

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 City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

Reference No.: 18/01776/FUL Full Application

Proposal: **Conversion of 2 storey car park into 27 hotel bedrooms.**

Location: The Manager Sunderland Marriott Hotel Queens Parade Whitburn Road
Sunderland

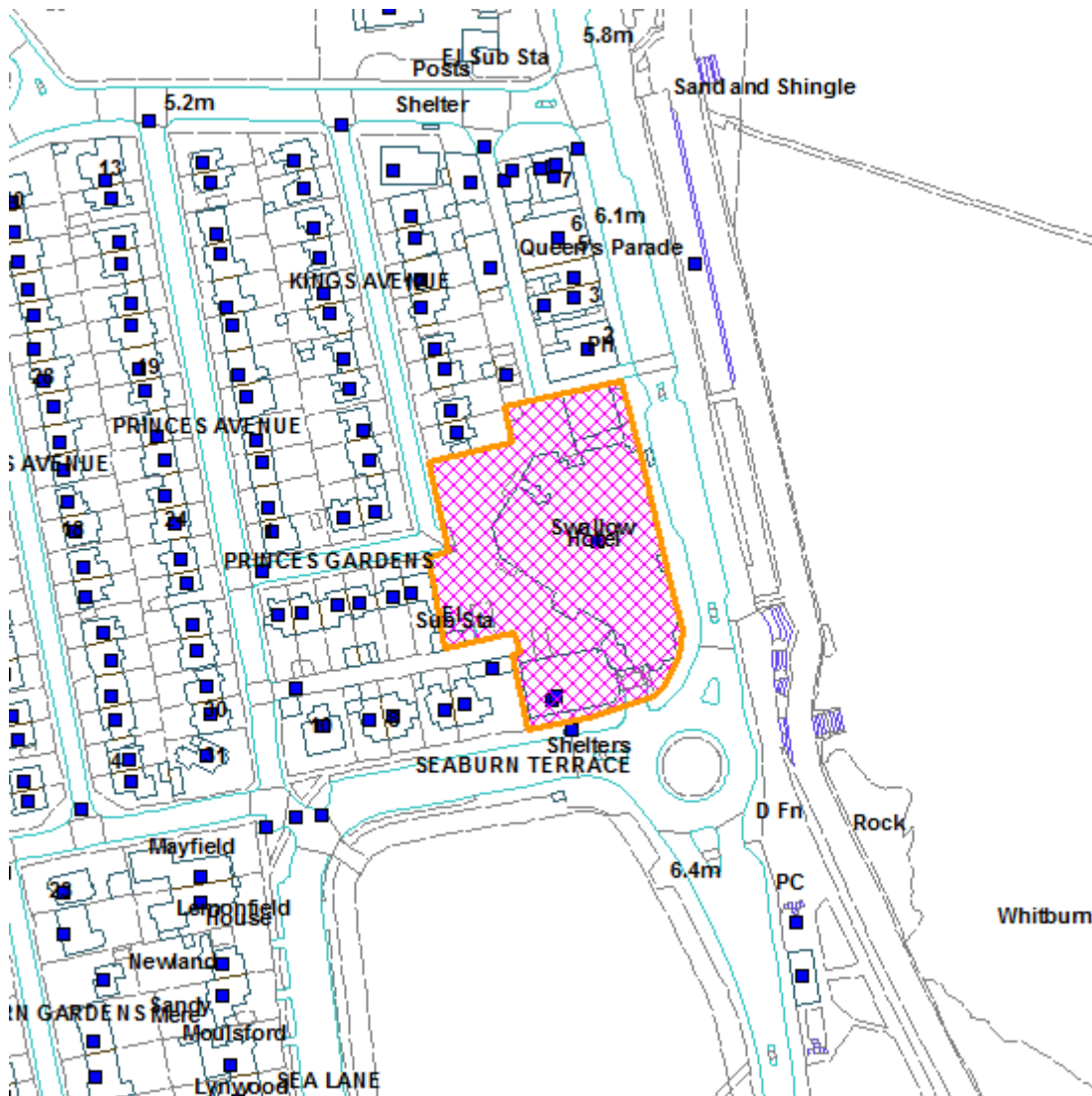
Ward: Fulwell

Applicant: Grand Hotel

Date Valid: 31 January 2019

Target Date: 28 March 2019

Location Plan



PROPOSAL:

INTRODUCTION

This application seeks planning permission for the proposed conversion of the 2 storey car parking into 27 hotel bedrooms at The Grand (formerly Marriott) Hotel, Queens Parade, Whitburn Road, Sunderland, SR6 8DB.

SITE DESCRIPTION

The application site includes the two storey car park at The Grand Hotel. The Grand hotel is bounded to the east by Whitburn Road, beyond which is the beach, to the south by Seaburn Terrace, to the west by residential properties in Kings Avenue and Princes Gardens and to the north by commercial properties located on Queens Parade and including The Promenade Public House and restaurants beyond.

The two storey car park is located at lower ground and ground floor level beneath existing hotel bedrooms located to the south west of the hotel on Seaburn Terrace. The car park currently houses 28 parking spaces with a surface level parking area to the western side of the site which provides a further 55 parking spaces.

The hotel is three storeys to Whitburn Road, overlooking the sea. The part of the hotel subject to the application is three storeys above the car which comprises four storeys when the lower ground floor is included.

PLANNING HISTORY

92/01025/55 - comprised an amendment to a previous permission (92/0631) for a 33 bedroom extension with a car park and link buildings. The amendments to the permission included alterations to the south elevational treatment and the omission of the retail post office unit. The application was approved in 1997.

89/02123/10 - included alterations to the first and second floor bedroom accommodation and the extension to the second floor to form two bedrooms. The application was approved in 1990.

89/01221/19 - provided a first floor bedroom to the hotel which was approved in 1989.

88/01945 - for alterations / extensions to form leisure facilities and a new reception area was approved in 1989.

78/1434 - included the erection of a four storey extension to provide 37 additional bedrooms.

PROPOSAL

The proposal includes the conversion of the existing 28 car parking spaces at lower ground and ground floor parking area of the hotel to provide 27 additional hotel bedrooms. A further 4 additional car parking spaces would be provided within the surface level car park.

The car park to be converted was constructed following the grant of planning permission under application 92/01025/55 which provided an additional 33 bedrooms at the hotel.

The application has been supported by:

- o Transport statement.
- o Habitat Regulation Assessment.

- o Flood Risk Statement.
- o Design and Access Statement.
- o Ecological Impact Assessment.

It should be noted that in the supporting information provided as part of the application submission it states that the proposal would create 24 additional bedrooms however, the submitted plans show an additional 27 bedrooms and the agent has confirmed that this is the case. Therefore, the application will be assessed on the basis of the creation of an additional 27 bedrooms at the hotel.

The proposed conversion of the existing car park would include external changes to the building to facilitate the additional 27 hotel bedrooms. The amendments to the elevations would comprise new upvc units within the existing openings to match the existing hotel bedrooms above.

The total number of remaining car parking spaces to serve the hotel would be 59. The access ramps to the two storey car park would be removed as part of the proposal. However, the access to the existing surface level car park would remain unchanged.

STATEMENT FROM APPLICANT

The agent has provided a letter which it is requested is provided for Members of the Planning Committee to read in support of the proposal. The letter has been uploaded and is available to be viewed on line. However, the contents of the letter are also outlined for Members below.

'Britannia Hotels purchased the Grand Hotel, Queens Parade towards the end of 2018 with a view to improving a failing hotel.

The proposal is for the conversion of the existing 28 space car park at lower ground and ground floor area of the hotel into 24 additional hotel bedrooms.

These proposals would help increase the local tourist industry by bringing in additional visitors as well as providing improved employment opportunities for local people.

The proposed conversion of the existing car park would include external changes to facilitate the additional hotel bedrooms. These amendments to the elevations would comprise of new pvc units within existing openings, to match the windows of the existing hotel bedrooms above.

Following the submission of the planning application, Sunderland City Council have requested further information in the form of;

1. HRA screening
2. Flood Risk Assessment
3. Transport Statement
4. Planning Statement

Following the issue of the above information, it was further enhanced at the request of Sunderland City Council with an existing car park survey to further justify the loss of the 24 spaces. This analysis has shown that the 59 parking spaces would be adequate to accommodate the forecast number of vehicles associated with the increase in bedrooms and that any parking deficits shown are due to additional vehicular movements associated with the on-site function room facilities, which vary in frequency, day of week, time and size and therefore would be impossible to accommodate any suitable level of car parking for these users.

Furthermore, users of the function room facilities will now be advised by the hotel at the time of booking and upon arrival at the hotel that the on-site car park is for hotel guests only and will firstly be informed of the excellent public transport connections and be directed to the nearby car parks and on-street parking options that are away from residential areas.

In conclusion, the independent traffic consultant can see no transport or highways reasons why this application should not be approved.

It is noted all these additional reports state there should be no objection of the application and should be approved.

Further information was again requested by Sunderland City Council, clarification as to how the parking data at the start of each day was established and how the parking demand for additional 24 bedrooms was established. Our independent Consultant confirms "the cameras were running for 24 hours, across the seven days and was calculated that from the footage". The parking demand for the additional 24 rooms was "established for each day by using the maximum parking accumulation for each 15-minute period for the current situation, divided that by the 82 rooms (1 room wasn't available) to get a maximum accumulation per room and then multiplied this by 106. For those days where events were on at the function room, they used the 'maximum accumulation per room' on a 'normal day' to calculate the additional impact, which was the Friday with nearly full occupancy".

Additional information has not been provided such as historic occupancy levels covering the past year. We wish to point out Britannia Hotels have not been owners for a complete year at the time of submitting the application and do not have access to previous figures.

Finally, we are in the process of obtaining copies of the car park survey data and footage, this will be forwarded on once it has been received.

We trust this information provides you with the data and information required and this will allow you to approve this application, help us build this business once again and help rejuvenate the area.'

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Environment Agency
Network Management
Fulwell - Ward Councillor Consultation

Final Date for Receipt of Representations: **26.03.2019**

REPRESENTATIONS:

Neighbour Consultations

The occupiers of 10 premises in close proximity to the application site have been consulted and the proposal has been advised by a notice posted on site.

Two letters of representation have been received with regard to the proposal and the letters can be summarised as follows.

The Occupier, 6 Seaburn Terrace

- o Concerned that the application notes that as well as using the already stretched free parking at Seaburn, additional street parking is noted as available for use.
- o As a resident parking next to property is already difficult and at busy periods including events, weekends and evenings. Accessibility becomes nigh on impossible, plus in many cases increased parking causes obstruction in streets and dangerous driving conditions.
- o To reduce the parking available and taking into account the parking requirements due to increased occupancy, plus building works traffic, this will only make the situation worse.
- o A solution other than parking in neighbouring streets and using public car parking needs to be sought.
- o Noise pollution from hotel activity is also a concern.

The Occupier, 7 Princes Gardens

- o The Planning Committee should seriously consider the negative impact of a further 27 bedrooms will have on the number of vehicles requiring parking spaces.
- o This would be in addition to the already inadequate spaces provided for the existing number of bedrooms.
- o If approved this would exacerbate an existing shortfall of spaces at times already to be worsened by considerable housing developments within Dykelands Road and South Bents and further congestion on Whitburn Road, problems of which local residents are only too well aware.

Internal Consultees

Public Protection and Regulatory Services - Initial comments received from PPRS included the following:

Contaminated Land

Developments which have a sensitive end use require the consideration of land contamination. As a minimum, the Applicant should complete and submit to the LPA the 'Screening Assessment Form' provided in the YALPAG Guidance document "Planning guidance development on land affected by contamination". Please note, the screening assessment form may highlight a need further information.

Noise

A noise assessment is required to support the application. This should be undertaken by a suitably qualified person, with reference to appropriate guidance such as BS 8233:2014. Where appropriate internal noise criteria levels cannot be achieved, a scheme of mitigation shall be provided which details the measures required to achieve compliance.

Construction Management

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 Construction Environmental Management Plan. 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.

Final comments received from PPRS include the following:

Contaminated Land

No further information is required regarding land contamination although previous recommendations including a refurbishment survey would be advised in order to identify development risks including presence of hazardous building materials such as asbestos or lead.

Noise

PPRS have recommended that the rooms meet the noise standards within BS 8233:2014 which provides guidance on internal noise levels for buildings (including commercial such as hotels) so as long as the applicant is confident that the proposed specification of insulation will meet these levels then we would not insist on a noise assessment. Our comments relate to external noise sources such as traffic or external plant.

Transportation Development - The initial response received from the Transport Development requested that a car park survey was carried out over a 7 day period to clarify parking in and out of the car park and the number of available / used spaces every hour.

Following the receipt of the parking survey further comments have been provided and these comments are outlined below.

Class C1 Hotel Car Parking Standards

The Sunderland City Council parking standards for a hotel are as follows:

- 1 space per bedroom
- 1 space per resident staff
- 1 space per 5sqm conference / function area
- 1 space per remaining 10sqm gross floor area

There are currently 83 bedrooms at the hotel and 83 parking spaces. It is evident therefore that the current parking provision for the existing hotel is significantly sub-standard as it only meets the first parking standard criteria i.e. 1 space per bedroom. Currently there is no parking provision for resident staff, conference and function facilities and other facilities and the hotel. It is understood that the hotel has conference/function facilities for up to 300 attendees as well as a bar area, restaurant and gym/pool facilities.

The proposal is to increase the number of bedrooms by 24 with a subsequent loss of 24 parking spaces i.e. 107 bedrooms with 59 parking spaces. This would equate to a parking provision for bedrooms of only 55% as opposed to the current 100% provision.

This reduction in parking provision exacerbates the current sub-standard parking provision for the hotel.

Parking Survey

It was requested by Transportation Development that a parking survey be undertaken to establish the current level of parking demand at the hotel. This was undertaken by the applicant and a revised Transport Statement was submitted detailing the results of the parking survey.

The parking survey was undertaken between Thursday 14th March 2019 and Wednesday 20th March 2019, which is not during the height of the tourist season. It was confirmed that the hotel occupancy during this period was:

- o 14th March - 70%
- o 15th March - 99%
- o 16th March - 89%
- o 17th March - 52%
- o 18th March - 72%
- o 19th March - 78%
- o 20th March - 74%

In addition, it was confirmed that events occurred at the hotel during this period as follows:

- o Thursday 14th March between 14:00 - 17:00 - 50 attendees
- o Sunday 17th March between 13:00 - 17:00 - 100 attendees
- o Tuesday 19th March between 08:00 - 14:00 - 40 attendees

It is noted that each of the above events was significantly below the 300 attendee capacity of the function facilities at the hotel.

The results of the survey showed that on Sunday 17th March, when a 100 attendee event was taking place, the car park at the hotel was at its greatest demand at approximately 81% of its capacity. This despite the hotel being at only 52% occupancy and the number of attendees being significantly below the attendee capacity of the hotel.

The analysis undertaken to predict the likely parking demand should the planning application be approved demonstrates that at times the demand would exceed the reduced parking provision at the hotel. However, this analysis does not take into account that the survey was undertaken during March i.e. not the peak tourist season or when larger events are taking place at the hotel. It is considered that the demand for parking at the hotel would significantly increase at such occasions.

The revised Transport Statement states that in future attendees at events/functions will be notified that the on-site parking is for hotel guests only and they will be directed to nearby car parks and on-street parking.

Additional Information Requested

Subsequent to the submission of the revised Transport Statement further information was requested from the applicant in respect of the parking surveys to clarify various issues. This information included:

- o Clarification as to how was the parking at the start of each day was established.
- o Clarification as to how the parking demand for additional 24 bedrooms was established.
- o Historic information on hotel occupancy throughout the year to establish seasonal variations.

- o Historic information on events/functions throughout the year to establish frequency and size of events/functions.
- o Copies of the camera surveys to make random checks on the data submitted.
- o If future attendees of functions would not be permitted to use the hotel car park, how will this be managed and enforced.

However, this additional information requested has not been received from the applicant.

Summary

It is concluded that for the following reasons Transportation Development recommends refusal of the planning application.

- o The current parking provision at the hotel is below the level required by the Councils parking standards.
- o The 24 additional bedrooms and the subsequent loss of 24 parking spaces will result in the parking provision being further below the Councils parking standards.
- o The submitted parking analysis shows that the predicted car parking demand would exceed the reduced capacity of the car park at certain times even though the analysis was undertaken off season.
- o No analysis has been undertaken to establish the likely parking demand during the peak tourist season and/or when an event is taking place that meets the full capacity of the function facilities of the hotel.
- o The applicant has suggested that attendees at conferences/events at the hotel will be notified that they cannot park on site and will be directed to nearby car parks and on street parking. No details as to how this will be managed and enforced has been provided.
- o It is considered that the increase in demand for parking at the hotel together with the reduction in car parking will result in an increase of hotel parking on nearby residential streets to the detriment of residential amenity.

Ecology

- o There is insufficient information in the Habitats Regulations Screening Assessment within the Ecological Impact Assessment January 2019 report by SLR; with a lack of detail regarding for example the Special Area of Conservation, potential impact pathways from recreational use of the coast and impacts in combination with other developments coming forward in the area.
- o The Ecological Impact Assessment, although carried out during December, provides an appropriate assessment; the recommendations therein should be adopted if the development gains planning permission.

External Consultees

The Environment Agency

The Environment Agency have no objections to the proposed development, however the development will only meet the requirements of the NPPF if the measures detailed in the Flood Risk Assessment GeoSmart Information, report ref: 7124R1 dated 31.01.2019 submitted with the application are implemented and secured by way of a planning condition on any planning permission.

POLICIES:

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

B2, CN20, CN21, CN22, EC8, EN6, EN11, EN12, EN14, L12, NA26, T14 and T22.

COMMENTS:

PLANNING POLICY

In considering the proposed development both National and Local Planning Policy are relevant.

The National Planning Policy Framework (NPPF) was revised in February 2019 and is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

The Council's saved Unitary Development Plan (UDP) adopted in 1998 is the statutory development plan for Sunderland. The relevant guidance of the NPPF as detailed above feeds into policies B2, CN20, CN21, CN22, EC8, EN6, EN11, EN12, EN14, L12, NA26, T14 and T22. The UDP remains the Council's adopted development plan and the policies referred to within this report are considered to remain consistent with the NPPF's objectives.

The Council is also currently in the process of delivering a Core Strategy and Development Management Policies (CSDMP) document which, as part of a wider Local Development Framework, will serve to replace the current UDP. With regard to 'emerging' plans, paragraph 48 of the NPPF states that:

'Local planning authorities may also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).
- o The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- o The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

In terms of the above advice, the Draft Plan was prepared prior to the publication of the revised NPPF but is considered to be consistent with the previous NPPF which was in place at the time

of publication. It is considered that the weight that can be given to the draft CSDMP is limited to the extent that in considering the merits of the application in question, priority will be given to the aforementioned relevant policies within the Council's adopted Unitary Development Plan.

ASSESSMENT OF PROPOSAL

The main issues relevant to the assessment of the proposal include:

- o Principle of the proposed development.
- o Character and appearance.
- o Residential amenity.
- o Pedestrian and highway safety.
- o Flood risk.
- o Protected species and ecology.
- o Noise.
- o Ground conditions.

Principle of Development

In terms of the principle of the proposed development Policy L12 of the UDP, sets out that the Council will promote the recreational and tourist potential of the coast by, amongst other measures, encouraging development which provides for the needs of visitors without adversely affecting the environment and conservation requirements. Meanwhile, Policy NA26 states that the seafront zone will be developed and enhanced to accommodate a range of indoor and outdoor facilities and leisure opportunities.

More broadly, Policy EC8 of the UDP states that the Council will support the expansion of activities catering for tourists and other visitors by, amongst other measures, actively encouraging opportunities for new tourist initiatives, especially where they are near areas of visitor interest.

Furthermore, the Seafront Regeneration Strategy acts as a guide for the regeneration of Seaburn and Roker and it exists to support the objective of the Council's Sunderland Strategy (2008 - 2025) which states that 'by 2025, Roker and Seaburn will have a key role in providing cultural tourism attractions'.

The proposal would provide for the expansion of an existing hotel on a coastal site at the Seaburn seafront which would cater for tourists and other visitors and therefore the principle of the proposed development is considered to be in line with Policies L12, EC8 and NA26 of the adopted UDP.

Whilst the principle of the proposed development is considered to be acceptable the overall acceptability of the proposal would be subject to the matters to be discussed below also being considered to be acceptable.

Character and Appearance

Chapter 12 of the new NPPF places emphasis upon achieving well designed places. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

On a local level, UDP Policy B2 reflects this principle, stating that the scale, massing, layout and/or setting of new developments should respect visual amenity and paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proposed hotel bedrooms would be within the existing lower ground and ground floor of the hotel which is currently occupied by a car park. The external changes to the hotel would involve installing upvc window units to match the existing hotel bedrooms and the removal of the current access ramp.

The changes to the external appearance of the building would be relatively minor in scale and would bring the lower ground and ground floor in line with the appearance of the existing building.

The proposal would, as a consequence, respect the visual amenity of the existing building and the area of which the property forms a part. The proposal would be acceptable in appearance and it would accord with Policy B2 of the adopted UDP.

Residential Amenity

The NPPF is clear in requiring new development proposals to provide a high standard amenity to existing surrounding properties, an aim which is echoed by UDP Policy B2.

There are residential properties on Seaburn Terrace, to the west of the car park however, no additional windows are proposed to the western elevation of the car park building and therefore the proposal would result in no overlooking to the residential properties located on Seaburn Terrace. The windows proposed would be installed to the northern and southern elevations of the car park which would result the windows overlooking the surface level car park and the road respectively. Consequently, there would be no impact on the privacy of neighbouring residential properties.

The proposal would not involve any extension to the building and there would therefore be no impact on the occupiers of the residential properties which boarder the application site in terms of over shadowing or over dominance.

It is considered that the proposal would not have a detrimental impact on the occupiers of residential properties in close proximity to the application site and the proposal is therefore considered to comply with the objectives of adopted UDP Policy B2.

Highway Considerations

Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

On a local level, Policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking.

The proposal would result in the loss of 24 car parking spaces overall. There are currently 28 parking spaces in the car park to be converted. An additional 4 spaces are proposed to be provided in the existing surface level car park. This would result in 59 car parking spaces serving the hotel.

The hotel currently has 83 hotel bedrooms and this would increase to 110 rooms with the conversion of the car park.

The Council's Transportation Development has advised that the current parking provision at the hotel is below the level required by the Council's parking standards. The additional bedrooms alongside the loss of 24 car parking spaces would result in the parking provision at the hotel being further below the Council's standards.

The submitted parking analysis provided to support the application shows that the predicted car parking demand would exceed the reduced capacity of the car park at certain times even though the analysis was undertaken off season.

In addition, no analysis has been undertaken to establish the likely parking demand during the peak tourist season and/or when an event is taking place that meets the full capacity of the function facilities of the hotel.

The applicant has suggested that attendees at conferences/events at the hotel will be notified that they cannot park on site and will be directed to nearby car parks and on street parking. No details as to how this will be managed and enforced has been provided.

It is considered that the increase in demand for parking at the hotel together with the reduction in car parking would result in an increase of hotel parking on nearby residential streets to the detriment of residential amenity.

The Council's Transportation Development has therefore recommended that the application should be recommended for refusal due to the unacceptable impact of the proposal in relation to highway safety due to the significantly substandard reduced level of parking provision that would be provided for the hotel including hotel guests, attendees at conferences, functions and events, users of the leisure facilities and staff which would culminate in increased parking within the residential streets in close proximity to the hotel.

The proposal, as a consequence, would not satisfactorily accommodate the parking requirements of the hotel including the proposed additional bedrooms which would fail to satisfy Policy T14 and T22 of the adopted UDP. It is considered that the development would have an unacceptable impact on highway safety which would also conflict with the requirements of the NPPF.

Flood Risk

Paragraph 155 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied. Meanwhile, Policy EN11 of the UDP sets out that in areas subject to flooding, the intensification of existing development will not normally be permitted whilst Policy EN12 states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water or increase the number of people or properties at risk of flooding.

The application site is located within Flood Zone 2. The Environment Agency's standing advice confirms that hotels are classed as 'more vulnerable' development. A Flood Risk Assessment has been prepared to accompany the application and this report concludes that the proposal is acceptable subject to mitigation measures such as floor level heights.

The Environment Agency response to the proposal states that there would be no objections to the proposal provided the development is completed in accordance with the Flood Risk Assessment GeoSmart Information Report ref: 71214R1 dated 31.01.19. Therefore, any approval of planning permission should include a condition to ensure that the development is completed in accordance with the Flood Risk Assessment.

It is considered as a consequence, that the proposed development would not increase flood risk provided the proposal accords with the recommendations in the submitted Flood Risk Assessment. The proposal would therefore satisfy Policies EN11 and EN12 of the adopted UDP and the requirements of the NPPF.

Protected Species and Ecology

Section 15 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible.

On a local level, Policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst Policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

The Council's Ecologist has confirmed that the Ecological Impact Assessment, although carried out during December, provides an appropriate assessment; the recommendations therein should be adopted if the development gains planning permission. Therefore, it is considered that the proposal would be acceptable in relation to Policy CN22 of the adopted UDP which requires mitigating action to be achievable in relation to animal or plant species or its habitat afforded special protection by law.

However, given that the application site is in close proximity to the Northumbria Coast Special Protection Area and Ramsar Site and Durham Coast Special Area of Conservation the Council's Ecologist has confirmed that there is insufficient information in the Habitats Regulations Screening Assessment within the Ecological Impact Assessment January 2019 report by SLR; with a lack of detail regarding for example the Special Area of Conservation, potential impact pathways from recreational use of the coast and impacts in combination with other developments coming forward in the area.

As a consequence, the information provided to date would not satisfy Policies CN20 and CN21 of the adopted UDP which seek to protect Sites of Special Scientific Interests and Local Nature Reserves from development proposals with harmful direct or indirect impacts.

Further discussion with the Agent for the application with regard to the Habitat Regulations Screening Assessment and in relation to the protected sites will take place prior to the Committee meeting. It is anticipated that these comments will be received in advance of the Committee meeting and will be reported to Members via a late sheet accordingly.

Noise

Paragraph 180 of the NPPF states (in part) that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and the quality of life.

Reflective of this is UDP Policy EN6 which states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from sources such as roads and railways, the applicant should carry out an assessment of the nature and extent of likely problems and to incorporate suitable measures in the design of the development.

The Council's Public Protection and Regulatory Services have confirmed the as long as the applicant is confident that the proposed specification of insulation will meet the noise standards within BS 8233:2014 which provides guidance on internal noise levels for buildings including commercial properties such as hotels then a noise assessment would not be required in this instance. The comments in relation to noise relate to traffic or external plant.

Therefore, it is considered that provided the proposed development meets the noise standards within BS 8233:2014, the proposal would be acceptable in relation to potential noise and it would satisfy Policy EN6 of the adopted UDP and the requirements of the NPPF in this regard.

Ground Conditions

Paragraph 178 of the NPPF requires planning decisions to ensure that the site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination.

Policy EN14 of the UDP requires the applicant to carry out adequate investigations to determine the nature of ground conditions below. 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.

It has been confirmed by the Council's Public Protection and Regulatory Services that no further information is required in relation to land contamination following the submission of the YALPAG screening assessment.

As a consequence, the proposal would comply with the objectives of Policy EN14 of the adopted UDP in relation to ground conditions.

CONCLUSION

In terms of the proposed land use, the conversion of the car park into 27 bedrooms is considered to be compatible with the existing hotel and the surrounding land uses, the design and scale of the development is also considered to be commensurate with the immediate built environment and the residential amenities of the occupiers of the neighbouring properties with regard to overlooking and loss of privacy, over shadowing and outlook. The proposal would also be satisfactory with regard to flood risk, noise and ground conditions.

However, notwithstanding the above, the proposal would provide a reduced and sub-standard level of car parking provision for the hotel which would lead to a detrimental impact on the residential amenities of the occupiers of nearby properties due to the pressure of increased on-

street parking and conditions which would be prejudicial to highway safety. The proposal would therefore be contrary to Policies T14 and T22 of the adopted UDP and paragraph 109 of the NPPF.

Also, additional discussions are taking place with the applicant's agent in relation to the Habitat Regulation Screening Assessment which has been provided as part of the planning application submission and this issue remains unresolved. It is anticipated that the outcome of these discussions will be reported to Members via a late sheet accordingly. Should these discussions not reach a satisfactory outcome, then a determination that the proposals will have a negative impact on the designated coastal habitats and species could warrant a second reason for refusing planning permission.

In light of the above, it is considered that there are fundamental concerns with regard to highway safety associated with the proposal. It is therefore minded that the application should be refused for the impact of the proposal on highway safety due to the lack of parking and subject to the ecology issues associated with the Habitat Regulation Screening Assessment being satisfactorily resolved.

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: MINDED TO REFUSE for highways reason set out below and possible second reason for refusal pending outcome of discussions relating to the impact of the development on protected coastal habitats and species.

Reasons:

1 The proposed conversion of the existing two storey car park into an additional 27 bedrooms would result in a reduced and sub-standard level of car parking provision for the hotel. The sub-standard car parking provision would lead to indiscriminate on-street parking in an area which experiences high demand for on-street parking to the detriment of both residential amenity and highway safety. The proposal would therefore fail to satisfy Policies T14 and T22 of the adopted Unitary Development Plan which require proposals for new development to not cause traffic congestion or highway safety problems on existing roads, to indicate how parking requirements will be accommodated and to provide appropriate levels of dedicated parking. The proposal would also be contrary to the National Planning Policy Framework which states that, at paragraph 109, development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety.