

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01418/FPA
FULL APPLICATION DESCRIPTION	Outline planning permission for the remodelling of the building including the erection of ground, first, second and Mansard roof third floor extensions with layout and landscaping reserved and full planning permission for change of use to student accommodation.
NAME OF APPLICANT	Mrs B Murphy, Kingslodge Hotel
SITE ADDRESS	Kingslodge Hotel, Waddington Street, Durham, DH1 4BG
ELECTORAL DIVISION	Nevilles Cross
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is located within the Electoral Division of Nevilles Cross. It is also within the Durham City Conservation Area as defined in the City of Durham Local Plan. The building which is the subject of the planning application, Kingslodge Hotel, is located in the Crossgate Moor area of the City, northwest of the main shopping centre and the A690. It is outside the City Centre boundary but lies within the settlement boundary.
2. The site is located between the site of the former Arriva bus depot to the west which has planning approval for 19 dwellings and the Former County Hospital to the east, north of the junction of Waddington Street and Ainsley Street.
3. To the north is Flass Vale, which is within the Durham City Green Belt, an area of high landscape value and a County wildlife site. Further to the south west of the site is the former Fred Henderson Garage which has planning permission for 223 student apartments and is currently under construction.
4. The Hotel's existing car park can accommodate 33 cars and wraps around the Hotel to the northwest, north and east. Immediately east of the Hotel is a public footpath,

separating it from the County Hospital and running northeast from the junction of Waddington Street and Ainsley Street.

5. The Hotel has two storeys and is simple in appearance yet incorporates a complex slate hipped and pitched roof with a central flat valley, significant overhangs and black rainwater goods. The Hotel has 21 en-suite bedrooms and a restaurant which together employ 13 full time staff and 33 part time/casual staff. An extension to the hotel has recently been approved at appeal which would involve an identical extension as is currently proposed and would have 50 bedrooms, this is an extant permission.

The Proposal

6. This application is a 'hybrid' application which seeks both outline planning permission for the remodelling of the building including the erection of ground, first, second and Mansard roof third floor extensions with layout and landscaping reserved and full planning permission for change of use to student accommodation which would provide bed spaces for 57 students. The hotel extensions would be the same scale, layout and design as the previous application which was allowed at appeal; however this application did not include the change of use to student accommodation as this current application does.
7. It is proposed to reduce the current level of parking provision from 31 spaces to 25 but it is proposed to create 16 cycle spaces.
8. This application is being referred to Committee as it is a major application.

PLANNING HISTORY

9. Erection of single storey extension to north elevation of existing restaurant (4/09/00162/FPA). Approved.
10. Erection of ground, first, second and mansard roof third floor extension to provide an extended residents lounge, additional toilet facilities, a lobby, office and reception extension, a new staircase and 29 additional bedrooms (4/11/00583/FPA). Approved at appeal (APP/X1355/A/12/2174359).

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal;

13. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
14. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of

the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

21. *Policy C9 – (Loss of an existing Community Facility)* states that planning permission for the development of a proposal which would result in the loss of an existing community facility will not be granted unless it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility within that locality or an equivalent alternative facility is available to satisfy the needs of the local community nearby.
22. *Policy E16 – (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
23. *Policy E21 - (Conservation and Enhancement of the Historic Environment)* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
24. *Policy E22 - (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
25. *Policy H9 – (Multiple Occupation/Student Households)* – The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that sufficient parking is provided, there are no adverse impacts on residential amenity, it is in scale and character with its surroundings, it would not result in concentrations of sub-divided dwellings to the detriment of the local housing stock and it would not be out of character with the original building.
26. *Policy H13 – (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
27. *Policy H16 – (Residential Institutions and Student Halls of Residence)* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

28. *Policy T1 – (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
29. *Policy T10 – (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
30. *Policy T20 – (Cycle Facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
31. *Policies Q1 and Q2 – (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
32. *Policy Q3 – (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
33. *Policy Q5 – (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
34. *Policy Q8 – (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
35. *Policy U8a – (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

EMERGING POLICY:

36. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

37. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
38. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
39. *Policy 32 (Houses in multiple occupation and student accommodation)* – In order to support mixed and balanced communities and maintain an appropriate housing mix, houses in multiple occupation and student accommodation will not be permitted where the site is located within 50m of a postcode area where more than 10% of the total number of properties are already in use as licenced HMO's or student accommodation. Proposals should have adequate parking, refuse and other shared facilities and the design of the building should be appropriate to the character of the area.
40. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
41. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
42. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. The Environment Agency do not object to the proposals.
44. Northumbrian Water have no concerns regarding the proposals.

INTERNAL CONSULTEE RESPONSES:

45. Environmental Health Officers have no objections to the proposals but have requested that should planning permission be granted, a management plan should

be submitted which provides details of noise management in order to ensure that noise from student activity does not adversely impact on nearby residents. Contaminated land officers have no concerns regarding the proposals.

46. Design and Conservation Officers have no objections to the proposals as the layout, scale and design reflects that which was previously approved at appeal.
47. Landscape Officers do not object to the proposals but request landscaping conditions should planning permission be granted.
48. The Councils Ecologist has objected to the proposals on the basis that the site is in an area where there is a high population of bats and is in close proximity to Flass Vale Local Wildlife Site. No bat survey has been submitted and therefore there is insufficient information regarding the impact on a European Protected Species.
49. The Councils Spatial Policy team have raised concerns regarding loss of employment, the impact on the tourism offer in the city, concentration levels of students in the area and lack of a management plan.
50. Archaeology Officers have no objections subject to conditions requiring building recording and subsequent reporting and publication.
51. Public Rights of Way Officers have no objection to the application but require a condition which ensures the car parking layout is such that it does not obstruct the public right of way.
52. The Tree Officer has no objections subject to a condition requiring tree protection during construction.

PUBLIC RESPONSES:

53. The application has been advertised by way of a site notice, press notice and letters to individual residents. 60 letters of objection have been received including letters from local members, Crossgate Community Partnership, the City of Durham Trust, the MP and Gentoo who are developing the former Arriva bus depot which is nearby. In addition to this, a petition has been received which includes the names of 740 objectors.
54. It is clear from the numbers of objections to this proposal that there is strong opposition to the application from the local community. The main reason for concern is that there is a high concentration of students in the area which has created an imbalanced community and that the proposals are contrary to saved local plan policy and the NPPF. Objectors feel that there is no need for further student developments in this area. This reason for objection is highlighted by Gentoo who are carrying out the residential development nearby at the former Arriva bus depot.
55. In addition to the above there are concerns regarding the loss of the hotel and restaurant as objectors feel that it is an important community facility. It is noted that there is a need for further visitor accommodation in the city and so the loss of the hotel and restaurant would exacerbate this problem and would lead to a significant loss of employment. Other concerns include the loss of residential amenity due to noise and disturbance from student activity and the lack of parking provision being proposed.

APPLICANTS STATEMENT:

56. Planning permission reference 4/11/00583/FPA was granted at appeal for the extensive remodelling of the hotel. These proposals replicate the external envelope of that approval. Accordingly, the Planning Inspectorate has already established that the principle of the scale and design of these proposals as acceptable. However, officers are to recommend refusal of my application because of the loss of a community facility and employment. I have addressed the absence of an up-to-date bat survey. Any loss of employment will be supplanted, albeit in different forms, by that pertaining to the maintenance and management of the student accommodation. Additionally, the long-term economic benefits that students bring should not be underestimated and will likely be greater than those attributable to short-term staying visitors of the hotel. I appreciate that there is a demand for new hotels but recent increased competition is putting significant pressure on Kingslodge. Furthermore, if there is a demand for more hotel accommodation the market will ultimately supply it. Policy C9 of the local plan permits development that would result in the loss of a community facility identified in policy C2 and C8 subject to a number of caveats. A hotel is not defined as a community facility in either policy and there are alternative facilities to satisfy the local community. There is no policy basis for the refusal of this proposal on the grounds of the loss of the hotel and its ancillary services. Policy H9 of the local plan concerns the sub-division or conversion of houses for flats, bedsits or for multiple occupation and is not relevant to these proposals. Therefore, there is no policy support for the refusal of my proposals on the basis that it would be to the detriment of the range and variety of local housing stock. Policy H16 concerns the provision of new or extensions to existing hostels, residential institutions and care homes. As the student accommodation is not classed as such this policy, too, is not relevant to these proposals. Accordingly, there is no policy objection that the proposal would lead to a concentration of student accommodation. Residential amenity can be preserved through an accommodation management plan secured as a condition of planning permission together with other controls of the University, the Council and the Police. The proposal is not contrary to Policy H13. The Council cannot pick and choose when these policies are applied. Either they apply or they do not. I would strongly challenge any assertion that they should be applied in this instance. The Council did not refuse planning application CE/13/01696/FPA for development of the adjacent County Hospital site for student accommodation because of there being a concentration of student accommodation in the area. If Area Policy Team comments pertaining to the concentration of student accommodation were to translate to a reason for refusal, this would show an inconsistency in the way in which the Council is handling such proposals and that could be reason to make an application for the award of costs at appeal. The Council have based Policy 32 upon the methodology of the National HMO Lobby. It defines the tipping point as having been reached if the proportion of HMOs households is more than an arbitrary 10%. However, the Council cannot apply this methodology to Durham as it has. Its mathematics is flawed. In 2011, the student population, or norm, for the built up area of Durham, was at 31%. The model tells us that Durham has a much higher student population than the guideline norms. If the model were strictly followed, the City cannot accommodate its student population. This would have severe consequences for the University, City and students. Provision of well-managed student accommodation is not the sole remit of the University. The private sector can provide a comparable standard. I would not hope to obtain the University's backing when it has attempted to have this and other student accommodation proposals called into the Secretary of State. For obvious reasons,

this attempt will fail. I am in no doubt, objectors will put significant emphasis on their belief that there is not a demand for student accommodation, and while I can demonstrate that there is, the merit of this proposal is not dependant on whether or not there is such a need. These proposals accord with the development plan and NPPF policy and in accordance with paragraph 14 of the NPPF, I respectfully request that the Committee approve my application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

PLANNING CONSIDERATIONS AND ASSESSMENT

57. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character and appearance of the conservation area, impacts on residential amenity, community facilities and economic impact, highways issues and ecology.

The Principle of the Development

58. The application proposes a significant extension to the existing hotel which would involve two additional storeys representing a 98% increase in the size of the building. These extensions reflect the proposals which were approved by the Planning Inspectorate at appeal in 2012 and it is not considered circumstances have changed since that decision. Therefore the principle of the extension to the hotel is accepted.
59. The NPPF has a presumption in favour of sustainable development and specifically states that residential developments should be guided toward sustainable locations where there are good links to public transport, community facilities, shops, healthcare and education.
60. In terms of the change of use to student accommodation it is considered that a residential use in this location would be sustainable given that it is close to the city centre and is in close proximity to the university campus, public transport links and community facilities. Therefore both the extensions to the hotel and the change of use to student accommodation are acceptable in principle. However, there are issues relating to the impacts of the Conservation Area, residential amenity, community facilities and economic impact, highways issues and ecology which must also be satisfied before a positive recommendation could be made.

Impacts upon the Character and Appearance of the Conservation Area

61. The application site lies within the Durham City Centre Conservation Area. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.

62. The Council's Design and Conservation Officers have no objection to the principles of this development which has the same scale, layout and design and the proposal which was previously approved by the Planning Inspectorate. The inspector concluded that the proposed development would not have any significant adverse impact on the Conservation Area nor would it have any physical adverse impacts on nearby residents.
63. The proposals are therefore considered to accord with saved policies E21 and E22 of the Durham City Local Plan and part 12 of the NPPF.

Impacts upon Residential Amenity

64. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through a concentration of students.
65. The Local Plan has specific saved policies, H13 and H16, which relate to residential areas and forms of residential institutions and student halls of residence.
66. Policy H13 states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
67. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
68. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application.
69. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Policy 32 of the emerging County Durham Plan states that applications for student accommodation will only be permitted where there is sufficient car parking, there are acceptable arrangements for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. The proposals are considered to be in accordance with these criteria. However, there are also criteria which state that proposals within 50 metres of a postcode area where more than 10% of properties are HMO's or student accommodation will not be permitted. Data from 2013 suggests that 66.7% of properties within this postcode area would fall into this category and therefore the proposals would be contrary to policy 32 of the Emerging County Durham Plan. It should be noted however that this policy can be given only limited weight at this stage. However, the criteria can be used to judge whether there is a high concentration of student accommodation in the area that would have an adverse impact on residential amenity and the character of the area, contrary to saved policies H13 and H16 of the local plan.

70. Given the high concentration of students existing in the area it is considered that the proposal would lead to a further imbalance in the community. In addition, no management plan has been submitted which assesses issues such as noise impact and as such the proposal is considered contrary to both Policy H13 and H16.
71. Policy Q8 considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable. In order to maintain privacy 21m should remain between main windows serving habitable rooms. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances between elevations and windows serving habitable rooms.
72. In conclusion, it is considered that the proposal would increase the concentration of students in the area to above 66.7% as it currently exists and this would lead to both an imbalance in the community and would result in an adverse impact on the character of the area and residential amenity. Therefore the development is considered unacceptable and is in conflict with policies H13 and H16 of the Local Plan.

Community Facilities and Economic Impact

73. Saved Policy C9 of the City of Durham Local Plan states that planning permission for the development of a proposal which would result in the loss of an existing community facility will not be granted unless it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility within that locality or an equivalent alternative facility is available to satisfy the needs of the local community nearby. In addition, part 8 of the NPPF which seeks to promote healthy communities specifically states in paragraph 70 that planning decisions should guard against the unnecessary loss of valued facilities and services.
74. The applicant has not submitted any financial justification nor is there any evidence to suggest that an alternative facility in the local community or that there is no significant demand. On the contrary, it is clear that on the basis of the level of objection, including a petition containing 740 signatures, that the hotel and restaurant is seen as an important and valuable community facility. In addition to this, the applicant has confirmed that at present there are 13 full time staff and 33 part time/casual staff employed by the businesses. Should the proposals come forward the numbers of staff would be reduced to 1 full time and 3 part time employees resulting in a significant loss of jobs.
75. On the basis of the above it is considered that the proposals are unacceptable and would conflict with the aims of part 8 of the NPPF and saved Policy C9 of the City of Durham Local Plan.

Highways Issues

76. The proposal includes conversion of the existing building to a 57 bed student accommodation in 10 residential units. The site is located in a sustainable travel location being close to the city's railway and bus stations and within acceptable walking distance of the university establishments and city centre facilities.
77. Current estimates are that 15% of students may own a car in Durham. The council's current standard for car parking for student accommodation within the Controlled

parking zone requires provision for staff and disabled persons only. Restraining onsite parking availability and promoting good sustainable transport choices together with the disincentive to park in the controlled zone will contribute to a sustainable travel environment. As such, there is no requirement to accommodate student parking within development in the Controlled Parking Zone.

78. The level of vehicular parking has been reduced to 25 spaces plus 3 for disabled persons along with parking provision for 16 cycles. The provision of 28 parking spaces would be considered over provision and may result in attracting demand from similar student development in the area if uncontrolled. It is considered that this is over supply and will not contribute towards sustainable travel choices. Applying student car ownership rates to this development would place a requirement for 9 spaces only. The applicant has indicated car parking space on the access road and to the north east of the development from the area in which the accommodation would be serviced. The access road is 6.0m wide and vehicles parking on this road would prevent progress of vehicles entering as a vehicle is leaving the car park, the result of which could be a vehicle needing to reverse into the public highway which would be unacceptable. This, in addition to issues relating to pick up and drop off areas and location of cycle bays would need to be addressed as part of the assessment of the layout at reserved matters stage should this application be approved.
79. Subject to the above issues being resolved at reserved matters stage, and subject to conditions relating to the submission of a travel plan and provision of electric vehicle charging points, Highways Officers have no objections to the proposals and therefore the development is considered to accord with Policy Q1, Q2, T1, T10 and T20 of the Local Plan and Part 4 of the NPPF.

Ecology

80. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.
81. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:
- That there is no satisfactory alternative
 - That the population of the species will be maintained at a favourable conservation status in their natural range
 - That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
82. The Councils Ecology Officer has stated that the Kingslodge Hotel is located in an area known to contain a high population of bats yet no bat survey has been provided

with the application as to the status of bats on the site. This proposal involves considerable works to the building and European Protected Species are a material planning consideration and therefore an objection is raised on the basis of insufficient information. The proposal is also directly adjacent the Flass Vale Local Wildlife Site (LWS) and an increase in student numbers in such close vicinity may have a detrimental impact on the condition of the LWS. No information is provided on how the developer will mitigate for this.

83. On the basis of the above it is not considered that the Local Planning Authority can discharge its duty to have regard to the requirements of the Habitat Regulations due to the lack of information provided and therefore the proposals are not considered to accord with saved policy E16 of the Local Plan and paragraphs 117 and 118 of the National Planning Policy Framework.

CONCLUSION

84. This application proposes the extension and change of use of the Kingslodge Hotel and restaurant for use as student accommodation. Although the site is in a sustainable location for residential development and the principle of extending the building has been accepted by the Planning Inspectorate, other circumstances are considered to render the proposals unacceptable.
85. It is considered that the concentration of students in this particular part of Durham is significant at around 66.7% and on this basis officers consider that the proposals would lead to an adverse impact on the character of the area and residential amenity in addition to creating an imbalanced community. It is also considered that given the level of public objection that the community considers the hotel and restaurant with the applicant providing no evidence to suggest that the business is no longer viable or the facility is no longer needed; the proposals would also result in a significant loss of jobs. Finally it is not considered that sufficient information has been provided in terms of the impact on European Protected Species and therefore the Local Planning Authority is unable to discharge its duty to have regard to the requirements of the Habitat Regulations.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

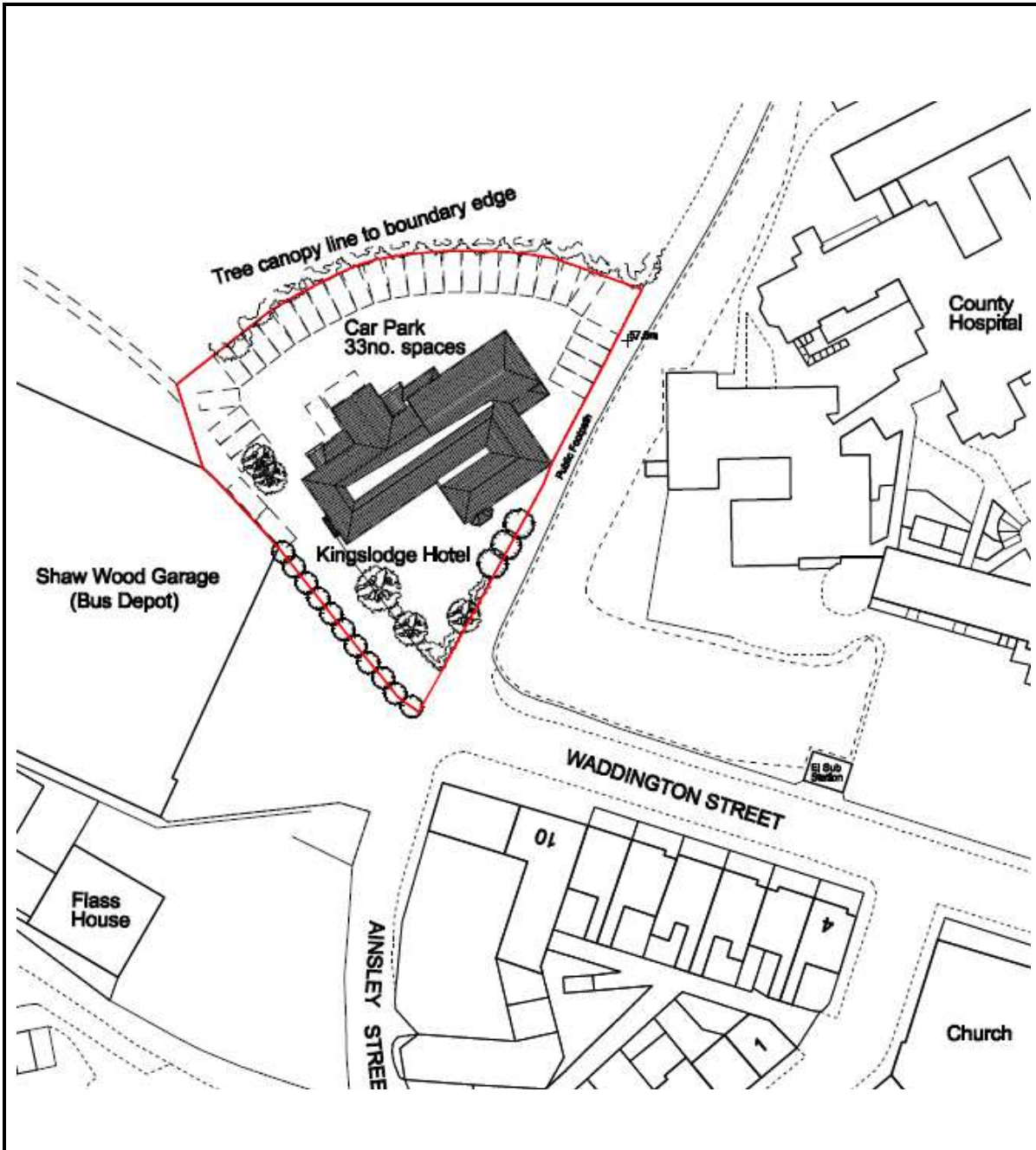
1. The proposals would lead to the loss of a community facility with no evidence submitted to suggest the facility is no longer financially viable, contrary to saved policy C9 of the City of Durham Local Plan and paragraph 70 of the National Planning Policy Framework.
2. The proposals would lead to a concentration of student accommodation in the vicinity such that it would harm the character of the area and adversely detract from the amenities of existing residents, contrary to saved policies H13 and H16 of the City of Durham Local Plan.
3. No bat survey has been submitted and therefore there is insufficient information to determine the impact on protected species, contrary to saved policy E16 of the Local Plan and paragraphs 117 and 118 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in an attempt to seek solutions to problems arising during the application process. The decision has been made in compliance with the requirements of the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
County Durham Plan Submission Draft
National Planning Policy Framework
Internal consultee responses
Public responses
External consultee responses



Planning Services

Outline planning permission for the erection of ground, first, second and Mansard roof third floor extensions with layout and landscaping reserved and full planning permission for change of use to student accommodation.

Kingslodge Hotel, Waddington Street, Durham

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