



Appeal Decision

Site visit made on 26 March 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/P2935/W/23/3334731

Coquet Vale Hotel, Station Road, Rothbury, NE65 7QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr James Beaumont-Gowling against the decision of Northumberland County Council.
 - The application Ref is 21/03246/FUL.
 - The development proposed is change of use of existing hotel to 12no. residential units with associated internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Councils' second reason for refusal relating to ecology as set out on the decision notice refers to coastal sites including Sites of Special Scientific Interest (SSSI) species. However, the Council's Statement of Case has since confirmed that this should not have been included in the refusal reason, as the site is not adjacent to the coast and there are no protected site issues. I have determined the appeal accordingly.
3. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulation 14 (1) and 7 (5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.
4. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

5. The main issues are:
 - The effect of the proposed development on highway safety;
 - The effect of the proposed development on ecology; and
 - Whether the proposed development would provide a financial contribution in relation to education and open space.

Reasons

Highway Safety

6. The appeal site relates to an existing hotel known as the Coquet Vale Hotel located within the built-up area of Rothbury, approximately 0.4km to the south of the town centre in an area of mixed residential and commercial land uses. The property is accessed from Station Road with a large forecourt area used as a car park to the north. Access to the dwellings located on Whitton Terrace to the west of the hotel and Coquet Vale Mews to the rear can also be had from the same access from Station Road.
7. The development proposals seek full planning permission for the change of use of an existing hotel to 12no. residential apartments with associated internal alterations. The proposed development would comprise a mixture of 1 and 2 bedroomed flats over ground, first and second floor level with a 3 bedroomed penthouse located at third floor level. A cycle store would also be located at first floor level with external access which would be located at the rear of the building and the plans provided show parking for 12 vehicles to the front of the property along with 3 visitor parking bays.
8. It is my understanding that the highways authority requires car parking and manoeuvring for the development to be provided in accordance with the Parking Standards contained within the Northumberland Local Plan, 2022 (NLP) Appendix E, with suitable levels of car parking provided for each unit.
9. One parking space would be provided for each unit along with 3 visitor spaces resulting in 15 spaces in total. However, the 2 – 3 bedroomed units would require 2 parking spaces for each unit in accordance with Appendix E of the NLP and thus the development would require 25 spaces in total to be compliant with Appendix E. It is undisputed that there is a shortfall in this regard.
10. Policy TRA 4 sets out requirements for parking provision in new development and whilst it explains that vehicle parking should normally be provided in accordance with the parking standards set out in Appendix E of the Local Plan, it also explains that where provision is not made in accordance with the relevant standards, it must be demonstrated how the amount of parking proposed to serve the development takes into account: a. the scale, type, mix and use of the development; b. the proximity and accessibility of the development to services and facilities reasonably required by users or occupiers of the development; c. the availability of and opportunities for access to and from the development by public transport, walking and cycling; d. the potential for road safety and environmental problems as a result of increased parking demand in the area; and e. the extent and nature of any parking restrictions in force on highways in the area. Appendix E also sets out that the Council will seek to ensure car parking provision is at an appropriate level to cater for the development and visitors, whilst taking into account the location, circumstances in the surrounding area, highway safety and the availability of public transport. This is something the Framework also encourages at paragraph 111 explaining that, if setting local parking standards for residential and non-residential development, policies should take into account, amongst others, the accessibility of the development.
11. The appeal site is located 5-minutes walk from the centre of Rothbury which can be accessed directly from the site via a public footpath which is street lit along its length which also provides a safe route for cycles. The centre of Rothbury provides access to an array of services and facilities as well as good public transport links to the surrounding settlements. The sustainable location

of the site maximises accessibility and ultimately reduces the reliance on the private car to access services and facilities.

12. Additionally, and whilst I appreciate that the highways authority requested further details in terms of existing numbers of the hotel to understand the level of parking that would be required in the extant situation, it remains undisputed that the existing hotel serves 14 no guest bedrooms comprising a 23-bed hotel. On this basis, the existing hotel can accommodate a large amount of people at full occupancy as well as staffing levels and the appellant claims that the hotel has operated on this site with 15 car parking spaces for a significant period without generating issues associated with car parking. I have no compelling evidence to the contrary and thus no reason to question this. I am also mindful that the apartment dwellings would be aimed at those seeking to access the housing market for the first time or those looking to downsize. Such properties differ to those of larger family homes where there are typically lower levels/demands for parking.
13. When taking into account the existing arrangements at the hotel, it is unlikely that the scale of the proposed development would generate a significantly higher level of demand for parking, and I note the appellants' comments that the proposed level of parking demand in this case given the number of bedrooms would diverge less from Appendix E standards than the existing hotel development. This, together with the sustainable location of the site to nearby services and facilities, then I am satisfied that the site location is a location where there is scope to relax parking standards as enabled by Local Plan Policy TRA 4 and thus an appropriate amount of off-street vehicle parking sufficient to serve the new development would be provided. At my site visit, whilst only a snapshot in time, I observed that unrestricted on street parking was available in the vicinity of the site whereby increased parking demand in the area would not result in road safety and environmental problems.
14. The appellant confirms in their Statement of Case that each of the proposed 15 car parking spaces would have a dedicated electrical vehicle charge point and such information would be covered by building regulations. As set out above, the proposed development would provide a cycle store with external access located at the rear of the building. Whilst access via stairs to use the cycle facilities are not considered to be an ideal arrangement in terms of being easily accessible, this is of lesser concern to me and could be adequately dealt with via a planning condition were I minded to allow the appeal. The appellant confirms that refuse storage will be as existing to the rear of the building in a dedicated enclosed service area. whilst details are limited in relation to the refuse storage and servicing arrangement, a condition could be imposed to secure further details. I am aware that the Councils' highways department requested details of the access arrangements (to be in accordance with Northumberland County Council construction standards). Again, such details could indeed be conditioned were I minded to allow the appeal.
15. The proposed drainage arrangements for the site in terms of both foul and surface water drainage would remain unaffected by the conversion works with both continuing to discharge into the mains sewer as per the existing arrangements. I am therefore satisfied that the drainage arrangements at the site would not increase surface water entering the highway over and above that of the existing site.

16. For the reasons given above, I conclude that the proposed development would not unacceptably harm highway safety with certain matters being resolved by way of a planning condition. It would therefore accord with Policies TRA1, TRA2 and TRA4 of the NLP which together, amongst other matters, promotes sustainable connections whilst considering the effects of development on the transport network and sets out the parking provision for new development. For the same reasons, the proposed development would accord with paragraphs 115 and 116 of the Framework relating to promoting sustainable transport.

Ecology

17. The proposed development relates to a change of use of the existing building and a Bat Risk Assessment has been carried out for the site which is considered proportionate to the works proposed. The assessment concludes that no bat droppings or other field evidence for bats was recorded nor was there any evidence of nesting birds within the site. These will not be affected by the proposed work and given the nature of the works, no further survey work is considered necessary. It goes on to set out its recommendations which include for works being carried out to a method statement to address any residual risk of harm should species be present at the time of the works. It is understood that the County Ecologist requires further details in relation to a known Swift Colony within the building and biodiversity enhancements. Based on the recent assessment carried out on the site, it has been concluded that no evidence of nesting birds was noted within the site and thus would not be affected by the proposed work. I have no compelling evidence to the contrary of this or any compelling reason to question such findings. Additionally, were I minded to allow the appeal, a method statement and enhancement plan along with a condition relating to nesting birds could be secured by an appropriately worded planning condition.
18. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on ecology. It would therefore comply with Policies ENV 1 and ENV 2 of the NLP which together, amongst other matters, seek to minimise biodiversity impact and avoid significant harm through location and/or design. For the same reasons, it would also comply with paragraph 180 of the Framework relating to conserving and enhancing the natural environment.

Financial contribution

19. It remains undisputed that a financial contribution is required in relation to education and open space and the Council has provided the amount required. Whilst I note the appellants' claims that there is no initial agreement on the financial contribution in respect of education, the appellant confirms that they propose to enter into a legal agreement in relation to both matters and has provided initial documentation to the Council in this respect. Email correspondence between both parties relating to the S106 agreement has been provided. However, this has not progressed and there is no mechanism in place to secure the financial contribution relating to education and open space.
20. I am aware of the appellants' comments in relation to affordable housing although the Council has confirmed that the proposed development would be exempt from making an affordable housing contribution albeit that they would of course welcome any provision offered up. Given that there is no policy basis

under which this can be secured and no mechanism in place then I do not need to consider this matter further.

21. For the above reasons, the proposed development would not provide a financial contribution in relation to education and open space. It would therefore be contrary to Policies INF 2, INF 5 and INF 6 of the NLP including Appendix H1 and H2 which together, amongst other matters, explain that planning obligations may be used to secure the timely provision, and/or improvement and maintenance of any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms.

Conclusion

22. Although I have found a lack of harm in relation to highway safety and ecology, there is no mechanism in place to secure the financial contribution relating to education and open space. It follows that the proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which would outweigh this conflict.
23. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR