and west facing elevations all include a number of main facing windows. Access to the units is via 5 sets of double doors within the east facing elevation with 4 single doors sited within the west facing elevation providing access to the service route and refuse area.

The rear elevation at first floor provides access to the raised decking area by providing 4 sets of double doors, the provision of the decking area along with an increased footprint at ground floor level both involving the cutting of land and construction of a reinforced retaining wall to support the remaining banked open space.

The proposal seeks to be constructed following similar design principles to the phase 1 development, utilising a blue brick at ground floor level with a signage zone above and incorporating a horizontal pastel coloured cladding system at first floor level and roofed with slate.

Following consultations with the City Council's Heritage Protection Team it is considered that the design of the proposed building is acceptable and is a result of pre-application discussions with the architect. The proposed development is also considered to support the aims and objectives of the Council's adopted Seafront Regeneration Strategy and the Marine Walk Masterplan Supplementary Planning Document. It is also consistent with the management objectives and proposals of the Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS).

In summary, it is considered that the proposed development will introduce a built form that will enhance the essential character and appearance of the lower promenade area of the Roker Park Conservation Area, whilst respecting the setting of the Roker Pier and Roker Pier Cottages. The proposal is considered to be in accordance with paragraph 137 of the NPPF, UDP policies B4 and B6 and Management Objective 6 and Proposal 5a of the CAMS which seek to enhance the lower promenade as an area of activity and distinctive character through high quality and innovatively designed new buildings.

3. The impact of the proposal on levels of residential amenity.

Paragraph 17 Core planning principles states 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 key points states that planning should:

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

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 worthy of note that Marine Walk currently provides 5 No. residential units at first floor level above the operational commercial units approved within the phase 1 development, with an added residential property sited directly opposite the development site at No.2 Roker Pier Cottage.

Whilst it is acknowledged that the 5 No. units at first floor level overlook the North Sea and the lower promenade area of Marine Walk, the siting of the proposed development to the immediate north is such that, it is not considered that existing levels of residential amenity in the form of overlooking, loss of privacy, loss of daylight, sunlight will be significantly impacted upon. Matters relating to noise are anticipated to be controlled via condition and this element of the proposal will be discussed further latter within this section.

Turning to the impact of the proposed development upon levels of amenity currently afforded the residents of No.2 Roker Pier Cottages. Sited approximately 18.5 metres east of the development site and separated by a private front curtilage, and pedestrian/vehicular lower promenade of Marine Walk, No.2 Roker Pier Cottages

forms one half of a semi-detached. No.1 Roker Pier Cottages currently operates as a mixed use commercial premises, providing a hot food take away/cafe.

Opposite the curtilage of No.2 Roker Pier Cottages on the opposite side of the promenade is an outdoor sitting area, that was granted consent as part of the phase 1 development.

In assessing the impact of the proposed development upon No.2 Roker Pier Cottages, due consideration has been given to each of the following, overshadowing/loss of light, privacy and noise and disturbance. Taken each in turn:

Overshadowing/loss of light.

Sunlight and daylight are valued elements in a good quality living environment, where a development proposal is poorly sited or badly designed, it can cast a shadow that may reduce a neighbour's daylight. Overshadowing to a garden area on its own would rarely constitute sufficient grounds to justify a refusal of planning permission.

With the above in mind, whilst it was recognised following discussions with the agent, that the separation distance between the proposal and No.2 Roker Pier Cottages was only 18.5 metres and due to the topography/gradient of the land, increasing this distance would lead to an impractical design, evidence would be required to indicate that the proposal would not have an impact in terms of overshadowing or loss of light.

With particular reference to the separation distance between the proposal and No.2 Roker Pier Cottages, the City Council have no adopted standard to be applied between residential and commercial premises, however as a guide 21 metres is a figure adopted by the City Council within its Residential Design Guide Supplementary Planning Document for separation distances between main facing windows of residential properties and it is worthy of note that this distance may decrease where it can be demonstrated it would be acceptable. With this in mind, the impact of overshadowing, loss of light, privacy and noise will all establish and demonstrate if the separation distance of 18.5 metres is considered to be acceptable.

The previous application ref 15/00782/FUL was subsequently supported by a Marine Walk Shadows Analysis received 28.07.2015 which considered the impact of the development at various points throughout the year. Whilst the current proposal is no greater in overall height than the previous extant approval, the previous data results are still considered to provide an accurate demonstration of potential impact. One such sample point was indicated as being August 1st and assessed at 6am, 9am, 3pm and 5pm. To confirm the results of the shadow analysis, site visits were undertaken August 3rd 2015 throughout the day to examine the submitted data, the results concluding that the shadow analysis was accurate. In light of the information provided, it is considered that the proposed development which is two metres less in height than the building portrayed in the shadow analysis will not lead to a significant loss of light or overshadowing to No.2 Roker Pier Cottages.

Privacy.

The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment. Assessing the current levels afforded No.2 Roker Pier Cottages are essential in establishing the significance of the proposal on the property.

In terms of privacy and overlooking, it is evident that the front elevation of No.2 Roker Pier Cottages only has very limited levels of privacy, with the cottage separated from the lower promenade by a 5 metres hardstanding area, used to park vehicles and enclosed behind a low level picket fence. On the west side of the promenade is an area designated as amenity open space that climbs steeply westwards towards Roker Terrace. A decked outdoor drinking/eating area has been introduced to the north of the phase 1 development and is sited opposite No.2 Roker Pier Cottage. The front elevation of the No.2 Roker Pier Cottages provides three windows, one obscurely glazed serving a bathroom, one serving a kitchen and the latter a bedroom. In summary it is considered that the level of privacy afforded to the front the property is minimal and severely compromised by its siting alongside the Marine Walk Promenade.

To the rear of No.2 Roker Pier Cottages the garden area is enclosed behind a high level brick wall, providing an area of seclusion to the dwelling, with a high level close boarded fence with trellis above separating No.1 and No.2 Roker Pier Cottages. The rear of the property also provides the main habitable rooms of the cottage and the garden area where privacy levels are considered to be more akin to a residential dwelling.

In assessing the proposal the two storey commercial element of the scheme does provide a number of glazed gable elevations and windows. It is also considered that by the introduction of appropriate smoked glazing to the upper floor east facing windows, that are directly opposite No.2 Roker Pier Cottages the perception of being overlooked can be mitigated, however given the levels of privacy currently afforded the front elevation of No.2 Roker Pier Cottages, it is not considered in this instance that obscure glazing would be necessary.

Overall, although it is recognised that the proposed two storey commercial unit does have the potential to overlook the front elevation of No.2 Roker Pier Cottages, the design of the building has been modified to limit this potential, with the added introduction of smoked upper floor glazing in this part of the east facing elevation, it is considered that the limited levels of residential amenity that are currently afforded No.2. Roker Pier Cottages would not be significantly eroded to warrant a refusal of planning permission in this instance.

Noise and disturbance.

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

Paragraph 123 of the NPPF considers noise stating:
Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In addition to the above, policy EN5 of the UDP relates to noise and vibration and is fully compliant with NPPF policy stating that:

"Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development."

With the above in mind and further to consultations with the City Councils Public Protection and Regulatory Services Section, it was considered that due to the nature of the existing uses on Marine Walk a noise assessment would not be required in this instance and should Members be minded to approve, appropriate conditions could be imposed to safeguard nearby residential properties.

Such conditions would relate to the hours of construction, method of construction works to minimise noise emissions, methods of extraction and ventilation and hours of operation.

With the imposition of appropriately worded conditions, the proposal is considered to comply with the above National and local policies and is considered to be acceptable.

In conclusion, it is considered that the proposal will provide a form of development that can be adequately accommodated within the proposed location without leading to conditions prejudicial to residential amenity, via the imposition of appropriate conditions relating to glazing materials to reduce overlooking, hours of operation to limit disturbance, particularly late at night, the control of ventilation and extraction equipment to minimise noise and odours and through a carefully controlled scheme of working on site to ensure acceptable means of construction. The proposal is considered to be in accordance with Paragraph 17 of the NPPF and policies B2 and EN5 of the UDP.

4. 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.

Marine Walk is readily accessible for pedestrians, cyclists and public transport. Bus services stop nearby on Roker Terrace located to the west, and the service 700 operates to Marine Walk during the school summer holiday period. Public off street parking is available at the nearby Marine Walk and Harbour View car parks.

Proposed Development - The planning application proposes development of a two storey flexible mixed use building consisting of either: A1 (retail), A3 (restaurant and café), and/or A5 (hot food take-away). It should be noted that a proposal for an A4 (drinking establishment) with an external seating area would be resisted on highway grounds. The use classes proposed are considered to be acceptable, as they are unlikely to result in issues affecting safe use of the highway.

Bin Storage - The proposal includes the provision of a bin store with an area of hardstand to the north side of the proposal. Provisional - A condition should be included to ensure this is built and available for use before the occupation of the premises to ensure no bins are stored on public highway.

Servicing - Details of loading / unloading and servicing arrangements should be clarified to ensure any deliveries are co-ordinated to avoid congestion or detriment to other highway users. A condition should be included to ensure serving to the premises is managed and complies with parking and waiting restrictions.

Traffic Orders - It should be noted that a loading ban has been introduced on Marine Walk to assist with the management and control of parking along this part of Roker seafront.

Building Works and Construction Activity - Subject to planning approval, the following permissions will need to be obtained before any building works commence to ensure the safety of highway users:

The applicant will need to contact Stewart Mitchell on (0191) 561 7527 a minimum of 4 weeks in advance of any works requiring traffic management to ensure safe systems of work are put in place along with any necessary temporary road or footway closures.

For any temporary works requirements on the highway such as skip or scaffold permits, the applicant will need to contact Caroline Gair, Network Operations (0191) 561 5102 to arrange consents.

Any major building works must not to place during school holidays or events attracting high numbers of visitors to this location i.e. Sunderland International Airshow weekend.

It is noted that objections have referenced a perceived lack of allocated parking to serve the entire Marine Walk area, whilst there are also concerns that the development would be detrimental to highway safety due to vans making deliveries and the making of comings and goings of residents/visitors/occupiers to the commercial premises. With this in mind, it is noted that Marine Walk is a designated No Parking Zone, therefore concerns relating to parking in front of the commercial premises are matters that need to be dealt with through parking enforcement measures. A dedicated loading bay is situated to the front of the Phase 1 development and with the imposition of an appropriate condition should Members be minded to approve the proposal, deliveries to and from the proposed units can be coordinated to avoid congestion on the highway.

With regards to parking, it is considered that the provision of parking within the area is suitable to accommodate the proposed uses.

In light of the above, and the imposition of conditions to control hours of delivery and control the storage of refuse off the highway, the proposal is considered to be acceptable and compliant with both National and Local Policy.

5. Nature Conservation

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;

- (i) it is directly connected with or necessary to the management of the nature conservation interest of the site;
- (ii) it would not adversely affect the nature conservation interest of the site either directly or indirectly; or
- (iii) 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 - Version 2 dated August 2017.

Following consultations with City Council's Heritage Protection Team it is considered that the development proposal alone and in combination is unlikely to have a significant effect on the key features of the coastal SPA and SAC subject to the imposition of appropriate avoidance measures as prescribed in Section 3.3 of the aforementioned report.

The avoidance measures outlined are:

To reduce the noise levels of operations to an acceptable threshold i.e. under 55db it is deemed appropriate to install noise barriers around the working areas. Independent testing has shown that a Heras Acoustic Barrier can deliver up to 30dB noise reduction.

A "soft start" of machinery will be adopted by the contractor and this will involve machinery being started up quietly/slowly before reaching full operational noise levels.

When daytime temperatures (during the hours when work is taking place) are at or below freezing for three days in a row then on the third day operations will cease until weather conditions improve.

The above measure will only be put in place if the works take place during October to March.

An information board and leaflet will be produced to inform the new residents and retail unit of the European Designations and their qualifying features and vulnerabilities.

In summary, and should Members be minded to approve the application it is considered with the imposition of a condition imposing the above avoidance measures, it is considered that acting in its capacity as competent authority, the LPA have addressed all relevant European Law, National and Local Policies and the future development of the site is considered to be acceptable.

6. Other Material Considerations.

In addition, 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 a Phase I and Phase II 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, a remediation strategy and verification for gas protection measures should be attached via condition to be discharged on receipt of the findings of the above reports.

Conclusion.

It is considered that 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 two/three further commercial units along the lower promenade area of Marine Walk. Furthermore whilst it is recognised that the development proposal will lead to a loss of a small area of amenity open space, it has been indicated that the development would not have a serious adverse effect on the amenity, recreational or nature

conservation value of the allocated open space as a whole and as such the further regeneration of the lower promenade is considered to meet in part the aspirations of the Seafront Regeneration Strategy and the Marine Walk Master Plan.

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 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: Approve 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(90) 1000, Location Plan received 18.08.2017.

Drawing No. AL(90) 0100, Existing Site Plan received 18.08.2017.

Drawing No. AL(90) 0200, Proposed Site Plan received 18.08.2017.

Drawing No. AL(90) 0050, Existing and Proposed Site Section received 25.08.2017.

Drawing No. AL(0) 0010, Proposed Elevations received 25.08.2017.

Drawing No. AL(00) 0100, Proposed Level 00 Plan received 18.08.2017.

Drawing No. AL(00) 0200, Proposed Level 01 Plan received 18.08.2017.

Drawing No. AL(27) 0100, Proposed Roof Plan received 18.08.2017.

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

- 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:

Walls - Marley Cedral Weatherboard (White) with Ibstock Staffordshire blue brindle smooth facing bricks.

Roof - Marley Eternit Thrustone Slate.
Windows - Grey Aluminium windows (RAL 7012).
Roof Lights - Velux.
Doors - Grey Aluminium (RAL 7012).
Fascias and Soffits - White Matt Woodgrain UPVC.
Rainwater Goods - Linda Galvanised Metal.
External Stair and Metalwork - Galvanised Mild Steel and Timber to Match Existing.

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.

- 4 No construction work shall take place, including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Pollution Prevention and Regulatory Services;
3. Mitigation measures as defined in BS 5528: parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding;
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;
11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors.
13. Location and containment of redistributed earth mounds.

Reasons: In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN6, B2 and T14.

- 5 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.

6 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

7 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.

8 The remediation scheme approved under Condition number 7 (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.

9 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.

10 The development hereby approved shall be carried out in complete accordance with the Section 3.3 Avoidance Measures of the Habitat Regulations Assessment : Commercial and Residential Development at Marine Walk Roker, Sunderland Version 2 August 2017 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

11 Prior to any works commencing on site, and in accordance with the submitted Habitat Regulations Assessment : Commercial and Residential Development at Marine Walk, Roker, Sunderland Version 2 August 2017, details of the information to be incorporated in to the interpretation panel, including exact location and maintenance of the panel along with details relating to the leaflet such as format/layout/print run etc. to be submitted to and agreed in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with Policy CN19 of the saved adopted Unitary Development Plan.

12 Prior to the occupation of any of the units hereby approved, the bin storage area as indicated on the proposed ground level plan (drawing no. AL (00) 0100 dated 18.08.2017) 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

13 Notwithstanding the submitted drawings, the first floor windows directly opposite No.2 Roker Pier Cottages shall be fitted with smoked glazing prior to occupation and shall be maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

14 Prior to the opening of each of the units hereby approved a compliance management plan relating to deliveries and servicing shall be submitted and approved in writing and maintained in operation in perpetuity by the Local Planning Authority in the interest of Highway Safety and to comply with policy T14 of the saved adopted Unitary Development Plan.

15 No development shall take place until details of the management of foul and surface water have been submitted to and approved by the Local Planning Authority and no dwelling hereby approved shall be occupied until the facilities serving that dwelling have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policies EN12, B24 of the adopted Unitary Development Plan.