The Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2020

Appeal Ref: APP/J4525/W/19/3240460
Sunderland Grand Hotel, Queens Parade, Sunderland SR6 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sunderland Grand Hotel against the decision of Sunderland City Council.
- The application Ref 18/01776/FUL, dated 10 September 2018, was refused by notice dated 3 July 2019.
- The development proposed is the conversion of the 2-storey car park into hotel bedrooms.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Sunderland Core Strategy and Development Plan (2020) (CSDP) was adopted by the Council on 30 January 2020. Therefore, as I am required to make my decision based on the policy in place at this time, my determination on this appeal has been made in accordance with this plan. Both parties were aware that this was likely to be the case and have provided comment on the CSDP.

Main Issues

3. The main issues are:

   i. whether there would be an adverse effect on the integrity of the Northumbria Coast Special Protection Area (SPA) and Ramsar site and Durham Coast Special Area of Conservation (SAC);

   ii. whether there would be an adverse effect on any of the notified interest features of the Durham Coast Site of Special Scientific Interest (SSSI); and

   iii. whether the loss of the existing parking spaces and their replacement with additional hotel rooms would lead to conditions prejudicial to highway safety and the living conditions of nearby occupiers.

Reasons

4. The Sunderland Grand Hotel occupies a seafront position on the A183 at Seaburn. One part of the building accommodates a car park, and it is proposed to redevelop this area to provide 27 additional bedrooms, which would increase the number of rooms at the hotel from 83 to 110.

Integrity of the SPA, Ramsar site and SAC

5. A number of internationally important designated nature conservation sites lie within 10km of the appeal site, including the Northumbria Coast SPA and Ramsar site and the Durham Coast SAC.

6. Policy NE2 of the CSDP states that development which would have an impact on the integrity of European designated sites, that cannot be avoided or adequately mitigated, will not be permitted other than in exceptional circumstances. One such circumstance would be where any necessary mitigation would be included, such that in combination with other development, there would be no significant effects on the integrity of European Nature Conservation Sites.

7. I am required to undertake a Habitats Regulations Assessment to identify all impacts from the proposed development which are likely to have significant effects on the qualifying features of the European Sites. The Northumbria Coast SPA and Ramsar site, amongst other things is designated on account of its wintering assemblage of purple sandpiper and turnstone. The SPA and Ramsar site comprise mainly of discrete sections of rocky shore, the closest section of which is Parsons Rocks, situated approximately 125m south of the hotel.

8. The evidence indicates that the seafront at Seaburn is already subject to high levels of disturbance from recreational activity. Further, other plans and projects are identified within the local area including a mixed-use retail and leisure development and a major housing scheme. The appeal proposal and these other plans and projects have the potential to further increase recreational activity, including walking and dog walking.

9. Given the accessible characteristics of the Northumbria Coast SPA and Ramsar site at Parsons Rocks and the sites short distance from the hotel, I conclude that an impact pathway is present. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on protected habitats sites in combination with other plans and projects cannot be ruled out.

10. I am therefore required to carry out an Appropriate Assessment which must consider the conservation objectives for the affected European Sites and the effect the proposed development would have on the delivery of those objectives. In this regard I have taken advice from the statutory nature conservation body (SNCB) which I have afforded significant weight.

11. The main impact would be that of increased recreational pressure associated with an increase in visitor numbers, particularly in relation to Parsons Rocks which is the closest designated area to the site. With regard to the presence of species for which the site has been classified (wintering purple sandpiper and turnstone), the conservation objectives, amongst other things, relate to ensuring the integrity of the site is maintained by maintaining or restoring the structure and function of the habitats of the qualifying features and maintaining or restoring the population of each of the qualifying features.

12. Given the existing disturbance from recreational activity identified within the evidence, I cannot rule out that further increases in recreational pressure would not have a detrimental impact on the wintering bird populations which use the site as a result of disturbance to their habitat. As such, the favourable conservation status of the species would not be maintained and the development would in combination with other plans and projects be likely to have a

detrimental impact on the delivery of the sites objectives and would adversely affect their integrity.

13. The appellant has suggested that any disturbance to European Sites would be limited given the plan to conduct more business with National Holidays (NH) whom they suggest predominantly attract elderly and retired people who would be less likely to venture towards Parsons Rocks. The appellant also suggests mitigation through providing the additional rooms on a 'pet free' basis and by providing information leaflets to guests.

14. However, there can be no certainty that the additional rooms would be solely used by NH customers or that such customers would be elderly or less likely to venture towards Parsons Rocks. I agree with the SNCB who consider that the mitigation measures proposed would be unlikely to be sufficient to address all impacts. Furthermore, there is no mechanism in place, such as a planning agreement or undertaking to secure the proposed mitigation measures and I cannot therefore afford these suggestions any weight.

15. The SNCB has identified that a Strategic Mitigation Scheme is in place to address impacts from residential and tourist development in the locality of the appeal site. The evidence indicates that the appellant is aware of this scheme. However, the proposal makes no accommodation for a contribution towards it.

16. I conclude on this issue therefore that in the absence of appropriate mitigation measures, the proposal would have an adverse effect on the integrity of the Northumbria Coast Special Protection Area (SPA) and Ramsar site. The proposal would subsequently fail to accord with Policy NE2 of the CSDP in this regard, which amongst other things, does not permit development which would have an adverse impact on the integrity of European Sites that cannot be adequately mitigated. The proposal would also fail to accord with the Framework which has similar aims.

17. The hotel is also located approximately 950 metres to the south of the nearest part of the Durham Coast SAC which is designated as it is the only example of vegetated sea cliffs on Magnesian Limestone exposures in the UK. However, as a result of the reasonable distance of the SAC from the appeal site and as it is comprised of vegetated sea cliffs which would have limited accessibility, any resultant impact would be de minimis.

Effect on any of the notified interest of SSI

18. Policy NE2 of the CSDP states that development which would adversely affect an SSSI either directly or indirectly, will be required to demonstrate that the reasons for the development, including the lack of an alternative solution, clearly outweigh the nature conservation value of the site and policy to safeguard the national network of such sites.

19. The National Planning Policy Framework at paragraph 175 provides that when determining planning applications, development on land outside a Site of Special Scientific Interest (SSSI) and which is likely to have an adverse effect on it should not normally be permitted.

20. Parsons Rocks form a part of the Durham Coast SSSI which is also designated for its wintering purple sandpiper and turnstone. Amongst other things, I am required to take reasonable steps to further the conservation and enhancement of the fauna by reason of which the site is of special scientific interest.

21. For the same reasons as I have identified relating to the Northumbria Coast Special Protection Area (SPA) and Ramsar site, the proposals would be likely to adversely

affect the notified interest features of the Durham Coast SSSI. There is nothing within the evidence which would justify or mitigate this harm. I therefore conclude on this issue that the proposal would be contrary to Policy NE2 of the CSDP in respect of the protection it affords to the SSSI.

Highway safety and living conditions

22. The car park that would be converted to provide additional bedrooms provides 28 parking spaces. An additional 4 spaces would be added to the existing surface car park (which would be retained) meaning that 59 parking spaces would remain available to the hotel with the net loss of 24 spaces. As well as providing overnight accommodation, the hotel also provides meeting/conference facilities which have a capacity for up to 300 guests and restaurant and fitness facilities.

23. A Transport Statement (TS) has been provided in support of the proposals and concludes that there is unlikely to be any overspill of parking onto the highway network during the hours of 07:00-21:00. I do note that the report has been undertaken on the basis of the total room provision being 106 as opposed to the actual proposed provision of 110 rooms.

24. Amongst other things, Policy ST3 of the CSDP states that development should include a level of vehicle parking in accordance with the parking standards of the Council. However, the parking standards are clearly identified as being guidelines only and that regard should be given, amongst other things to the accessibility of public car parking and public transport.

25. The evidence indicates that the parking provision at the hotel is already well below the standards of 1 space per bedroom, 1 space per resident staff, 1 space per $5m^2$ conference/function area and 1 space per remaining $10m^2$ gross floor area. With 83 parking spaces, the required standards are not currently met and the evidence does not indicate that the current provision has caused any significant highway safety issues or had any unacceptable impact on the living conditions of nearby occupiers.

26. Seaburn car park, which provides a large number of free spaces sits a relatively short distance to the north of the site, while unrestricted on road parking is available in some nearby streets. A number of bus services can be accessed from a stop at the front of the hotel and the site is not an excessive distance from Seaburn Metro Station. Therefore, parking would generally be available nearby and the use of public transport would form a realistic alternative option for some trips associated with the hotel.

27. Even in the event the parking demand were in excess of that predicted by the TS those looking for spaces would often find themselves manoeuvring within quiet side roads where their presence would be unlikely to have any significant effect on the free flow of traffic or cause detriment to the safety of those using the highway network. While I accept that occasional parking to the front of residential properties within the nearby streets may be on occasion inconvenient to residents, such occurrences would inevitably be a feature of residing close to the coast which forms an inevitable attraction for visitors. As such, I do not identify any impacts on the living conditions of nearby occupiers that would warrant refusal of the application.

28. I therefore conclude that the proposal would not lead to conditions prejudicial to highway safety and it would therefore accord with Policies ST2 and ST3 of the CSDP which, amongst other things, seek to protect the safety of road users.

Planning balance

29. I accept that the provision of additional hotel rooms at the site would have a positive economic impact on the local area through helping to sustain the viability of the hotel and through an increased visitor spend.

30. However, such benefits should not be achieved at any cost. Whilst I have not identified any issues relating to highway safety or living conditions which would lead me to dismiss the appeal, I have identified an adverse effect on the integrity of the Northumbria Coast Special Protection Area (SPA) and Ramsar site and an adverse effect on the notified interest features of the Durham Coast SSSI which would not be adequately mitigated. I have afforded these matters significant weight and the benefits identified would be outweighed by the harm.

Conclusion

31. Taking all relevant matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR