

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0055/20/FUL

Proposal: Works to extend existing outdoor seating area into the tarmac area to the south-west elevation of premises, comprising the installation of new timber decking and paving; and the construction of various new structures including 3no. timber beach huts and 2no. timber pergolas (one with Perspex roof). Extended outdoor seating area to be enclosed by new 2 metre high timber boundary fence. Construction of new flat roof timber extension for outside servery to south-west elevation of building following removal of section of binstore. Refurbishment of existing garden and decking areas.

Location: The Sand Dancer
Sea Road
South Shields
NE33 2LD

Site Visit Made: 12/02/2020

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B, C and G)
- 2 DM7 - Biodiversity and Geodiversity Sites
- 3 SPD6 - Parking Standards
- 4 SPD23 Interim - Mitigation Strategy for European Sites (Recreational Pressure from Residential Development)
- 5 SSTCW AAP Policy SS1 - Strategic Vision for South Shields Town Centre and Waterfront
- 6 SSTCW AAP Policy SS5 - Tourism and Culture in South Shields
- 7 LDF CS EA5 - Environmental Protection

Description of the site and of the proposals

The application site relates to the Sand Dancer Public House, located within the Foreshore (Development Coast) Area of South Shields Waterfront.

Planning permission is sought for a number of extensions and alterations to the existing public house including works to extend the existing outdoor seating area into the tarmac area to the south-west elevation of premises, comprising the installation of new timber decking and paving; and the construction of various new structures including 3no. timber beach huts and 2no. timber pergolas (one with Perspex roof). The extended outdoor seating area would be enclosed by a new 2 metre high timber boundary fence. Construction of a new flat roof timber extension for an outside servery is also proposed to the south-west elevation of building following removal of section of binstore. Additional general refurbishment of the existing garden and decking areas around the public house is also proposed.

The works would be contained within the existing red line boundary of the Sand Dancer; and would not require any material change of use of land.

Publicity / Consultations (Expiry: 05/03/2020, including site notice)

1) Neighbour responses

One letter of support from the occupier of 38 Brass Thill Way commenting that this will be an asset to the current seafront offer and will increase visitors to the area, promoting economic development.

2) Other Consultee responses

Traffic and Road Safety Team (Local Highway Authority): No highways comments, planners to be aware that building extension will make the property lose some of its own staff / customer parking bays.

Environmental Health: I have no objections.

This application does have the potential to impact upon residential properties, we have received intermittent complaints in the past when events at the proposed location for this application have been held and the wind direction has carried sound to the nearest residential receptors. However, I am confident that any such complaints in the future can be dealt with through a combination of the Environmental Protection Act 1990 and the licensing regime.

Environmental Protection: No comments in terms of flood risk or land contamination.

Landscape Officer: I confirm that the proposals for the decking and seating areas are acceptable.

Countryside Officer: Given the nature of the proposal, it is not considered likely to have a significant impact on any protected or priority species.

Having considered the nature, scale, duration and location of the project, it can be eliminated from further assessment on the grounds that it could not have any conceivable effect on a European site.

Licensing: No comments received

Northumbria Police Architectural Liaison Officer: Having considered it from a crime prevention point of view I can find no grounds on which to object to it. No further comments at this time.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Assessment

The main issues relevant to the determination of this application are:

- Design and visual impact;
- Impact on neighbouring amenity;
- Impact on highway capacity and road safety; and
- Ecological impacts

Design and visual impact

Policy SS1 of the South Shields Town Centre & Waterfront Area Action Plan promotes the enhancement of the natural and built environment, infrastructure, and range and quality of attractions along the foreshore, in order to make it a destination of choice for visitors and tourists.

Policy SS5 of the Action Plan supports the expansion of existing facilities along the foreshore, where they will enhance its special character and role as a major all-year-round leisure and visitor attraction

Policy DM1 (A) requires the design of new development to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity. Core Strategy E1 seeks to encourage the development of culture, tourism and hospitality within South Tyneside.

The works to extend the outdoor seating area would be carried out within an area of tarmac to the south-west of the main pub building, currently used for parking; and adjacent to a public footpath. Colemans Seafood Temple is positioned to the south-east of the site, with the South Promenade (South) council car park to the north-west. The pub already benefits from existing timber decking / outdoor seating and the works to extend this area would use similar materials (including the new timber boundary treatment). The new structures to be built within the extended seating area (including beach huts and pergolas) would be acceptable in terms of design and appearance; and would all be subordinate in scale to the main pub building.

No trees, shrubs or grassed area would be lost as a result of the development in accordance with the requirements of Development Management Policy DM1 (Criterion C). The council's Landscape Officer was consulted and, having considered the development, confirmed their view that the proposal for the decking and seating areas would be acceptable.

The works would support the expansion and enhancement of the existing Sand Dancer Public House and would meet the objectives of policies SS1 and SS5 of the Action Plan in promoting the role of existing facilities along the foreshore as all-year-round leisure and visitor attractions. It is considered that the proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials. It is considered that the proposal would accord with adopted South Tyneside Local Development Framework Development Management Policy DM1 (A and C).

Neighbouring amenity

The council's Environmental Health Officer was consulted and confirmed that they had no objections in relation to the proposals, with tools available under the Licensing and Environmental Health regimes to ensure that the development would not result in an unacceptable impact on the nearest residential properties (along the Coast Road and Bents Park Road) through noise generation or general disturbance. The Architectural Liaison Officer for Northumbria Police has considered the application from a crime prevention point of view and has also confirmed that they have no objections to the development.

Having regard to the existing use of the site (including the outdoor seating already available at the public house) and the surrounding land uses, as well as the substantial separation distance to the nearest residential dwellings, it is not considered that the additional section of outdoor seating would result in any unacceptable impacts on neighbouring amenity through noise generation or general disturbance. The development would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 and Core Strategy Policy EA5.

Highway capacity and road safety

Criterion D of the LDF policy DM1 requires the impact of the development to be acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts.

The Council's Traffic and Road Safety Team (the local highway authority) were consulted and confirmed that they wished to offer no comments on the proposals. However, they did highlight that the building extension would result in the loss of some staff / customer parking bays.

The works to extend the outdoor seating area of the public house would utilise an area of tarmac within the curtilage of the premises, currently used informally for the parking of up to 8 vehicles. Under the council's Supplementary Planning Document 6: Parking Standards (SPD 6) it is recommended that public houses should provide 1 car parking space per 20m² of gross floor area (reduced to 75% of standard within the Urban Area of the borough). However, it is noted that this is a maximum standard.

Within the surrounding area, the council operated South Promenade (South) car park adjacent to the Sand Dancer has space for 150 vehicles and is open 24/7. Additionally, the council operated Trow Quarry car park, located approximately 320 metres walking distance to the south-east of the site, has 245 spaces and is open between 8am and 10pm. There is also on-street parking available along Sea Road.

The development would retain an area for bin storage within the curtilage of the premises; and would not result in any obstruction of the adjacent public highway.

Taking into account the substantial amount of public car parking available within close proximity of the site, it is not felt in this instance that the loss of in-curtilage parking for the public house would result in an unacceptable impact on highway capacity or road safety, with adequate access to car parking remaining for patrons, in accordance with the requirements of Development Management Policy DM1 (G).

Ecological impacts

The area within the red line boundary of the application site does not have any features of ecological significance. However, the proposal is within 500m of a number of designated sites, as shown below:

- ~50m to the Durham Coast SSSI
- ~280m to the South Shields Dunes LWS
- ~495m to The Leas LWS
- ~490m to the Durham Coast SAC
- ~500m to the Northumbria Coast SPA

The council's Countryside Officer was consulted and, having reviewed the proposal, confirmed that that it would not have a direct impact on any of the habitats associated with the designated sites, as all works should be confined to the area within the red line boundary.

Given the nature of the proposal, it is not considered likely to have a significant impact on any protected or priority species.

The proposals are to alter an existing pub, not to provide a completely new facility and therefore they are not anticipated to bring any extra visitors to this section of the coast. Therefore indirect impacts caused by increased visitor numbers are not anticipated.

The proposals will involve a relatively modest amount of building work around a building which is frequented all year round by people and vehicles, therefore no indirect impacts from visual disturbance of the SPA bird species is anticipated.

The building work required will create some noise, which will be temporary in nature. Having considered noise assessments undertaken for the conversion of the neighbouring former bandstand into a restaurant, it is considered reasonable to extrapolate the decibel levels from that scheme to this. The loudest operation for that development was a stihl circular saw cutting steel and the noise assessment was as follows:

"Noise and Vibration Associates (NVA), Environmental Consultant based in Newcastle, confirmed data for a Stihl Saw would typically be up to LAeq = 110 dB(A) at a nominal 1 metre (operator position)9. NVA advise it is then reasonable to use the Small Source Hemispherical Radiation formula:

*LAeq (at distance r2) = LAeq(@ distance r1) – 20*Log10(r2/r1) to calculate “worst case” noise at Distance r2.”*

LAeq = 56.02 dB(A) at a nominal 500 metre.

A noise level of 56dB is considered to be a low, acceptable level, unlikely to cause a response in birds in existing highly disturbed areas such as urban areas and adjacent to roads. Given that this location is typified by seafront car-parks, a busy coast road and businesses such as cafes and pubs, it is reasonable to classify it as an already highly disturbed area. As such, no indirect impacts from aural disturbance of the SPA bird species is anticipated.

Having considered the nature, scale, duration and location of the project, the council's Countryside Officer has confirmed that it can be eliminated from further assessment on the grounds that it could not have any conceivable effect on a European site.

Based on the plans submitted, Natural England confirmed their view that the proposed development would not have significant adverse impacts on designated sites and stated that they had no objection.

Having regard to the above, it is not considered that the development would adversely affect the integrity, natural character or biodiversity and geodiversity value of any designated wildlife site; and would accord with the requirements of LDF Policy DM7.

Summary

For the reasons set out above, it is considered that the proposal would accord with the relevant Local Development Framework plan policies, and so would be an acceptable form of development.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drawing Number 001 Revision B received on 29/01/2020

Drawing Number 002 Revision B received on 29/01/2020

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 The external surfaces of the development hereby permitted shall be as specified on the approved plan (Drawing Number 002 Revision B received on 29/01/2020).. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

List of approved plans for standard note

Drg No 001 Rev B received 29/01/2020

Drg No 002 Rev B received 29/01/2020

Case officer: Joshua Kenolty

Signed:

Date: 01/04/2020

Authorised Signatory:

Date:

«END»