

DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE

AGENDA

**Meeting to be held in Committee Room 2 on
Tuesday 4th July, 2017 at 3.45 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 Report of the Executive Director of Economy and Place (copy herewith).	1

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

Civic Centre,
SUNDERLAND.

23rd June, 2017

Development Control North Sub-Committee

4th July 2017

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. 17/00882/FU4
Land Adjacent/9 Longfield Road Fulwell Sunderland SR6 9SG
2. 17/00896/FU4
Kiosk 7 Northern Promenade Whitburn Road Sunderland SR6 8AA
3. 17/01075/LP3
Land At Castletown Way Sunderland

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

1.

North
Sunderland

Reference No.: 17/00882/FU4 Full Application (Reg 4)

Proposal: **Erection of single storey extension to front, two storey to side and single storey to rear. Change of open space to private garden and alterations to boundary treatments.**

Location: Land Adjacent/9 Longfield Road Fulwell Sunderland SR6 9SG

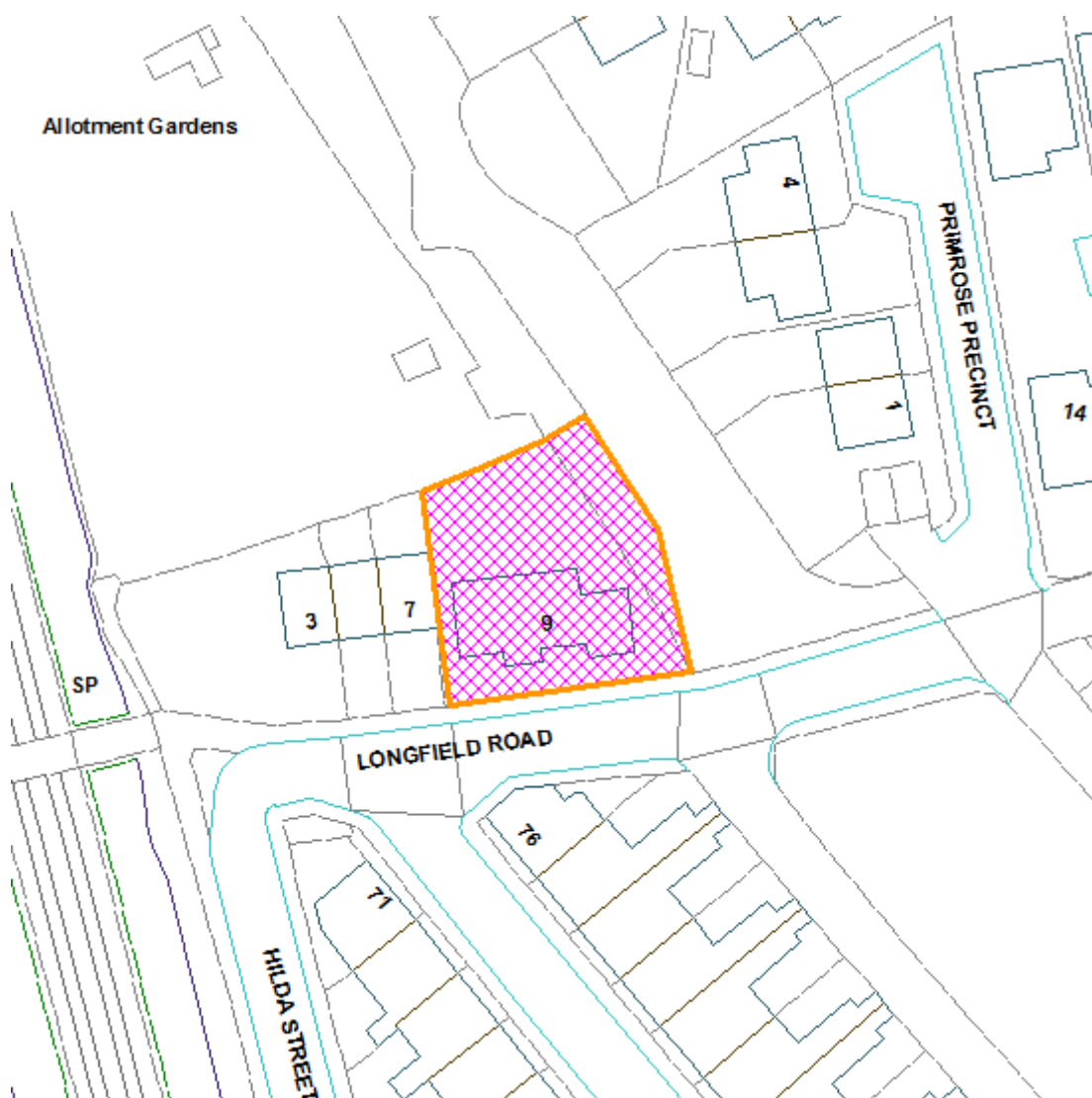
Ward: Fulwell

Applicant: Mr Angela Reynolds

Date Valid: 16 May 2017

Target Date: 11 July 2017

Location Plan



PROPOSAL:

INTRODUCTION

Planning permission is sought for the erection of a single storey extension to the front, two storey extension to the side and single storey extension to the rear of 9 Longfield Road, Fulwell. In addition, a change of use of an area of amenity open space to the side of the property, currently owned by the City Council, to garden land is included in the application.

The dwelling, which is a large 1960's/70's built property, is detached and is located on the north side of Longfield Road. Immediately adjoining to the east is an area of amenity open space known as 'Pocket Park' which also gives access to an allotment site to the rear (north) of the plot. Beyond this is a more modern residential development known as Primrose Precinct. To the west is a terrace of three older style dwellings, whilst opposite, to the south is Laburnum Road which is characterised by older style 'Sunderland Cottages'.

PROPOSAL

It is proposed to erect a single storey extension to the front of the property, which would partly replace the existing porch. The extension projects 1.6 m and is 12.3 long. It is designed with a pitched roof above the entrance porch and a monopitch roof spanning across the majority of the front elevation, including the garage. The overall height is 3.4 m.

Along the east side the dwelling the existing double garage would be replaced by a two storey side extension that extends the full length of the property (7.1 m). The extension is 4.7 m wide and is flush with the front and rear elevations of the dwelling and ties in with the main ridge of the existing property. It is designed with a gable end also to match the existing dwelling. The additional accommodation would provide a new double garage, utility and day room on the ground floor with and ensuite bedroom above.

To the rear a single storey extension is proposed that would replace the existing conservatory. The extension projects 3.2 m and is 16 m long (the length of the existing dwelling, including the attached garage). It is designed with a monopitch roof to a height of 3.9 m.

The applicant also proposes to incorporate a triangular piece of land 47 sq. m in area, along the east side of the property into the existing garden land by purchasing this from the City Council as land owner. The land currently forms part of an area of amenity open space known as 'Pocket Park' and comprises a strip of trees and shrubs that runs along Pocket Park from north to south. The area to be incorporated measures 3.7 m wide at its widest point and gradually tapers to a point at the south east boundary of the property for a length of 25.5 m. A new fence would be erected along the boundary that is shown to be 2.4 m high although no details of this has been included with the application. Should planning permission be forthcoming details of the fence and landscaping proposals could be controlled by the imposition of appropriate conditions.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fulwell - Ward Councillor Consultation
Network Management
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **14.06.2017**

REPRESENTATIONS:

Neighbours - One letter of objection has been received from the occupier of 1 Primrose Precinct as a result of the consultation process. In summary the objections relate to the following:

- As long as the extension is to be used only as part of a family home and not as a House in Multiple Occupation there is no objection to this part of the application. Planning comment: the dwelling is and will remain a single family residence. It is understood that the applicant is a foster carer and the accommodation would assist in providing bedroom accommodation on the ground floor for a disabled resident.

- There are concerns about the proposed change of use of land within Pocket Park, to a garden. The loss of such land could result in a narrowing of the Pocket Park, which in turn could make access for lorries and vehicles that service the park and allotments through the metal security gate adjoining 1 Primrose Precinct more difficult. Planning comment: the strip of land to be enclosed encompasses shrubs and vegetation that is not currently used for the access or manoeuvring of service vehicles to and from the pocket park. As such the current vehicular access arrangements would remain unchanged.

- There is a telephone mast within the area. Where would this be relocated to? Planning comment: A way leave currently exists between the Council as land owner and British Telecom to access the mast. It is understood that the mast would remain in situ and the way leave requirements would pass to the applicant, should the sale of the land proceed. This issue would subsequently become a private matter between the statutory undertaker and the new owner.

- It was believed that no further land in Pocket Park would be offered for sale by the Council after 1986, when some residents were offered land that backed onto the open space.

- The gate at the bottom of 1 Primrose Precinct leading into the park causes problems in wet weather due to mud and concerns that the front garden wall might be damaged. This may be exacerbated by a narrowing of the open space.

- The recent implementation of the Fulwell Parking scheme is causing on street parking problems in the area.

- The above problems could be alleviated by allowing the writer to purchase some land next to the driveway to allow better access to the garage. In addition, the gateway leading into Pocket Park could be relocated onto Longfield Road.

Planning comment - the above matters are not ones that relate directly to the planning application currently under consideration. The writer has been advised to discuss current access and land ownership issues with the Highway and Property Services sectors to discuss the concerns raised.

Network Management - Comment that is a BT mast within the area that may need relocating at the applicant's expense. It is also noted that the garage size would be reduced to 4.4 m long which will limit the size of the vehicle that can be kept there in the future. However, a roller shutter style door is proposed for the garage and a sliding gate is shown that will not open out onto the highway. Further it is noted that if the barrier to the park from Longfield Road is affected by the proposal this may need removing by the Council, at the applicant's expense.

POLICIES:

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

B_3_Protection of public/ private open space (urban green space)
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
L_5_Ensuring the availability of Public Parks and amenity open space
L_7_Protection of recreational and amenity land

COMMENTS:

ISSUES

The main issues are land use, impact on residential and visual amenity, and highway safety.

1. The site is subject to policy EN10 where it relates to the existing dwelling and also policies L5, 7 and B3 where it relates to the land proposed for a change of use.

Policy EN10 of the UDP states that all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood.

Policy B3 of the UDP states that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreation or nature conservation value; proposals will be considered in light of their contribution to urban regeneration and the importance of such space to the established character of the area.

Policy L5 of the UDP Second Review seeks to ensure that public parks and amenity open spaces are available to the public so that within:

- (i) 2.5 km of every dwelling there is a district open space of approximately 30 hectares or more
- (ii) 1.0 km of every dwelling there is a local park of approximately 10 hectares or more;
- (iii) 0.5 km of every dwelling there is a neighbourhood park or amenity open space of approximately 2 hectares or more; and
- (iv) where appropriate (including within new housing sites, (see policy H21) "pocket" parks will be developed on other smaller sites.

The hectarage of amenity open space has shown a healthy increase, so that almost all of the City has achieved the minimum standard of 2 hectares per 1,000 population laid down in 1983. In North Sunderland the figure is 2.9 ha per 1,000 population.

Policy L7 states that land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. Permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies I4, I5 and I6; 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.

In this case the land subject to a proposed change of use is a strip of land that is no greater than 47 sq. m in area and is relatively narrow in width. Its inclusion within the garden area of the property would allow the rear garden boundary to be straightened and for the proposed extension to be built. Currently the strip of land is characterised by unmanaged shrubs and bushes that would benefit from being incorporated into the garden area and managed properly. The area is unkempt and overgrown and is not useable from a public point of view. Given the small area in question that is proposed to be changed it is not considered that integrity of the wider pocket park for recreation or amenity would be unduly compromised. Further, to ensure that a hard edge is not created along the boundary the applicant has agreed to submit further landscaping, levels and boundary details by way of a condition, should planning permission be forthcoming. This would ensure that a combination of existing planting (where appropriate) and new planting and the style of fencing is properly controlled in the interests of visual amenity. In this way it is considered that the aims and objectives of the above policies are largely met and the proposal represents a very minor incursion into the pocket park.

With regard to policy EN10 the proposed development is for a domestic extension on a residential plot, which is surrounded predominantly by residential development. As such the proposal is fully compliant with this policy.

2. The proposed extensions are sufficiently distant from adjacent residential occupiers so as not to interfere with outlook, privacy or light. The nearest dwelling to the west is set back from the subject dwelling and in this regard the proposed rear single storey extension, whilst positioned close to the common boundary, would not breach the rear building line of the neighbouring property so as to cause loss of light or outlook.

3. The proposed side extension is flush with the front and rear elevations of the property and would sit across the existing attached existing double garage to the east elevation of the property. Whilst this would create a significant frontage to the dwelling it may be seen that the majority of dwellings to the south and west of the property are terraced in nature. As a result it is not considered necessary to require a set back or dropped ridge to create a subservient form of development due to the unique setting of the dwelling. The front extension would effectively fill the gap that exists between the existing porch and the projecting front element of the garage to the side, without impinging on the existing building line of the property. In this way the existing staggered building line of this part of the street would be maintained. The extensions are designed to reflect the existing features, materials and style of the dwelling and are appropriate in the context of the property itself and the surroundings.

As a result the extensions would comply with policy B2 of the UDP, which seeks to ensure all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood.

4. Highway Safety

The proposal provides for its own parking on site and would not interfere with highway safety or the amenity of other road users. Should any of the works affect the existing barrier along Longfield Road then the applicant will be made aware of the need to contact Network Management. In this way the proposal is acceptable and complies with policy T14 of the UDP which seeks to ensure that all new development makes provision for its own parking and does not cause any highway safety problems.

CONCLUSION

The proposed change of use from amenity open space to garden land is considered to be acceptable given the relatively small area to be enclosed and the low value of the land from a public recreational and visual amenity viewpoint. The remaining value of the pocket park as an area of amenity open space would not be unduly compromised by the proposal and would allow an overgrown and unmanaged area of shrubs and trees to be properly maintained. As such an exception to the normal policy of restraint may be made on this occasion. The proposed extensions would not impinge on the living conditions of adjacent residential occupiers due to the relatively isolated nature of the dwelling and the staggered building line in this part of the street. Whilst relatively large, the extensions are acceptable in relation to the dwelling itself and the context of the character of the street. The proposal would not interfere with highway safety or the convenience of other road users.

RECOMMENDATION

It is recommended that Members grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the conditions, below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

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

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

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

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

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

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

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

RECOMMENDATION: Grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992

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:

Proposed elevations and floor plans, Existing elevations, floor plan and site plan received 28 April 2017; Fence detail, Existing and proposed site plans received 16 May 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 specifications on the submitted plans details of all fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

- 4 The detailed plans to be submitted relating to landscaping and boundary treatment shall include a survey of existing and proposed ground level sections across the site and details of the finished levels within the area subject to a change of use to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 5 No shrubs, trees or any other vegetation shall be removed from the site hereby approved until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, and details of those specimens to be retained along with all proposed new planting, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the incorporation of the amenity open space into the garden area of the property or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 7 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.

Reference No.: 17/00896/FU4 Full Application (Reg 4)

Proposal: **Erection of a single storey extension to provide covered seating area.**

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

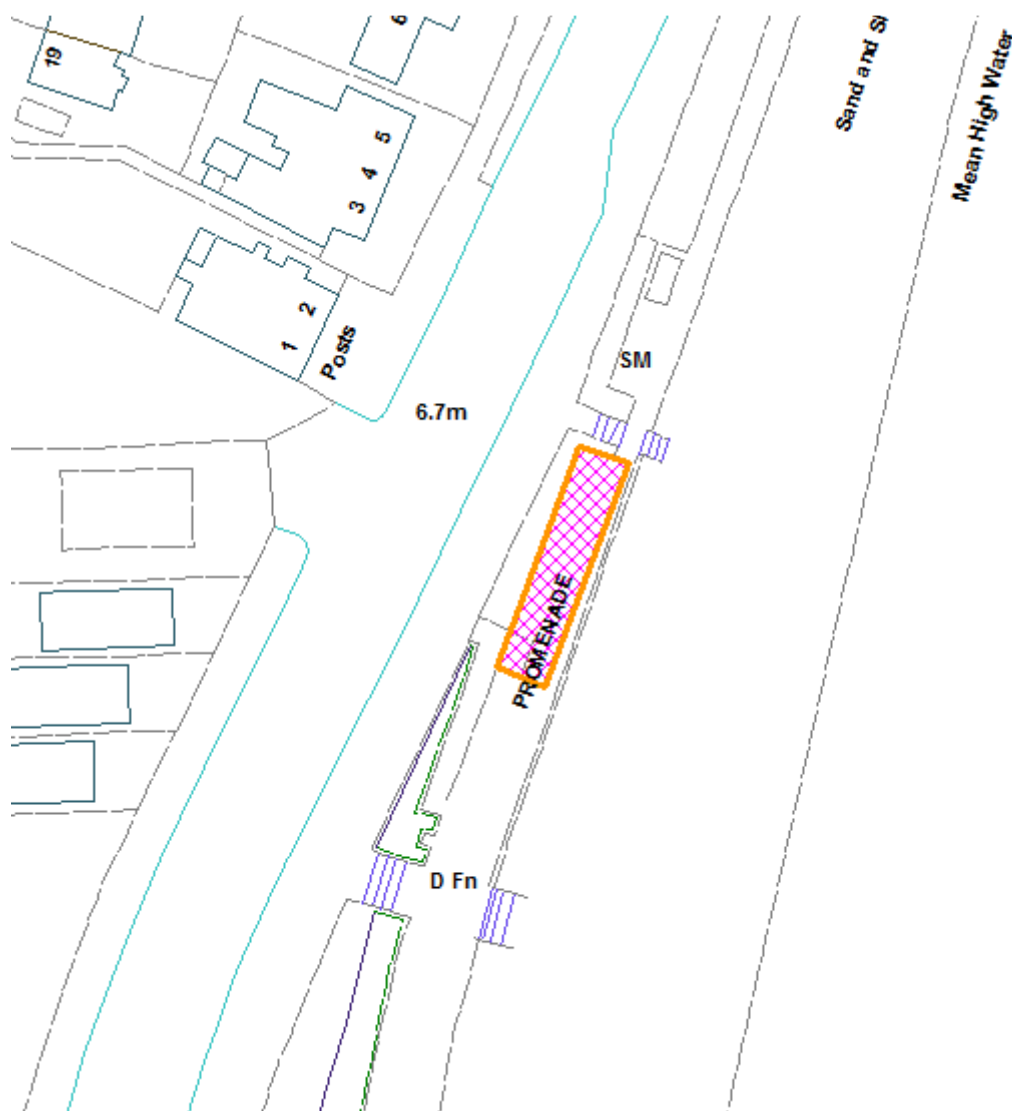
Ward: Fulwell

Applicant: Mrs Jean Walker

Date Valid: 2 May 2017

Target Date: 27 June 2017

Location Plan



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PROPOSAL:

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

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

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

The extension would see the depth, height and roof pitch of the kiosk retained in its current form however the promenade fronting width will be increased from 4.35m to 14.3m. The new frontage will retain the existing serving hatch and two sets of hardwood bi-fold door are to be installed. Customer access to the café will be achieved via a door within the northern gable and a disabled toilet is to be installed internally. The agent has also clarified that a shallow will be installed to cater for disabled/pram access. New roller shutter housing will be contained internally with perforated roller shutters also proposed. The new development is to be finished in white render.

Members may recall that this application was previously presented and subsequently approved at the Sub-committee meeting in February 2016. The application is largely identical to the previously approved scheme however the width of the buildings' frontage has been increased from 12.5m to 14.3m. This has had the effect of marginally reducing the area of external seating.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environment Agency
Fulwell - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation
Network Management
Environmental Health
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **08.06.2017**

REPRESENTATIONS:

Consultations

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

Internal

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

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

The City Council's Flood and Coastal Team have raised no objection to the proposal based on the minor nature of the development and the fact that the finished floor levels meet the requirements previously suggested by the EA.

External

Environment Agency - No response has been received following consultation with the EA. Nonetheless, the EA did previously respond to the 2016 proposal noting that the location of the kiosk falls within a high risk zone. In this respect it was conformed at that time that the proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed within the submitted Flood Risk Assessment are implemented and secured by way of a planning condition.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

NA_5_Provision / improvement of visitor facilities at tourist attractions

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

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

B_19_Creation of a "user friendly" environment

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

COMMENTS:

Considerations

The main issues to consider in assessing the application are;

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

1. Character and appearance of the area

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

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

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

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

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

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

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

2. Highway safety

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

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

3. Habitat Regulations Assessment

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

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

Whilst it is evident that the provision of sheltered seating would offer greater potential for year round visitors, the applicant has confirmed that the development is unlikely to be used within the

colder winter months and in any event it is not, given the existing provision of such facilities on the Seafront, likely that this particular development would entice specific visitors/trips to the site, rather it would likely serve a passing trade that is already within the vicinity.

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

Conclusion

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

RECOMMENDATION: Grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended)

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:

The floor plans and elevations as existing received 02.05.2017
The proposed floor plans and elevations as amended received
The site section plan received 02.05.2017.
The location plan received 02.05.2017.

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 The materials to be used in the development hereby approved shall be;

Walls - White render
Roof - Mineral felt
Windows/doors - Hardwood

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

- 4 The development hereby approved shall be implemented in complete accordance with the approved plans, the content of the submitted Flood Risk Assessment and the recommendations of the Environment Agency which stipulate that;

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

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

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

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

Reference No.: 17/01075/LP3 Local Authority (Reg 3)

Proposal: **Siting of 2 no. new on-carriageway bus stops/shelters.**

Location: Land At Castletown Way Sunderland

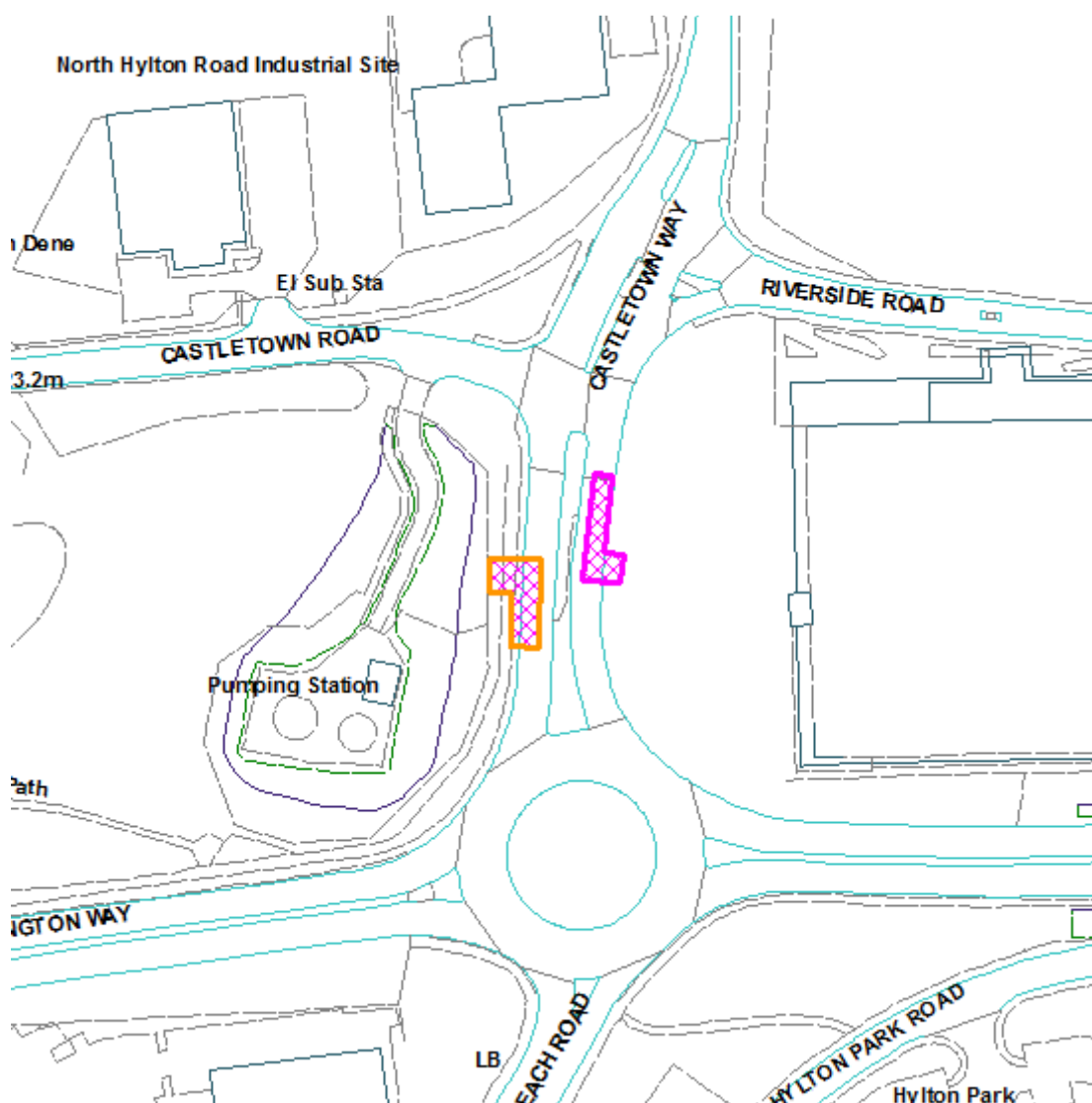
Ward: Castle

Applicant: Sunderland City Council

Date Valid: 24 May 2017

Target Date: 19 July 2017

Location Plan



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PROPOSAL:

The proposal is for the erection of two new on carriageway bus stops/shelters.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Castle - Ward Councillor Consultation
Network Management
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **23.06.2017**

REPRESENTATIONS:

Neighbour Notification

No representations have been received to the proposed development.

Consultee Response

Network Management - No comments or observation on the proposed development.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

COMMENTS:

The main areas to consider on the proposed development is the scale, massing, layout of the proposed development.

The proposed siting of the 2 no on-carriageway bus stops /shelters one is on the Southern Section of Castletown Way and the other is the northern section of Castletown Way adjacent to Sainsbury's.

The proposed development would normally be considered as permitted development. The development is located within the redline of planning application 09/04466/LAP which was an Environmental Impact Assessment development for the New Wear Crossing development.

The development for the 2 on carriageway shelters has been screened under the relevant EIA regulations and as such is not considered to be EIA development in this instance.

The shelters are of standard lightweight construction of GRP with toughened glass.

The proposed scale, massing, layout and access to the two new shelters

have been carefully considered and as such there are no visual impact or highway issues that would prevent the Local Planning Authority granting planning permission as the development complies with policies B2 and T14 of the adopted Unitary Development Plan.

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 recommended to Grant planning permission in accordance with Regulation 3 of the Town and Country Planning General Regulation 1992.

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:

Location Plan received 24th May 2017

Drawing number SK1890 bus shelters proposed plan received 24th May 2017

Proposed Site Plan IC/SBS/003 received 24th May 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.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/02247/FUL	Butlers Walsall Ltd	Demolition of existing workshops and erection of 363 unit mixed use residential block for students and young professionals (Use Class C3) with integral car parking, ancillary amenities and commercial unit (Use Class A1/A3), along with external landscaping and access works.	13/01/2017	14/04/2017
St Peters	Bonnars FieldSunderlandSR6 0AA			
15/02265/FUL	Bolbec Hall Ltd	Change of use from monastery to create 15no units of student accommodation to comprise 1 bedroom, 2 bedroom and studio apartments and 1 bedroom apartments with associated car parking and access.	14/06/2016	13/09/2016
St Peters	Saint Benets Roman Catholic MonasteryThe CausewaySunderlandS R6 0BH			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/00786/ADV	Community Partners Ltd	Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.	10/05/2017	05/07/2017
Castle	Various RoundaboutsNorth Sunderland			
15/02266/OUT	Bolbec Hall Ltd	Construction of 4 storey building to provide 55 units of student accommodation to comprise 1 bedroom, 2 bedroom and studio apartments with associated access and parking.	14/06/2016	13/09/2016
St Peters	Land To The South OfSaint Benets ChurchThe CausewaySunderland			