

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 11/03065/FUL Full Application

**Proposal:** **Proposed flexible mixed use development: consisting of A1 (retail), A3 (restaurant and cafe), A4 (drinking establishment), A5 (hot food take-away) B1 (offices) and D1 (Assembly, arts and leisure) refurbishment of existing shelter building capable of providing up to 10 Retail/Leisure. units at promenade level, ground floor relocation of male and female public toilet facilities, ground floor changing places facility, ground floor RNLI/ office (B1), erection of 2 shell only facilities above existing building with level access onto Whitburn Road. Change of Use of and stopping up of 2 public footpath stairs to A1, A3, A4, A5, B1, D1 uses and provision of new ambulant public staircase to the centre of development. (AMENDED DESCRIPTION 2.11.2011).**

**Location:** Kiosk 14 Whitburn Road Sunderland SR6 8AA

**Ward:** Fulwell

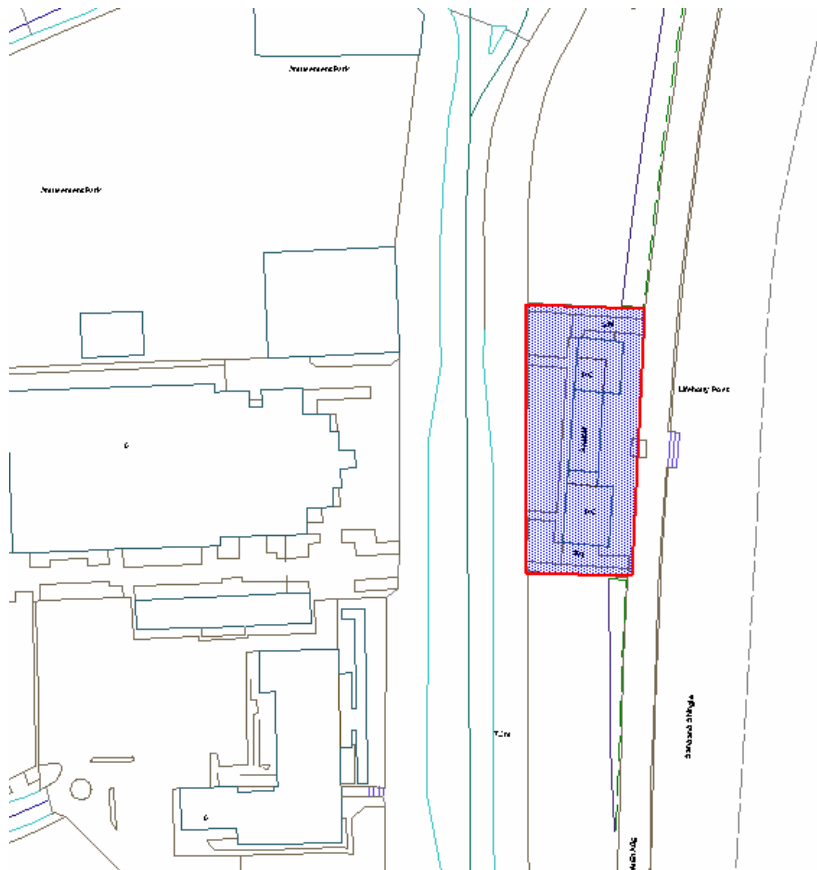
**Applicant:** Jet Limited

**Date Valid:** 14 October 2011

**Target Date:** 9 December 2011

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**Location Plan**



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## PROPOSAL:

The site is situated along Whitburn Road in Seaburn which forms a route out of the city connecting with South Shields seafront.

The site consists of an existing single storey building (the Seaburn Shelter). Due to its prominent seafront location and policies in the Seaburn Master Plan (adopted in July 2011) the site is seen as an important feature between the proposed central boulevard and plaza to the lower promenade and seafront.

The existing structure has numerous constraints especially regarding pedestrian access from Whitburn Road to promenade level for persons with disabilities and the less mobile as current access is via staircases either side of the structure. The site benefits from a large amount of public parking to the west along Whitburn Road. There are large open green spaces to the north and south.

The design principle is to utilise the existing building structure as a foundation which comprises of a single-storey reinforced concrete frame with a concrete roof. This will be cleaned and sandblasted. In this way the history of the site is maintained.

The rear face of the building comprises a full-height concrete retaining wall. The concrete walls to the sides retain progressively more earth from front to rear. The central third of the building is open along the sea facing elevation.

The concrete structure is considered structurally sound; accordingly the proposal is to create new accommodation using lightweight building materials, principally steel, glass and timber on top of the existing building.

The Seafront Regeneration Strategy has been taken into consideration in designing the proposal, this emphasises the role the seafront has to play in enhancing the city and its image through tourism and culture-led regeneration, which builds on the seafront heritage.

To articulate and break up the ground floor elevation the design incorporates timber slats fixed to areas of the concrete. This provides an extra barrier of protection and links in with other timber used within the building. Spacing the timber apart will allow for any boards damaged to be easily replaced. To further protect the building the upper floor will be covered in an acrylic render that is durable and maintenance free.

To protect the building from flooding the design incorporates roller shutters at ground floor level. To maintain the design quality of the building the shutters will be a dark grey metal finish in concealed box housing and will be perforated above ground level to allow light into the building. For further protection doors on the ground floor will be dark grey steel to match.

The extended building will comprise:-

2 x Bar/Restaurant units/Café - 311 m.sq unit 1.  
Takeaway units, Kitchen - 319m. sq unit 2  
(Use classes A3, A4, A5)

Covered Public Space - 128m.sq.

Total internal floor area - 758m.sq.

2 x Office/Retail/Cafe flexible units  
(Possibility of splitting into 8 separate units) - 217 m. sq  
(Use classes A1, A2, A3, A4, A5, B1).

Public Toilets and Changing - 75m. sq

RNLI and Council resort space - 61 m. sq  
(inc. kitchen, store and toilet)  
(Use class B1).

2 x Bin stores 60m. sq

Total floor area - 413 m.sq

Overall internal floor area - 1171 m.sq.

Ample roadside parking is provided along Whitburn road with more designated parking provided in the master plan.

It is proposed to remove the existing staircases linking the lower promenade to Whitburn Road. This will provide additional internal floor space requiring a change of use and stopping up of public footpath/staircase to developable space

for the above uses. All access between levels will then be concentrated within one central area featuring a lift and a wide staircase. All entrances to the buildings will provide level access with internal doors wide enough to accommodate wheelchair users.

The building has been designed to accommodate the servicing of the building from the Promenade similar to the provision in place for the restaurant development to the North of the site. Service strategies will be provided in accordance with Local Authority requirements and recommendations via agreed access times to the promenade for service vehicle. Deliveries will be carried from Whitburn Road in accordance with Local Authority requirements.

The uses applied for are intended to be inter-changeable within the building to allow for seasonal and flexible letting apart from the RNLI/Council resort office area which will be permanent uses.

As stated above the proposal requires the stopping up of highways (the existing staircases) and the proposal has been advertised by way of neighbour letters, consultations, site and press notices

#### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

City Services - Network Management  
Street Scene (Environmental Service)  
Force Planning And Police Architectural Liaison Officer  
Northumbrian Water  
Environment Agency  
Northern Electric  
North Gas Networks  
City Services - Network Management  
Street Scene (Environmental Service)  
Force Planning And Police Architectural Liaison Officer  
Northumbrian Water  
Environment Agency  
Northern Electric  
North Gas Networks

Final Date for Receipt of Representations: **29.11.2011**

#### **REPRESENTATIONS:**

##### **WARD COUNCILLOR**

A ward councillor offers support for the development to the Seaburn Shelter which will provide an addition leisure/food facility on the Seaburn seafront. With the inclusion of public toilets which he requests are open all year round for those wishing to use the seafront area during the off-peak months.

##### **CONSULTEES.**

## POLICE ARCHITECTURAL LIAISON OFFICER (NORTHUMBRIA POLICE NP)

NP has no objections to the principle of the development however it is suggested the applicant liaises with the police regarding materials etc. with a view to designing out crime.

## NORTHERN GAS NETWORKS

Northern Gas Networks (NGN) has no objections to the proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, NGN require the developer to contact NGN directly to discuss requirements in detail. Should diversionary works be required these will be fully chargeable.

## NETWORK MANAGEMENT.

## SERVICING.

Whilst some servicing will inevitably have to take place from the promenade, the majority of servicing would need to take place from Whitburn Road. Currently the restrictions to the immediate frontage prohibit any such activity, however as shown on Drawing SK02 "White Lining - Loading Bay" there is opportunity to relocate the existing Taxi Rank and replace it with a Loading Bay.

Alterations to the existing on street restrictions would however be subject to a Traffic Regulation Order (TRO) under which there is a statutory consultation, the outcome of which cannot be pre-determined. The cost of the TRO and the required physical works, such as removal of lines, provision of new lining and signage would need to be met by the developer.

Given that there would be no legitimate loading facilities on Whitburn Road a Grampian condition, requiring the Loading Bay to be in place prior to occupation, is requested.

## STOPPING UP OF EXISTING STAIRWAYS

The intention is to develop over the existing stairways to the north and south of the Seaburn Shelter and provide a new central stairway. As the applicant is aware a Stopping Up order would therefore be required, in order to extinguish highway rights on the existing stairways and associated footpaths. The cost of which would need to be met by the developer, regardless of whether the outcome is successful or not.

## BOUNDARY FEATURE

Clarification is sought on the intended boundary feature where the development site meets the rear of the footway of Whitburn Road.

## ENVIRONMENT AGENCY. (EA)

The Flood Risk Assessment is considered acceptable and as such EA have no objections on flood risk grounds. EA do however strongly recommend that flood proofing measures, as outlined in the FRA, are installed. They also recommend

that further consideration is made to the windows of the buildings/cabins as there is potential that wave action/overtopping in the future could cause damage, i.e. cobbles and gravels thrown at the buildings on the sea front/promenade area.

#### Disposal of Foul Sewage.

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

#### **POLICIES:**

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

EC\_9\_Locations for Hotels and Conference centres.

L\_12\_Promotion of the recreational and tourist potential of the coast and riverside

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\_2\_Scale, massing layout and setting of new developments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

B\_3\_Protection of public/ private open space (urban green space)

B\_19\_Creation of a "user friendly" environment

B\_24\_Appropriate provision for utility services in building development

EC\_8\_Support for tourist and visitor attractions.

EN\_13\_Requirements for development within the defined coastal zone

NA\_30\_Protection and enhancement of important views

#### **COMMENTS:**

The main issues to consider in determining the application are:-

Land use.

Design

Engineering issues.

Land use.

The proposal has been the subject of extensive pre-application discussions. Relevant extract from the Seaburn Master Plan which relates to the proposal have been considered. The strategic objectives of the Sunderland Strategy and Seafront Regeneration Strategy establish that Seaburn should be the focus of leisure led development. This approach is supported by the Unitary Development Plan, which promotes the recreational and tourist potential of the coast and

clarifies that Seaburn is a suitable location for a range of indoor and outdoor leisure and tourism facilities to serve the region.

In particular Seaburn's existing role as a resort, accessibility by public transport and the significant opportunities a leisure-led development may afford for both economic and physical regeneration of the Masterplan area are relevant. The proposal is considered acceptable in making a positive contribution to the above and accords with adopted policy.

#### Food and drink uses

Food and drink-led uses at Seaburn are focused towards the south of the Masterplan area, mainly at Queen's Parade.

Evidence contributing to the master plan predicted demand for expansion of these uses in terms of further outlets, particularly additional food and drink related outlets such as cafés or tea/coffee shops. There is also likely to be some demand for licensed premises. The provision of additional coffee shops or restaurants in Seaburn is encouraged, in order to add vibrancy to the area. However it is considered that whilst takeaways are a use consistent with the sea-front location, there already exist a high number concentrated in the south of the area. In the interests of nearby residential amenity and ensuring a mix of facilities, additional takeaway proposals will need to be managed carefully.

Limited retail development at Seaburn is considered compatible with the strategic vision of the area predominantly from specialist retailers, which would cater for the foreshore location and leisure oriented character of the area. The retail proposals are likely to be small scale or as ancillary uses in a wider mixed-use scheme and are considered acceptable in terms of scale and use.

The proposal is considered a unique facility on the seafront which is strongly linked with the Seafront Regeneration. Development of the existing shelter building enhances public facilities including places for change facility which will provide Seaburn a unique offering to the general public particularly those less mobile or disabled.

Improved facilities for the RNLI and the Council resort management will be provided and this is considered acceptable.

The applicant seeks flexibility in the sub division and use of the units within the use classes requested. This is considered reasonable and in accordance with the unique opportunity this building and the location offer and thus acceptable.

In light of the above the proposal is considered acceptable in land use terms.

#### Design.

A key issue that has informed the design and layout of the proposal is access. At present two stairways connect the promenade levels at each end of the site. This arrangement allows pedestrians to bypass the site itself cutting off potential users. There is also no provision in or around the site for those with disabilities and the less mobile. In addition there is proposed a public space in the form of a terraced area in front of the first floor glazed units.



The scheme addresses these issues by building over the existing stairways unifying access into one central core. This draws pedestrians directly into the site as they pass through a covered gateway between levels. A better link is also created between Whitburn Road and the beach with stairways linking directly. In addition within this central space a lift will provide access for disabled users between the different levels.

The design concept focuses on retaining the original ground floor structure and using it to support a simplistic white rendered box at first floor level. The design achieves a real contrast between ground and first floor level each responding to their uses and context. The simplistic upper level, the simple roof and floor lines and the glazed areas are considered uncomplicated and acceptable.

The existing building has a robust structure and the proposed additional storey a lightweight timber structure. The contrast of white render and glazing will help to create a design feature that stands out on Seaburn seafront.

As stated the lower level will house public toilet facilities, RNLI and council resort team space, storage and also flexible units for a variety of uses. It is proposed to incorporate robust materials and detailing to this level to acknowledge the site context in terms of its relative isolation and exposure to the elements.

The robust appearance of the ground floor acts as a contrast to the slender white rendered box of the upper floor. This floor will comprise of two units that again have been designed with flexibility in mind to suit the operator. This level will also feature a range of outdoor spaces encouraging seafront activity. The upper level has been designed with transparency in mind and attempts to maximise and enhance sea views. This is achieved through the building service spaces being located in two solid blocks. These blocks also create a framed view from a central covered public space. The area also acts as a gateway providing a visual connection from Whitburn Road to the seafront and will also acts as a key focal point for the future Seaburn Masterplan. This is considered acceptable and in accord with policy.

Details of the materials to be used and colour for render, powder coating etc. are being finalised and it is anticipated will be submitted to the Council after preparation of this report but prior to Committee, it is anticipated this will be reported verbally as there are no issues just detail to be agreed.

Engineering issues.

The proposal is considered acceptable in terms of servicing of the site subject to the provision of a loading bay on Whitburn Road, this could be secured by way of a Grampian condition should planning permission be granted.

Discussions have been held between the applicant and Network Services and the proposed central staircase is now considered acceptable. The Stopping Up of the exiting staircases procedure has already begun to allow an early start on work at the site in order that it can be functional as soon as works are complete.

The applicant will provide detailing of the boundary features to allow this matter to be reported to the Sub-Committee.

CONCLUSION.

The proposal is considered acceptable in terms of land use, design and engineering issues subject to the receipt of further detail and the imposition of suitable conditions.

During the determination of the application the description of the proposal was altered to exclude A2 uses (bank, estate agents etc) from the proposed uses and to clarify the description in terms of the proposed stoppings up. This has resulted in a further round of consultations and publicity the period for which will expire post 24 November 2011 which is after this committee. The next available date would be 5 January 2012 whilst the last day for determining this application is 9 December 2011.

In order that the application can be determined within the statutory period Members are requested to delegate the matter to the Deputy Chief Executive for approval subject to minor details as stated above and to allow the expiry of the re-consultation period. If any objections are received the matter will be returned to the next available committee for determination.

Any approval would be subject to conditions in relation to:

Time limit for commencement within three years.

Development in accordance with approved plans.

Grampian condition in relation to a loading bay on Whitburn Road.

Wheel washing facilities during construction.

**RECOMMENDATION: Delegate to Deputy Chief Executive**