

**19/00333/FULL**

**Land To The North Of Castle Street And South-East Of Waterhouse Lane, Including Castle Buildings And The Earl De Grey Public House, Kingston Upon Hull, HU1 2DA**

Application for full planning permission for the demolition and partial rebuilding of the Earl de Grey public house; erection of link extension to Castle Buildings and the Earl de Grey; external alterations to Castle Buildings; use of relocated Earl de Grey, Castle Buildings and link extension for café or restaurant (A3) and/or drinking establishment (A4) and/or office (B1a); the erection of a nine-storey hotel; new public realm and associated works, including landscaping, car parking and servicing, and associated infrastructure.

Castle Buildings LLP

**SUMMARY**

- New hotel, plus demolition and partial rebuilding of Earl de Grey public house, refurbishment of Castle Buildings and linking extension to allow use as either/or café, restaurant, drinking establishment and offices. Public realm works, car parking and associated infrastructure.
- Objection received.
- Recommended for conditional approval.

**SITE**

The site is located within the Primary Shopping Area of the City Centre.

It currently accommodates two vacant Grade II listed buildings in the Earl de Grey Public House to its south-eastern corner, and Castle Buildings former offices to the south-western. The remainder of the site is currently occupied by a pay and display open-surface car park use.

To the south of the site runs the A63 at Castle Street, the subject of a Nationally Significant Infrastructure Project Improvement Scheme, currently at Examination stage. To the east and north-east the site abuts the Multi-storey Car Park (MSCP) for Princes Quay Shopping Centre, whilst to the north-west, beyond the public highway of Waterhouse Lane, stands the Bonus Arena, a mixed use live entertainment and conferencing venue with extensive public realm works to its south and west, and a further 342-space MSCP to its north.

Other listed structures nearby include the marinas and dock walls to the east of Princes Quay and south of Castle Street, the former Railway Dock Warehouse to the south and a further former warehouse building (occupied by Ask Restaurant) to the east. Part of the Old Town Conservation Area lies to the south of Castle Street.

## **PROPOSAL**

Application for full planning permission for the demolition and partial rebuilding of the Earl de Grey public house; erection of link extension to Castle Buildings and the Earl de Grey; external alterations to Castle Buildings; use of relocated Earl de Grey, Castle Buildings and link extension for café or restaurant (A3) and/or drinking establishment (A4) and/or office (B1a); the erection of a nine-storey hotel; new public realm and associated works, including landscaping, car parking and servicing, and associated infrastructure.

Relocation of the Earl de Grey Public House is proposed in alignment with proposed works to Castle Street which are the subject of a proposed Development Consent Order (DCO).

## **PLANNING HISTORY**

05/01507/OUT - Erection of mixed use development comprising retail, leisure, hotel, offices, food and drink, residential, car parking, servicing and access, together with alterations to public highway and public realm works (Outline application-means of access submitted). Approved 25.05.2007.

06/00905/LBC - Application for Listed Building Consent for the erection of a scaffolding structure with roof and internal bracing to provide temporary weather proofing. Approved 04.08.2006.

06/00909/FULL - Erection of a scaffolding structure with roof to provide temporary weather proofing. Approved 04.08.2006.

18/00029/LBC - application for Listed Building Consent for the remedial works to eastern elevation of Castle Buildings following demolition of 13, 14 Castle Street, comprising making good of brickwork and blocking up of 2no. door openings ( at ground and first floor ). Approved 05.03.2018.

## **REPRESENTATIONS**

### Conservation

Extension to rear of Earl de Grey and Castle Buildings – Strongly support. The proposed single-storey extension will be located to the rear of the properties, where it will be well related. The extension will be of an acceptable, lightweight and subordinate design (with its own design integrity) and will not dominate the existing buildings in scale, height, material or situation. The contemporary design will also promote honesty and 'readability' (legibility), ensuring that old and new build are clearly distinguishable.

Earl de Grey public house - To facilitate the A63 Castle Street improvement scheme demolition of the Earl de Grey public house is required. The pub has been closed since 2005. The listing does not include the two-storey rear range, which has been subject to a sequence of substantial alterations and rebuilding, and the 2003 side extension, as they are not of special interest. Likewise with the interior, which has been heavily altered throughout and now contains no features of historic interest. The loss of the unlisted accretions is therefore of no heritage concern. In terms of the main listed structure, the proposal to

demolish (or rather carefully dismantle) and rebuild on a new site, will on the face of it, lead to substantial harm to, but not total loss of significance of, a designated heritage asset. However, there is a clear choice here, it is a case of move it or lose it. The substantial public benefits of the A63 Castle Street improvement scheme clearly outweigh the harm in this case, and with a carefully controlled set of conditions attached to any approval granted, the substantial harm to significance can be mitigated to less than substantial by ensuring key features are restored. Furthermore, given that the pub has been vacant for over a decade (due to its now unfavourable and isolated location on the edge of the busy A63 (which will not change in the future), securing its optimum viable use and long term future is also paramount.

There is historic precedent for the proposal here. In 1999 the grade II listed The Old Wellington Inn and the grade II listed Sinclair's Oyster Bar, Manchester were both dismantled and moved 300 metres northwards to a new location, close to Manchester Cathedral. They were both rebuilt and reoriented at 90 degrees to each other and joined together by a new stone extension to form two sides of a vibrant new square. The proposed relocation of the Earl de Grey to Waterhouse Lane is not dissimilar. The Earl de Grey will remain very close to its original historic location and in close proximity to Castle Buildings. Waterhouse Lane is also in effect a 'spiritual home' for the pub, the two having close historic social associations. The current detached nature of the pub is alien too; it was previously part of a mixed terrace. Rebuilding the Earl de Grey on the north side of Castle Buildings (with a glazed visual separation link) will re-establish a stronger built context for the pub, with a favourable focus facing towards the Bonus Arena and the provision a new public space behind both listed buildings. This will better enhance the significance of both buildings and create a complementary historic pair in the shadow of the proposed new brick faced hotel, which will further strengthen the built context.

Although generally supportive of the proposal in relation to the Earl de Grey, would strongly favour the pub being rebuilt on the same building line as Castle Buildings (at the back edge of pavement) and not set back in a subordinate manner as proposed. To maintain significance, the original plan form of the building must also still be legible. Therefore, any exterior walls with new knock throughs must maintain drop downs from the ceiling and wall end nibs. New features, such as the stairwell, must not encroach into what was the public bar area. The main entrance doors must remain as double doors, not a single door as proposed. The side door must remain as a panelled door. The proposed chimney stack is too squat and not as existing. First and second floor fenestration pattern is not as existing and must be amended accordingly.

Recommended conditions:

Before demolition, the building must be subject to a Level 4 building recording in accordance with Historic England guidance contained in 'Understanding Historic Buildings – A Guide to Good Recording Practice', 2016.

Before demolition, a methodology for carefully dismantling and reconstructing the pub must be submitted for written approval by the LPA. The methodology must also include an inventory of all building components to be reused, including brickwork. Where components are not suitable for or incapable of reuse or of insufficient quantity, details of all new materials must be submitted for written approval by the LPA.

The Earl de Grey must be rebuilt using traditional building skills and materials, eg lime mortars and renders.

The modern unsympathetic glazing in the green faience ground floor windows must not be reused. The traditional ornate decorative leaded light glazing (illustrated in a c.1950 photo on page 124 of 'Hull – Then and Now 5' by Paul Gibson, 2015) must be reinstated. Before manufacture and installation, details for the design of the window glazing (at a scale of 1:10) must be submitted for written approval by the LPA.

The new render scheme must include a large traditional, hand painted, pub related sign on the new north (old west) gable wall of the pub. Before application, details of the design (which should be inspired by the old 'Bentley's Yorkshire Brewery' sign illustrated in a 1965 photo on page 46 of 'Hull Camera 1964-1991 – A Photographer's View of Hull' by Ted Tuxworth, 1991) must be submitted for written approval by the LPA.

After demolition, the original site of the pub must be marked in the ground with a decorative piece celebrating the pub. Before manufacture and installation of the piece, details of the design must be submitted for written approval by the LPA.

Castle Buildings – No objection on conservation grounds. Good conservation practice recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and that, wherever possible, heritage assets should be put to an appropriate and viable use that is consistent with their conservation. For the great majority this must mean economically viable uses if they are to survive (earn their keep), and new, and even continuing, uses will often necessitate some degree of adaptation. Furthermore, keeping heritage assets in use avoids the consumption of large amounts of building materials and energy and the generation of waste from the construction of replacement buildings. Therefore, the best way of securing the upkeep of historic buildings and areas is to keep them in active use. The proposed adaptations necessary in this case appear thoughtful and sensitive, working 'with' the building as far as practically possible, rather than 'in spite of' it, thereby ensuring its essential character will not be adversely affected. External alterations are minimal, therefore no adverse impact on the setting of the Old Town conservation area or setting of other listed buildings. In relation to conditions, the following are recommended:

Before installation, details of all new internal and external doors and door architrave must be submitted for written approval by the LPA.

No floor, wall or ceiling linings to historic surfaces must be installed without the written approval of the LPA.

### Urban Design

#### **Demolition and partial rebuilding of the Earl de Grey public house**

Strongly support in principle. The pub has been closed since 2005. Rebuilding the public house adjacent to the blank side elevation of Castle buildings will breathe new life and vigour into the Earl de Grey – something it is believed will not happen if it remains stuck, isolated and detached facing onto the A63. Relocating and re-orientating the building to sit within a new terrace and street frontage to Waterhouse Lane with a favourable outlook towards the new Arena will restore its prominence in the townscape and will bring this vacant and at risk

listed building back into viable long term use. The proposed relocation is the highlight of this proposal and constitutes a positive and welcome piece of place-making that will enhance the significance of both listed buildings and with proposed hotel and existing arena will create a node of activity and create a new (positive) public space.

Whilst generally supportive for the reasons described above, there are elements of this proposal where revisions should be sought:

- The proposal is to recess the Earl de Grey from the back edge of the Waterhouse Lane pavement thus stepping it back from the building line formed by the Castle Buildings and the proposed hotel (colonnade). It is strongly recommended the building is brought forward to create a consistent and uniform building line. The Earl de Grey is the most diminutive of the three buildings and recessing it back, even slightly, has resulted in it looking subordinate in the street scene relative to its proposed neighbouring buildings. Furthermore, by recessing the Earl de Grey it exacerbates the juxtaposition in height with the proposed 9 storey hotel and reinforces the idea that the Earl de Grey is at the bottom of a hierarchy relative to the other buildings. Whilst its decorative façade carries it so far, bringing the Earl de Grey forward to the common building line will ensure its prominence in the street scene and hierarchy (level access into one, or all, of the entrances can still be achieved without the need to recess the building).
- Location of the proposed stairwell compromises (albeit slightly) the floor area of the room that traditionally has been the ‘front room’ or ‘tap house’ of the pub. Can the staircase be reconfigured and relocated to the modern extension (glazed link building) thus removing this element from the listed part of the building? Doing so would unburden the footprint of the listed Earl de Grey and enable a more flexible approach to its future use. It is important to state that the Earl de Grey’s story is as much a part of its special character as its faience façade, and a significant part of the justification for relocating it from its original position (on the face of it causing substantial harm) is that the proposed development will safeguard the future of the public house to be enjoyed in the future. Whilst future use/operators may not be determined at this time, proposals should have the highest regard for preserving the Earl de Grey in a way that also maintains its special character and significance as a public house.

### **Scale and massing**

The form, scale and massing of the proposed hotel makes a powerful landmark and will create a strong visual approach from all directions. Its height and materiality references the verticality of Warehouse Thirteen to the south of the site but without slavishly copying it. The immediate context includes the new Hull Arena to the north which the hotel compliments in terms of its use and form. To the east (and northeast) is the unappealing west side of Princes Quay shopping centre with its crass and oversized signage and unattractive multi-storey car park – thankfully the proposed hotel will create a landmark building to screen and distract from this view of Princes Quay.

At a human scale the proposed colonnade and exposed concrete plinth detail help to integrate the base of the hotel building within the overall scheme and helps to visually knit the street frontage and buildings together.

## **Layout and movement**

The proposed is a rational response to the site with the long axis of the hotel oriented to correspond with the depth of the site. This broadly N-S alignment of the building's long axis works well in terms of the spaces around it and in terms of sun path and day light. The proposed layout supports pedestrian permeability through the site – in particular the future desire line that will take pedestrians through the site between the Arena and the A63 footbridge and Marina/Fruit Market beyond.

Locating the hotel entrance onto Waterhouse Lane will contribute to the active frontage and further unifies the development with the Arena and associated public space. There is adequate provision and arrangements for car parking, servicing, loading and unloading etc. located to the east away from the pedestrian activity and tucked away between the proposed hotel building and the existing multi-storey car park.

## **Public realm/space**

The public space between the site and the Arena immediately to the north of Waterhouse Lane is currently underused, underutilised and suffers from a lack of enclosure, surveillance and over-exposure to the A63 traffic. This proposal will bring much needed activity, enclosure, surveillance, shelter and purpose to this space. There is a larger opportunity (perhaps involving other stakeholders) to undertake some off-site work to reconfigure this public space to create a proper urban space and successfully tie together the hotel, listed buildings and the Arena. At present the landscaping is rather nebulous and does little to support the Arena, nor the proposed development.

The application pack lacks a drawing of sufficient detail depicting the proposed wall/barrier to the south of the site which will provide an all-important acoustic and visual barrier benefiting the space – especially if this area is to be used for outdoor eating/sitting etc.

## **Appearance**

Proposed hotel – Supportive in principle based on the indicative information provided. As materials are shown as 'TBA' it is strongly recommended an appropriate condition is attached to any approval covering all external materials. Welcome the submission of drawings showing typical wall build-ups glazed and solid external areas (no. SK002) as this provides a level of detail at an appropriate scale required as part of a planning application to ensure a high standard of design.

Castle Buildings – no objection to the minor proposed changes to Castle Buildings.

Earl de Grey – a method statement (or similar) is required detailing how the building is to be demolished and rebuilt. Any original fabric not used as part of the reconstruction will need an acceptable justification and all new materials must be submitted for written approval by the LPA. It is recommended an appropriate condition covering this requirement to ensure less than substantial harm is caused to the listed heritage asset.

Link extension – the glazed infill and single-storey rear extension is of an acceptable contemporary, subordinate appearance which physically connects yet visually separates the two listed buildings. It is of an honest design and is sufficiently unassertive so does not distract from the listed buildings.

## **Recommendations**

- For the reasons stated above strongly recommend the Earl de Grey is brought forward to create a consistent building line to Waterhouse Lane with the Castle Buildings and proposed hotel.
- For the reasons given above it is recommended the design team seek an appropriate solution for relocating the proposed internal staircase from the listed part of the Earl de Grey into the modern extension.
- Further design detail (drawing) is required in relation to the proposed wall/barrier to the south of the site which will provide an all-important acoustic and visual barrier to the A63.
- A method statement (or similar) is required detailing how the building is to be demolished and rebuilt. Any original fabric not used as part of the reconstruction will need an acceptable justification and all new materials must be submitted for written approval by the LPA. Recommend an appropriate condition covering this requirement.

## Environmental Protection

Conditions recommended covering methods of construction, a sound attenuation scheme, control of noise from the site, contaminated land, certification for imported soil, fume extraction, and a light impact report.

## Urban Forestry

No comments received.

## Enforcement Manager

Hull City Council has served a Section 215 notice upon the owners of the Castle Buildings. The roof repairs and scaffolding must be removed by August 2019 according to the S.215 notice.

In the event that this application is approved, it would be appropriate for the Council to take into account any realistic start date for development to commence and any works schedule provided by the applicant before determining the expediency and timing of any further action.

## Marina Residents Association

No comments received.

## Hull Civic Society

Strongly support the applications to build a new hotel next to Princes Quay and to refurbish the listed Castle Buildings. Also support in principle the proposal to rebuild the listed Earl de Grey PH, but have a number of concerns which need to be addressed by modifications to the proposal – (1) Should be restored as a working pub and not just as a pub façade; (2) The

hanging sign should be retained and the chimney rebuilt to its present height; (3) The ceramic tiling to the façade should be retained; (4) Building line to Waterhouse Lane should be followed; (5) Proposed glass extension creates too sharp a contrast and suggest brick would be more sympathetic; (6) Staircase needs to be repositioned to allow the rooms to function as a pub.

### Yorkshire Water Services Ltd

Conditions recommended covering foul and surface water drainage arrangements, discharge rates, and the oil interceptors for drainage to hard surfacing.

### Humber Archaeology Partnership

Archaeological remains dating from the early medieval period through to the post medieval and modern period have been recorded within the area of this proposed development. Archaeological recording undertaken in advance of construction of the Bonus Arena revealed evidence of remains of former brick built buildings, the foundations and walls of which aligned with the existing street pattern, which began to be laid out at the end of the 18th century. Map evidence suggests that the proposed development could impact on the hamlet of Myton as well as the possible location of the settlement of Wyke, Hull's predecessor. A number of watercourses, drains and tracks shown on early 18th century mapping could suggest the layout of settlement during the medieval period. 18th century mapping also shows drains and watercourses lying just west of the outer defences constructed during the sieges of Hull in 1642 and 1643 as part of the English Civil War.

The applicant should take appropriate measures to ensure that any heritage assets of archaeological interest are identified, recorded and safeguarded in advance of development. The information received about the proposals does not include sufficient detail concerning the precise nature, location, depth and extent of archaeological remains in the proposed development area.

A programme of trial trenching is recommended to be undertaken to understand the archaeological potential of the site and understand the character and significance of any archaeological features that may be present. The results of the evaluation will provide detailed information to enable an informed and reasonable planning decision to be taken. If the evaluation shows that there are significant archaeological deposits, which will be affected by the proposed development, mitigation measures, where feasible, should be explored to ensure their preservation.

Archaeological evaluation and any subsequent mitigation strategy should be identified in advance of any development commencing, in accordance with the following condition, should planning permission be granted.

Condition:

A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:



1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Humber Local Enterprise Partnership

No response received.

Conservation Area Advisory Cttee (CAAC)

No response received.

Natural England

No comments.

Police Architectural Liaison Officer

No response received.

Access Officer

The proposals have included a fair amount of inclusion in the design and facilities provision, though there are a few areas of concern.

Landscaping materials appear suitable, but should be laid to BS 8300:2019 standard.

Banding in public realm design can give the impression of steps, confusing visually impaired people and some with dementia. Bands can be used rationally to guide people between and to the entrances to buildings.

Between the front elevation of the relocated Earl de Grey, and the back of pavement is shown a ramp at a gradient of 1 in 12. There is a requirement for an upstand to any open edge of a ramp. This should have handrails to both sides, even though this may not be

desirable visually, otherwise, the ramp must have a better than 1 in 20 gradient, thereby becoming a graded approach. At 1 in 21 a ramp will need to be 8400mm to overcome a change in level of 400mm, which may come into conflict with the corner column to the new hotel building.

The proposed transition detail between the approach to Earl de Grey and back of pavement, looks like a potential trip hazard with a short steep slope to overcome what appears to be 400mm. The doors as shown open outwards, and the distance between the open edge of the door and the steep slope appears to be less than 500mm. There is therefore the possibility of someone backing off down the slope and falling whilst opening the door.

The proposed new entrance door in the glazed extension, behind the Earl de Grey does not provide an unobstructed opening of 1000mm.

The 4 double door sets into Castle Buildings seem to be narrower than a single door shown on plan. The most internal pair of doors also appears to be much smaller than the first 3 pairs. These doors are shown on the existing but we should be looking to make sure that they meet a recognisable accessibility standard. This could include the use of hold open devices, or automating the doors if a leaf cannot meet an accessibility standard.

The scheme includes good means of overcoming the changes in floor level between castle Buildings and the Earl de Grey, as well as giving access to all floors.

Feature walling to the rear of the buildings should be designed with equitable access and safety in mind.

The hotel show two wheelchair accessible bays with good transfer space located near to the main entrance. The latter should not to incorporate a revolving door, as they prove difficult for some disabled users.

The Building Regulation requirement is one wheelchair accessible bedroom per 20 bedrooms or part thereof (ADM, 4.24g) so the proposal is currently one accessible room short. All such rooms are in the same location, facing the same direction on all floors. The recommendations are that these bedrooms should provide a choice of locations.

It is recommended that a proportion of accessible rooms are provided with a connecting door to the adjacent room. This helps people who have an assistant that does not sleep in the same room as them.

Whilst the wet rooms appear to be suitable large they are all the same design, meaning that all transfer, to the WC, is to the left. Ideally in a new hotel there would be mix of transfer sides available.

Each floor has a safe waiting area for one wheelchair user. It does look possible that there is space for more people. This needs to be considered in case one wheelchair user is visiting another room on another floor. There will also be older people who may not manage the stairs. The hotel provider will need to know how they propose to get disabled people from all upper floors as the responsibility lies with the provider. A means of communication to the refuge areas will also need to be provided.

### Hull Access Improvement Group –

Recommend that revolving doors in the hotel design are replaced with sliding doors and a lobby, as the former are less inclusive.

A variety of transfer side choices should be provided for the accessible bathrooms. The proportion and variety of types of accessible bedrooms in the hotel should reflect BS8300 guidance.

Accessible bedrooms should always be provided with en-suite accessible sanitary facilities, including a WC, basin and shower (or bath) if en-suite facilities are provided for any other bedrooms.

The minimum provision of accessible bedrooms as a percentage of the total number of bedrooms should be:

- one room or 5%, whichever is the greater, with a wheelchair accessible en-suite shower room for independent use (see examples in Figure 30 and Figure 52);
- a further one room or 1%, whichever is the greater, with a tracked hoist system - one room or 5%, whichever is the greater, with an en-suite shower room to meet the requirements of people with ambulant mobility impairments.

A further number of bedrooms to make up a total provision of 15% of all bedrooms should be large enough for easy adaptation to accessible bedroom standards (with en-suite facilities) if required in future, i.e. incorporate all the correct dimensions and sanitary layouts in and be structurally capable of having grab rails installed quickly and easily.

A number of accessible bedrooms should have an interconnecting door to the adjoining room.

### Flood Team

No objections subject to conditions related to drainage.

### Highways Development Control

The proposed development includes the erection of a new 9 storey hotel, extension to Castle Buildings and relocation of the Earl de Grey Public House. The hotel offers 8 parking spaces which are considered acceptable given the city centre location.

Details of servicing for all the uses is required demonstrating how and where such vehicles can park in order to serve these buildings; in particular, refuse collection and dray vehicles and where such vehicles will turn so as to reduce the likelihood of reversing where pedestrian movements could be high.

The Woodhouse Lane car park will be lost as a result of the development; confirmation is therefore required as to where such vehicles that currently use this car park will be displaced.

The development creates a courtyard and a through route for pedestrians (and cyclists?) to the Marina/Princes Quay Bridge from the city centre. This route is expected to be very busy

at peak times when the Venue is hosting events during the summer as people walk to and from The Marina.

Concerns are raised over the footway that runs parallel to the A63 in terms of its width as pedestrians walk to and from the Marina via the development.

It is noted there is land directly in front of Princes Quay that could be used to create a wider pedestrian footpath that segregates pedestrians from high speed traffic as they make their way to and from the Marina.

Whilst it is acknowledged that this land is outside the red line boundary of the application, further discussions are requested in order to potentially include this land into a more pedestrian friendly route through the development towards the marina. Confirmation is also required as to whether the through route will form part of an adopted footpath maintained by Hull City Council.

#### Health and Safety Executive

No objections.

#### Environment Agency

Object in the absence of an acceptable Flood Risk Assessment. The FRA fails to:  
Accurately predict the flood risk on site and provide sufficient flood risk mitigation measures to ensure safety of occupants.

#### East Riding Of Yorkshire Council

No response received.

#### North East Waterways

No response received.

#### Highways England

No objections.

#### Historic England (Planning)

##### Summary

The proposal seeks to provide a new viable and sympathetic use for two vacant Grade II Listed Buildings. Broadly very supportive of the proposal but advise that some amendments should be sought and further detailed method statements are needed to ensure that the proposal is achievable in a way that conserves both Grade II listed buildings in a manner appropriate to their heritage significance. Have concerns at present regarding the application on heritage grounds.

**Significance of the heritage assets, including the contribution setting makes to significance.**

The Earl de Grey, Grade II Listed (originally known as the Junction Dock Tavern) dates from the early-mid C19 and originally formed part of a block comprising 6, 7 and 8 Castle Street. It is a rendered brick with faience (decorated ceramic) ground floor of circa 1913, slate roof, three storeys. It is a good example of a C19 pub altered in the early C20 through the addition of an elaborate faience shopfront. It is one of only a few early buildings left remaining on the western half of Castle Street, one of the oldest routes into Hull, and is important as a physical reminder of dock life in this part of the town.

The Earl de Grey PH figures prominently in the history of Hull. The considerable communal heritage value of the Listed Building also derives from its connection to the shipping industry and as a result of the diverse communities that frequented the building during the long history of the building as a public house. Castle Street developed within the context of a maritime hub and its urban mix served dock workers and seamen. The interior of the building has been heavily altered and has been excluded from the listing.

The Castle Buildings, Grade II listed was constructed in 1900 as the offices of steamship owners and brokers. It is designed in the Renaissance Revival Style by BS Jacobs of Kingston upon Hull and uses mellow brick with ashlar dressings and a slate roof, two storeys plus attic. It has a striking curved frontage that takes full advantage of its prominent corner location on one of the oldest routes into Hull. The distinctive form of the building combined with the polychromatic treatment of the elevations and four chimneys make this a distinctive landmark building particularly in views from the west.

The buildings original function as a shipping office remains legible through the numerous historic features retained in the interior. The internal layout and historic features that survive make a very strong contribution to the significance of the building. There is a clear differentiation between more formal meeting spaces, offices and the general public. Being located close to the docks it is an important physical reminder of Hull's maritime history and trading links, and has been occupied by a succession of maritime-related tenants throughout its history until the 1970s.

The setting of both listed buildings has been affected by the loss of surrounding buildings and the widening of the A63 Castle Street in the 1970s. The dual carriageway runs close to the principal façade of the Earl de Grey. However, the Castle Buildings in particular remains an important touchstone to the past townscape as it marks the corner of Castle Street and Waterhouse Lane. The erosion of the historic setting of the listed buildings presents an opportunity for their setting to be enhanced through development.

**Impact on the significance of the heritage assets**

Significance (for heritage policy) is defined in the NPPF as “the value of a heritage asset to this and future generations because of its heritage interest, that interest may be archaeological, architectural, artistic or historic”; it derives not only from a heritage asset's physical presence, but also from its setting”.

The widening of the A63 Castle Street in the 1970s increased how the busy road impinges on the Earl de Grey. The demolition of the Earl de Grey is currently being proposed in order to facilitate the A63 “Castle Street Improvement Scheme”. Regardless of this consider that the current scheme for both listed buildings offers the opportunity and potential to secure their futures which would deliver public and heritage benefits.

The proposal involves relatively minor changes to the Castle Buildings and overall its heritage significance will be maintained. Any detailed matters such as doors, floor and wall

linings affecting historic surfaces will need to be agreed to the satisfaction of the Council's conservation officer.

The proposal will involve the setting of both listed buildings. The recently developed Bonus Arena and public open space has created the opportunity for an active frontage along Waterhouse Lane. Repositioning the Earl de Grey to address this space will create a new public open space from where the faience will be appreciated. The closer proximity to the Castle Buildings will also strengthen the urban grain, along with the new hotel building.

Given that the proposal in its current form would result in harmful impacts to the significance of the Earl de Grey advise that these impacts should be avoided where possible and then minimised. The Planning Statement refers to the application being supplemented in due course following the preparation of a Heritage Impact Assessment. Suggest the following amendments in order to ensure that the proposal complies with the requirements of the NPPF:-

- The re-erected Earl de Grey should be brought forward so that the frontage is "back of pavement" in the traditional manner, flush with Castle Buildings. This is in order to ensure its prominence in the streetscape is fully achieved.
- More of the external form and principal walls of the listed building should be rebuilt to ensure the legibility of the building envelope so that it reads as separate from Castle Buildings.
- The proposed internal layout of the repositioned Earl de Grey as proposed does not respond positively to its significance. A major portion of the interior is proposed to be used for a new staircase which compromises the amount of useable space. Advise that a new staircase should be smaller, ideally a bespoke carpentry piece but if it needs to be larger question whether the staircase could be reconfigured and relocated to the modern extension (glazed link building) thus removing this element from the listed part of the building.
- The proposed elevations should be revisited so that the fenestration matches the existing, including the proportions of the chimney stack.
- The new main entrance doors should be double doors to a traditional design.

Opportunities for appropriate enhancements should be considered, for example the addition of a new curved bar similar to the one that was removed. Also, there is an opportunity to add leaded lights to the new front windows to complement the faience frontage.

The Planning Statement refers to the application being supplemented in due course with a Heritage Impact Assessment. This will be important to explain the full nature and extent of the impact on significance of the listed buildings. In addition to this consider that at present there is not enough detailed information to explain how the taking down and rebuilding will be achieved. The existing drawings for the Earl de Grey are marked "work in progress pending survey". Therefore advise that the LPA should consider requesting the following information prior to consent being granted:-

- Structural Report that provides adequate assurances that the works are achievable.
- Method Statement for the dismantling and rebuilding for the listed building. This should include an inventory of all building components to be reused including brickwork.
- Method Statement for moving the faience façade.

- Recording – prior to any demolition, the building must be subject to a Level 4 building recording in accordance with Historic England guidance contained in “Understanding Historic Buildings – A Guide to Good Recording Practice” 2016.
- Phasing Plan (related to conditions attached to any consent granted) to ensure that the works to the Listed Buildings are implemented to an agreed timetable and prior to the occupancy of the hotel. The relocation of the Earl de Grey should ideally be the first phase of the development.
- Public Art Strategy, ideally as a formally adopted document attached to a condition for timely implementation, for the new courtyard area including the external spaces around the two listed buildings, relating to interpreting and showcasing their heritage significance. For example, traditional signwriting and artwork on the gable end. The site of the public house should be marked out on the ground as a decorative piece of artwork that interprets the original site of the public house. This could also include details of the form and design of new site boundary treatment to the south of the site which will provide an all-important acoustic and visual barrier to the A63 benefitting the space. This could also be an attractive new feature within the space.

The following principles for the rebuilding should also be agreed with the LPA:-

- The taking down and rebuilding of the Earl de Grey will re-use all of the existing fabric.
- Where any new materials are required they should be of the highest quality traditional materials and use traditional heritage craft skills including lime mortars and renders, involving apprenticeships and training in all aspects of the works.

Extension to the listed buildings – no objection to the size, form, height or materials proposed for the new single storey extension to the rear of the listed building in terms of scale and the contemporary design means that it will clearly be a later addition. Advise that this should be the location for new servicing as far as possible to avoid impacting on the historic character of the listed buildings.

The new hotel building is a tall and bulky structure. However, historic maps and images show that historically the area surrounding the listed buildings contained large warehouses relating to the docks. The current context of the recently erected Bonus Arena and Princes Quay Shopping Centre demonstrate how this area has been the subject of a major change and redevelopment over the course of the twentieth century. Therefore consider that the setting of the listed buildings can accommodate the degree of change proposed and that this would not damage their heritage significance. Locating the hotel entrance on Waterhouse Lane will strengthen the active frontage facing the Bonus Arena and makes it even more important to bring the Earl de Grey frontage forward to ensure it does not appear diminutive in the hierarchy of buildings.

### **Recommendation**

Historic England is supportive in principle but have some concerns regarding the detail of the application.

### Yorkshire Wildlife Trust

There is an outstanding requirement for at least a single dusk or dawn bat emergence / re-entry survey. As protected species are a material planning consideration they highly recommend that this survey is conducted prior to the determination of the planning

application and submitted with an Ecological Impact Assessment as per good practice guidance outlined CIEEM (2016). In accordance with the NPPF also encourage the development achieves a net gain in biodiversity.

## **APPLICANT'S CASE**

Planning Statement, Design and Access Statement, Heritage Statement, Drainage Impact Assessment, Flood Risk Assessment, Energy Statement, Air Quality Assessment, Noise Assessment, Odour Assessment, Transport Assessment, Preliminary Ecological Appraisal Report and External Lighting Surveys submitted. A travel plan has also been submitted

### **Planning Statement (Report summary)**

- Since being named UK City of Culture 2017, Hull has gained national and international recognition. As a consequence, the City has experienced unprecedented levels of public and private investment. There has been a marked step-change in the City, which Hull City Council ('HCC') wants to build upon to make Hull a world class visitor destination.
- To support this ambition further development is required in the City Centre to support tourism, including hotels, restaurants and bars. HCC has identified several sites in its Development Plan to accommodate such development, one of which is the application site. There is, therefore, a plan-led presumption in favour of the development.
- The proposals involve the partial relocation of the Earl De Grey within the site and the subsequent refurbishment and extension of Castle Buildings to link the two buildings (which are Grade II listed) together. The buildings will provide a high-quality, active frontage to Waterhouse Lane and will be suitable for a range of uses including A3 and/or A4 and/or B1a, all of which are appropriate for this City Centre location. A3 and/or A4 use would have a symbiotic relationship with other development in this part of the City, including the Bonus Arena, whilst office accommodation would bolster activity during the daytime.
- The design of the scheme has been heritage-led and will secure a viable re-use of the buildings. An attractive piazza lies to its rear, providing substantial improvements to the public realm and an opportunity for public art. The site layout also gives rise to an attractive pedestrian route through the site from Castle Street to the Bonus Arena, linking two 'quarters' of the City.
- The demolition of Earl De Grey, which would have been required in any event due to planned carriageway widening on the A63, makes way for a 9-storey hotel on the site. A landmark building at this gateway into the City Centre, the hotel design takes reference from the simple, traditional appearance of dock-related buildings across the City. Not only will it provide visitor accommodation to support the growth of tourism in the City, but it will contribute towards the overall vitality and viability of the area through the incorporation of a sky bar which overlooks Hull Marina and the Humber beyond.



- The proposals have been shaped by engagement with HCC, Historic England and other stakeholders. They will positively respond and contribute to the City's regeneration and transformation objectives. Whilst the proposals will result in some harm to designated heritage assets, the development will rise to a range of substantial public benefits which weigh heavily in favour of the development in the planning balance.

## **Design and Access Statement**

These proposals have been developed over a period of several months in a collaborative manner between the client, their design team, Hull City Council and Historic England. The scheme has been developed to make a considerable contribution to the emerging night time economy, leisure uses and high quality public realm in this area of the city, and to create a pleasant new pedestrian linkage through the site with a new south facing public piazza space.

The Design Panel report comments: "the proposed siting and alignment of the new hotel promises to generate a very successful corridor of pedestrian movement, linking the station area with the Castle Street footbridge and Fruit Market area beyond, via the impressive new Arena. The formation of a new public open space on this route, between the hotel and the reconfigured group of listed buildings, will add further value and sense of place."

The proposed relocation of the Earl de Grey listed building to adjoin Castle Buildings, whilst exceptional, offers significant benefits by reinstating, at an appropriate scale, historic frontages along Waterhouse Lane. It offers improved flexibility and viability to both listed buildings by facilitating a combined floor space and enhances the viability of the Earl de Grey by delivering greater prominence from the public realm around the Bonus Arena. Overall this will contribute towards the animation of the existing and proposed public realm between the Bonus Arena, the Princes Quay Shopping Centre and the proposed hotel in this emerging city quarter.

The Design Panel report comments: "the proposed treatment to listed buildings is a clever and rational response, which optimises the qualities of both buildings. The result is a solution that exhibits the most valued and characterful parts well."

The proposed hotel will help support the emerging leisure economy by linking different parts of the city centre. These proposals have been designed to take full advantage of this opportunity and can be considered to be the "missing part of the jigsaw". The proposed sky bar, with its south facing terrace, will become a new high profile city centre destination, affording tremendous views across the Marina, the Old Town and the Humber Estuary.

## **Heritage Statement**

Identifies and describes the site and surrounding heritage assets (listed buildings and conservation areas) together with their significance.

## **Drainage Impact Assessment (Report summary)**

- Foul water will be discharged to the Yorkshire Water Public combined sewer at an approximate rate of 1.5 litres per second via the existing site drainage outfall with the adoptable outfall designed to the approval of Yorkshire Water Services.

- Surface water will be discharged to the Yorkshire Water public combined sewer at the agreed run-off rate which will be restricted by means of a flow control device and excess flows balanced on site. The private sewers will be designed and constructed to meet the requirements of the Building Regulations.
- The reports supporting calculations and sketches provide a robust case for justifying the means of foul and surface water drainage and that the site can be suitably, safely and sustainably drained.
- Overall, this report demonstrates that the foul and surface water drainage systems for the new development can be designed and constructed to meet local and national planning and drainage policies. Suitably worded Conditions can be applied to the grant of planning permission to control the delivery of the development in the usual manner.

### **Flood Risk Assessment (Report summary)**

- The site falls in Flood Zone 3a (high flood risk) on the Environment Agency maps and in an area shown to be subject to flooding to a depth varying from 0-0.3m to 0.6-0.9m on the latest Hull SFRA maps. The proposals are considered to be 'More Vulnerable' development.
- The primary risk to the site is from tidal flooding from the River Humber resulting from the river defences being breached or overtopped during an extreme flood event.
- The primary focus for flood risk assessment is to protect life, and then consideration should be given to buildings, contents, operation and re-use. As the scheme is progressed the design should consider exceedance and routing of flows away from the buildings.
- Mitigation works are proposed which we consider will reduce the risk to the development from flooding down to an acceptable level.
- This report has considered other potential sources of flooding to the site, including groundwater, surface water, existing sewers, water mains and other artificial sources.
- Overall, this report demonstrates that the flood risk to the development is reasonable and acceptable providing the recommended mitigation measures are adopted.
- It is our opinion that the development is fully compliant with the updated Hull SFRA 2016 Standing Advice.

### **Energy Statement (Report summary)**

- The statement has been prepared to demonstrate how the development will address carbon emissions reduction, energy efficiency and BREEAM.

- The new-build hotel development will comply with the requirements of Building Regulations Approved Document Part L2A. Listed buildings are granted an exemption from compliance with the energy efficiency requirements under Building Regulations Approved Document Part L2B.
- The following energy efficiency and demand reduction measures will be considered:
  - i) Improve U-values of the external envelope.
  - ii) Improve U-value of glazing/maximise solar shading.
  - iii) Improve air permeability of building envelope.
  - iv) Improve efficiency of the space heating and cooling.
  - v) Use of energy efficient lighting.
  - vi) Use of intelligent lighting controls.
  - vii) Use of variable speed pumps, fans and drives to match supply and demand.
- The feasibility of the following potentially appropriate decentralised, renewable or low carbon energy sources will be considered further as the mechanical and electrical services strategy develops:
  - i) Air source heat pumps.
  - ii) Photovoltaics.
  - iii) Combined heat and power.
- The proposed development will incorporate design measures and relevant decentralised, renewable or low carbon energy sources as necessary to achieve compliance with Part L of the Building Regulations 2013.
- The Hotel development will aim to achieve a BREEAM Very Good rating under the 'Other Buildings' New Construction 2018 scheme.
- It is requested that a BREEAM rating is not viable for the refurbishment of Castle Buildings or the relocation of Earl De Grey public house due to listed building constraints.

#### **Air Quality Assessment (Report conclusions)**

- Construction Phase - Prior to the implementation of appropriate mitigation measures, the potential impact significance of dust emissions associated with the construction phase of the proposed development has potential as 'medium' at some worst affected receptors without mitigation. However, appropriate site-specific mitigation measures have been recommended based on Section 8.2 of the IAQM Guidance on the Assessment of Dust from Demolition, Earthworks, Construction and Trackout. It is anticipated that with these appropriate mitigation measures in place, the risk of adverse effects due to emissions from the construction phase will not be significant.

- Operational Phase - A baseline review of the current air quality within the area of the site indicates that, despite the proposed development being located within the Hull AQMA, local authority monitoring on the site boundary has measured levels below the Air Quality Objective for NO<sub>2</sub>. Based on the limited development trips and the mitigation measures detailed in section 6, it is considered that there will be no significant impacts in terms of air quality on the local area.

### **Noise Assessment** (Report conclusions)

The NPPF gives a number of test points relating to noise which are referenced as bullet points below. Considering each of these points, the following conclusions can be drawn in relation to the proposed development:

NPPF 170 (e) and 180 (a)

Through the use of appropriate mitigation, which is summarised below, it is considered that the proposed development will avoid noise giving rise to significant adverse impacts on health and the quality of life.

For the proposed hotel receptors there is the requirement for enhanced glazing throughout the development and, with regard to compliance with Part F of the Building Regulations, alternative ventilation will also be required. It has been assumed at this stage that the hotel will be mechanically ventilated.

Noise rating levels from proposed building services plant have been predicted and indicative design noise limits established in order to the noise rating level associated with the noise from plant being insignificant at the proposed hotel façade in relation to road traffic noise sources. Based on these indicative design limits noise levels at existing receptor location are predicted to be significantly below existing background noise levels.

Noise breakout from A3 / A4 uses has been assessed based on typical noise levels within a busy bar. The assessment concludes that there will not be an adverse impact at the closest sensitive receptor during either daytime or night-time periods whilst acceptable internal noise levels are predicted to be achieved in the proposed hotel bedrooms.

Given the high noise levels that exist at the site due to the proximity to the A63 and no existing sensitive receptors being located with close proximity to the site, it is considered that noise from occasional deliveries would have a low impact.

*NPPF 180 (b), 182 and 183*

Based on the assessments undertaken it is not considered that any existing businesses wanting to develop would be restricted by the proposals. An assessment of the existing tranquillity level of the site undertaken and identified that the site is not highly prized for its tranquillity and recreational value in terms of noise. There will be no disruption to public rights of way which are located within or adjacent to the site. Therefore, the proposed development is considered to have a negligible effect on local access to any areas of tranquillity.

## Planning Practice Guidance: Noise

The noise mitigation measures recommended within this report is sufficient to reduce the effects of identified sources of noise both existing and proposed to prevent the adopted thresholds (within the context of BS 8233 and BS 4142) of where the Significant Observed Adverse Effect Level (SOAEL) would be exceeded for future patrons of the hotel.

### **Odour Assessment** (Report conclusion)

The impact significance on the surrounding receptors from the proposed kitchen is considered to be 'low to medium' following the assessment of potential odour risk following the appropriate mitigation implemented dependent on the dispersion scenario (the height of the discharge point). The proposed ventilation and extract system will employ in-line 'active' carbon filtration system. The filtration system comprises a primary (or pre) filter and the main (or secondary) filter with a maximum dwell time of 0.1 seconds system. This is therefore considered appropriate to manage odour from the site.

### **Transport Assessment** (Report conclusions)

- Vehicular access to the proposed development is to be provided via Waterhouse Lane. A small on-site car park with 8 car parking spaces (including 2 disabled bays) and a servicing area is to be provided to the north of the proposed hotel. The remainder of the parking demand generated by the development is to be accommodated within the adjacent Princes Quay Multi-Storey and nearby Osborne Street Multi-Storey.
- Pedestrian access to the site is to be provided via both Waterhouse Lane and Castle Street, with a footpath running in an approximately northwest – southeast direction throughout the site, connecting the two streets and enhancing pedestrian permeability both to the proposed site and within the local area.
- The application site is well placed to generate trips by sustainable modes of transport. There are footways on both sides of most local streets and there are a number of other pedestrian routes within the vicinity of the site. There are formal crossing facilities on Myton Street, Waterhouse Lane and at the Myton Street/Osborne Street/Anne Street signalised junction within the vicinity of the site. The proposed Princes Quay Footbridge across the A63 will also strengthen links between the site and the Marina/Fruit Market areas. The site is within a 5km cycle ride of much of the built-up area of Hull and there are a number of on and off-road cycling facilities within the vicinity of the site. The nearest bus stops to the site are located on Carr Lane, within a 320m walk of the site. Hull Paragon Interchange is also located within a 550m walk of the site and accommodates all bus services within Hull along with regional and national rail services.
- A road casualty study showed that 40 PICs occurred within the study area around the proposed development site during the five-year study period. Analysis of the study collisions has not revealed any identifiable existing collision issues associated with the expected movements generated by the proposed development, therefore it is considered that there are no existing road safety issues pertinent to the development of the site. If the proposed site access is designed with due consideration to road safety, then the proposals should not have a detrimental road safety impact on the

local transport network and should not adversely affect the safety of pedestrians and cyclists.

- The trip generation of the proposed development has been projected using vehicle and person trip rates derived from the industry-standard TRICS database. The traffic projections indicate that the proposed development could be expected to generate up to a total of 49 two-way vehicle trips during the AM peak hour (08:00-09:00) and 44 two way vehicle trips during the PM peak hour (17:00-18:00). These projections are based upon a number of worst-case assumptions, including that Castle Buildings/Earl de Grey Building are entirely in B1 use, and are therefore considered to represent a robust assessment of the number of 'new' trips likely to be generated by the development.
- Analysis of the existing occupancy levels of the Princes Quay Multi-Storey demonstrates that appropriate capacity to accommodate the likely car parking demand generated by the development is available within the existing car park. The proposals are expected to generate the highest demand during the evening and overnight periods, when data shows that average occupancy levels are less than 50% of capacity. Any excess parking demand generated by the development during the car park peak period on a Saturday is likely to be suitably accommodated within alternative local car parks, such as the nearby Osborne Street Multi--Storey.
- Based upon the trip generation projections of this TA, it is considered that the proposed development will not have a significant impact on the operation of the local highway network or Strategic Road Network (SRN). The proposals are therefore considered to be in accordance with the 'National Planning Policy Framework' (NPPF) which states 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" (MHCLG, 2019).
- It is concluded from the assessments within this TA that the proposed development would not be expected to have a significant impact in terms of sustainable travel, traffic impact and road safety
- 

### **Preliminary Ecological Appraisal Report**

Concludes that redevelopment of the site appears relatively unconstrained by ecology and biodiversity issues. However –

- A further single evening bat emergence or dawn re-entry survey is recommended to clarify the status of roosting bats in both the buildings. Any roosts present could be mitigated for and as such any further surveys could be conditioned rather than being required pre-determination.
- Work to Castle Buildings should be undertaken outside of the bird nesting season. Any clearance should be preceded by a nesting bird survey.
- The site offers opportunities for ecological enhancement.

## **PLANNING FRAMEWORK**

### **Hull Local Plan 2016 to 2032**

Within an allocated City Centre development site (mixed use allocation)

Strategic Priority 6 - Protect and enhance the city's historic assets.

Strategic Priority 10 - Keep residents and businesses safe, particularly from events predicted by climate science, such as flooding.

Strategic Priority 11 - Make Hull more attractive to residents, businesses and tourists

Policy 9 - City Centre

Policy 10 - City Centre Mixed Use Sites

Policy 14 – Design

Policy 15 - Local distinctiveness

Policy 16 - Heritage considerations

Policy 17 - Energy efficient design

Policy 19 - Shop fronts

Policy 25 - Sustainable travel

Policy 26 - Location and layout of development

Policy 27 - Transport appraisals

Policy 28 – Classified Road Network

Policy 31 - City Centre car parking

Policy 32 - Parking standards

Policy 36 - Walking, Cycling, and Powered Two Wheelers

Policy 38 - Surface Water Storage and Drainage

Policy 39 - Sustainable Drainage

Policy 40 - Addressing Flood Risk in Planning Applications

Policy 41 - Groundwater Protection

Policy 44 - Biodiversity and wildlife

Policy 45 – Trees

Policy 47 - Atmospheric Pollution

Policy 48 - Land Affected by Contamination

Policy 49 - Noise Pollution

Policy 50 - Light Pollution

### **Other Material Considerations:-**

#### **National Planning Policy Framework**

NPPF7 Ensuring the vitality of town centres (paras 85 to 90).

NPPF8 Promoting healthy and safe communities (paras 91 to 101).

NPPF9 Promoting sustainable transport (paras 102 to 111).

NPPF11 Making effective use of land (paras 117 to 123)

NPPF12 Achieving well-designed places (paras 124 to 132)

NPPF13 Meeting the challenge of climate change, flooding and coastal change (paras 148 to 169)

NPPF14 Conserving and enhancing the natural environment (paras 170 to 183).

NPPF15 Conserving and enhancing the historic environment (paras 184 to 202).

#### **Supplementary Planning Documents**

SPD 2 - Heritage and Archaeology

SPD 9 - Vitality and Viability of Centres

SPD 10 – Trees

SPD 12 - Ecology and Biodiversity

#### **Emerging Supplementary Planning Documents**

SPD 5 Hull City Centre Parking Strategy

SPD13 City Centre Design Guidance



## PLANNING APPRAISAL

### Principle of Development

The application site is located with the City Centre, and the Primary Shopping Area. Policy 9 to the Local Plan identifies the city centre as the appropriate location for main town centre uses (and particularly those which, by their scale and nature, either individually or cumulatively, would serve a catchment area covering the city as a whole and the wider region), supporting economic growth and the aspiration for the city to become established as a world-class visitor destination. The hotel, office, café/restaurant, and drinking establishment uses described in this application all fall within the definition of main town centre uses within the NPPF. Hotel uses have clear potential to serve a wide catchment, and food and drink uses form part of the critical mass which of facilities which afford cities their allure for visitors. Supporting text to the Policy at para.6.25 in the Local Plan recognises that:

*'Important facilities that support the stay of visitors include hotels, restaurants and bars. Specific opportunities have been identified for hotel development in the city centre and there remains a demand for a range of hotel facilities to meet visitor expectations'.*

The hotel would be well-placed for access from outside the city, adjacent to the A63 Trunk road and a little over 500 m from the Transport Interchange on foot. It is also notable that the application for the nearby Bonus Arena mixed use live entertainment and conferencing facility, opened in 2017, recognised the proximity of appropriate standard hotel provision as being fundamental to optimal conference mode operation.

Similarly, prospective food and drink uses in the locality would have complementarity with an adjacent facility which draws up to 3,500 patrons to the area, whilst the potential for reconfigured and extended office space would support the aspiration to strengthen and promote an office-based business core appropriate to the city centre's local and regional role in this respect.

More specifically, the application site forms part of City Centre Mixed Use Site allocation no.2, identified under Local Plan Policy 10 (4) (b), which states that:

*'Land around Myton Street (west of Princes Quay) (3.8ha) (ref 2) will be developed for a new conference centre and live music venue together with a hotel and retail space. Other main town centre uses and residential development will be supported where these are complementary to the main uses and do not constrain the main development priorities for the site. The current amount of parking on the site will be retained or improved through construction of a new multi-storey car park'.*

The proposals include the delivery of a new build 150-bed hotel, in accordance with the allocation, along with proposals to use currently vacant office and public house premises with a proposed extension linking the two for office, café/restaurant, or drinking establishment purposes, or any combination of the same. These proposals are considered to accord with the terms of the policy, given that the hotel constitutes one of the stated main development priorities for the site, that the additional uses on the application site also accord with the NPPF definition of main town centre uses, and that they would not constrain the other main development priorities of the site, which have either already been delivered in the case of the Bonus Arena and Osborne Street MSCP, or are earmarked in the supporting text

to the Policy at paragraphs 6.51- 6.53 of the Local Plan for other parcels of land across the wider allocation.

Emerging strategies and new development within the city centre have elevated the significance of this site and its development in terms of how the flow of people through the built environment, and cultural and economic activity associated with this. The on-going construction of the Princes Quay Bridge for non-motorised users, in advance of, but as part of the A63 Castle Street Improvement Scheme, and the removal of at grade pedestrian crossings as proposed by the latter, will have the likely effect of transforming the application site into a conduit on one of the main routes from the Transport Interchange via recently enhanced public realm to and past the Bonus Arena towards the Fruit Market and city waterfront. Therefore the development has the potential to benefit from this predicted uplift in footfall commercially, as well as to provide service, amination, natural surveillance, and a pleasant, interesting, and traffic free environment for those en-route.

Draft Supplementary Planning Document 13 on Design guidance for Key City Centre Sites requires that development addresses the Castle Street road alignment, maximises views or glimpses of the Bonus Arena, re-uses the Castle Buildings and the Earl de Grey, including the exceptional relocation of the latter, reinforcing the route to Princes Quay Bridge, delivering ground floor active frontages, and hotel and office uses. In all of these respects the proposals are considered to be compatible with the objectives of the guidance.

## **Design and Conservation**

The application site is not itself located within a conservation area, but does host two Grade II listed buildings, and sits within the settings of the Old Town Conservation Area, as well as a number of other Grade II listed buildings, including the Humber, Railway, and Princes Docks, Warehouse No.6, and Warehouse No.13.

The proposals involve the dismantling, relocation, and reconstruction of the Grade II Listed Earl de Grey Public House.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, a local planning authority ....shall have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.'

The NPPF, at paragraph 192 states that 'In determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

At paragraph 193 the NPPF directs that 'When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation', and the succeeding paragraph requires that any harm to,

or loss of significance should require clear and convincing justification, and that substantial harm to a grade II listed building should be exceptional.

Paragraph 195 to the NPPF then sets out that 'When a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bring the site back into use.'

In considering less than substantial harm, the NPPF guides local planning authorities to weigh that harm against the public benefits of the proposal, including where appropriate, securing optimal viable use.

Local Plan policy 16 (1) states that 'Development that would cause harm to the significance of a designated heritage asset will only be approved where it has been convincingly demonstrated that the harm cannot be avoided and there would be public benefits sufficient to outweigh the harm or loss caused.'

The Earl de Grey has been vacant since 2010, and hitherto had closed in the year 2000, re-opened briefly in 2004, and then closed again in 2005. In 2006, the local planning authority approved a major retail-led, mixed-use redevelopment scheme for the wider area, including the application site, with plans in outline to integrate the vacant public house with the similarly vacant and grade II listed Castle Buildings through connecting redevelopment. The major scheme advanced no further following the financial crisis and related recession of 2008, but the proposals at the time identified the application site as a later 'Phase B' in any event, due to its protection from development as a consequence of the proposed upgrade of the adjacent A63 Trunk Road. This planned infrastructure improvement, the need for which has been long identified, has sat within the various stages of the pipeline of central government highway investments for many years. This uncertainty and delay has effectively blighted the Earl de Grey in terms of planned investment and viability, not aided by the presence of an often congested dual carriageway with a high proportion of HGV traffic influencing the environment to its front door, contributing towards its vacancy and consequent physical deterioration.

Central Government funding for A63 Castle Street Improvement Scheme has now been committed, and Highways England have submitted an application for a Development Consent Order to the Planning Inspectorate to undertake improvement works to the trunk road. The application, currently within its examination stage, describes, and seeks listed building consent for, the partial demolition of and partial rebuilding of the Earl de Grey, approximately 3 metres to the north of its current position.

The Council, as host authority, are key consultees and participants within the Nationally Significant Infrastructure Project process, but will not be the determining authority for the

Development Consent Order, that decision due to be made by the Secretary of State on the recommendation of the examining authority. Consequently, the demolition and re-positioning of the Earl de Grey through this process would be out of the local planning authority's hands.

Aside from the harm which would accrue from the demolition of the building, it is considered that the recession of the building by three metres from its historic alignment as described in the DCO submission would leave residual harm by removing the building from its historic alignment, disrupting its historic, although fragmented relationship with Castle Buildings which shares the same frontage to Castle Street, and diminishing its presence within the streetscene, whilst failing to address and take full advantage of positive, potentially complementary redevelopment which has recently occurred to the north of the site in the shape of the Bonus Arena and public realm works, and delivery of a new 342-space MSCP. Furthermore, beyond the building footprints of Castle Buildings and the Earl de Grey, and the additional 3 metre buffer to the rear of the latter included to facilitate its physical withdrawal, the remainder of this application site sits outside of the limits for the A63 Improvement Scheme, meaning that the alternative relocation of the public house being proposed as part of this application, cannot be approved as part of the Development Consent Order process. It should be noted, however, that in written submissions to the Planning Inspectorate Highways England have expressed support for this application, and identified on-going negotiation with the applicants and representatives of the Council to facilitate an agreement whereby an alternative relocation could be pursued, subject to securing appropriate planning permission and listed building consent.

Historic England, the government's advisers on the historic environment, have submitted written representations to the Planning Inspectorate, concerning the proposed relocation of the Earl de Grey, recognising the building's high value for historic interest, and architectural interest in its faience shop front, and seeking further detail on methodology of its proposed demolition and relocation as proposed by the DCO scheme.

Historic England has also responded to consultation on this planning application, advising that they are 'broadly very supportive of the proposal'. The response recognises how the A63 in its current form impinges on the Earl de Grey, and references the proposed demolition described in connection with the proposed Castle Street Improvement scheme, but advises that 'Regardless of this we consider that the current scheme for both listed buildings offers the opportunity and potential to secure their futures which would deliver public and heritage benefits.' The response also seeks further information on the method statement for dismantling and rebuilding of the buildings, plus a number of revisions to the proposed plans as submitted, and highlights the importance of a heritage impact assessment to clearly identify the nature and extent of impact on the significance of the building. The response advises the local planning authority to 'consider requesting the following information prior to consent being granted', and goes on to list a structural report, method statement for the dismantling and rebuilding of the Earl de Grey and its faience façade, building recording, phasing plan, and public art strategy.

The exceptional nature of a proposal which involves the taking down and relocation of a grade II listed building, and the special regard and rigorous consideration required by relevant legislation and guidance as a consequence, is recognised. In the particular case of the Earl de Grey, we have a long-vacant heritage asset which, as a consequence of historic development over recent decades, has become isolated from much of its historic context, is beset by a traffic-dominated environment to its business frontage, not conducive to outdoor

seating or lingering footfall, and is poorly positioned to maximise potential commercial opportunities from the boost to the local leisure economy provided by the introduction of the Bonus Arena to the north. Continued vacancy with associated physical deterioration is considered to be a very real prospect for the building should the status quo prevail, particularly given the number of closures which have affected public houses within and beyond the city in recent years. Alternatively, should the Development Consent Order for the A63 Castle Street Improvement Scheme be approved by the Secretary of State in its submitted form with regard to this building, then it will be dismantled, removed from its historic position and relocated elsewhere on the site.

The Local Plan is explicitly supportive of the A63 Improvement Scheme, and the public benefits of the same are considered to be substantial indeed, in terms of contribution to the local, national, and regional economies by increasing access to the Port of Hull, improving accessibility to development land along the corridor and within the city centre, reducing congestion and thereby improving air quality within the Air Quality Monitoring Area (AQMA), separating local and regional traffic allowing improved flow on the local highway network, and improving connectivity between the city centre and its waterfront through the introduction of grade-separated crossing point for cyclists and pedestrians, reducing accident and casualty rates in so doing.

The proposals the subject of this application offer to augment these significant benefits by presenting a positive alternative to the sub-optimal relocation of the Earl de Grey. Instead of remaining in isolation, and addressing a trunk road in a recessed position as proposed within the DCO scheme, by relocating the building adjacent to Castle Buildings, with a link extension proposed to the rear of both, greater flexibility for the potential future use of both buildings would be offered. This likely re-use of both listed buildings is considered to be critical to the consideration any balanced judgement of harm against benefit, and given the significant communal heritage value of the building identified by Historic England and others, it is considered appropriate that the ground floor of the premises as a minimum be retained within publicly accessible equivalent use. A condition to this effect is recommended.

The solution would also enable the Earl de Grey to remain in close proximity to its original location, within the historic dockland locale, in which it has had a long-serving presence, and alongside a historic street with which it had a well-established social and reputational connection. It would also have the effect of repairing the historic building frontage to Waterhouse Lane, rectifying the isolation of Castle Buildings in the process, and addressing the over-exposure of the secondary rear elevations and blank gables to the latter. The proposed introduction of a 150 bed hotel on the same alignment would go further towards repairing the Waterhouse Lane frontage, enhancing the altered settings of the Earl de Grey and Castle Buildings in so doing, and in combination, delivering welcome enclosure to the public realm between the application site and the Bonus Arena. This positive physical relationship between the proposed new frontage and the Bonus Arena would also be reflected by a beneficial functional relationship between the hotel and the Arena, with clear potential complementarity for the Earl de Grey and or Castle Buildings, particularly café/restaurant or drinking establishment uses. Furthermore, the proposed layout would funnel pedestrians and cyclists in-between the hotel and the front and side elevations of the Earl de Grey and the proposed outdoor space to the rear, exposing the corner-turning faïence frontage to its best, enhancing appreciation of significance, and bringing footfall directly past the premises via a safe and animated, traffic-free area of public realm.

As recognised by Historic England in their consultation response, should the A63 Castle Street Improvement Scheme not gain approval or be implemented, then these public and heritage benefits would still accrue as a consequence of the proposals described in this application. In this scenario, and in accordance with the NPPF and Local Plan policy, the public benefits offered by the scheme will need to be balanced against the degree of harm to the heritage asset. The two-storey rear range of extensions to the Earl de Grey are not included within the statutory listing, along with the two-storey side extension of 2003. The interior of the building has been removed from the listing also. The elaborate faïence shop front is of significant architectural value, whilst the remainder of the exterior features rendered brickwork with moulded window surrounds, continual cills below, and dentillation to eaves.

Taking into account the reduced extent of the listing, considering the construction and materials of its exterior, and cognisant of similar precedents and available specialist skill-sets, the degree of confidence in the potential to minimise harm to the building during its dismantling, storage, and re-construction is high. However, it is recognised that an updated survey report, method statement, and heritage impact assessment in support of this application are yet to be received, but are currently being compiled. In the absence of this information, it is considered that substantial harm to the building cannot be ruled out, although potentially, the degree of harm may be able to be downgraded in the light of further information on retention and re-building methodology which may confirm that loss of significance can be minimised to a greater extent. Taking this appropriate precautionary approach, it is considered that the substantial public benefits presented by the proposals in isolation, and even more so, in the combination with those predicted from the A63 Castle Street improvement scheme would outweigh the harm caused to the Earl de Grey, as required by paragraph 195 to the NPPF.

This assessment is qualified by the fact that amended plans are awaited which address concerns raised by the Council's Conservation and Urban Design Officers, Historic England, Georgian Group, and Hull Civic Society. As submitted, the proposed plans depict the Earl de Grey being recessed relative to the frontage of Castle Buildings, which appears incongruous in the context of the historic frontage to Waterhouse Lane, and unduly submissive relative to both Castle Buildings and the proposed hotel frontage. Furthermore, the proposed incursion of both a large stairwell and lift foyer to the primary ground floor interior behind the frontage to the Earl de Grey is considered inappropriate to the historic layout of the building, and diminishing of the mitigation value inherent in the proposed re-construction of the building. Similarly, the chimney stacks scale and design, fenestration details, and design of doors within historic openings, and absence of hanging signage are considered inappropriate as described.

The application also proposes alterations to the grade II listed Castle Buildings. These works involve limited alterations to secondary elevations and would have a minor and acceptable impact upon the significance of the building, subject to conditions pertaining to door and window detailing and internal linings to walls and floors.

The proposed rear link extension conjoining the two listed buildings would appear subservient to the same, and of light character, allowing clear differentiation between historic and contemporary fabric, and retaining views of the historic roofscape of the buildings from the south.

The settings of both Castle Buildings and the Earl de Grey, relocated as proposed in this application would be enhanced by the recreation of the historic Waterhouse Lane frontage, and the complementarity that each building would bring to the other within that, given their shared history, comparable scale and compatible architectural detail. The further enclosure to be delivered by the proposed hotel frontage would also contribute to this positive effect, with the overall outcome serving to enhance the character and appearance of the Old Town Conservation Area.

The hotel element of the scheme would introduce a free-standing, nine-storey building of broadly rectangular shape, with a long axis on a north-west to south-east alignment, following the proposed relocation of the Earl de Grey public house. Although falling short of the definition of a tall building within Policy 15 of the Local Plan, (i.e. above 30 metres in height), the proposed hotel would present as a substantial structure of a little under that threshold on the main arterial highway into the city centre, and given this height and scale, would have wider impacts upon the special character of the Old Town Conservation Area.

In the vicinity of the historic docks, the area hosts some substantial former warehouse buildings, although a great many have been lost since the heyday of dockside activity. Warehouse no.6 and Warehouse no.13 are notable examples, both grade II listed, which contribute to the wider built context of the site. The architectural design approach adopted pays considerable homage to this warehouse character in its straightforward and practical form, and predominance of red brick in line with local distinctiveness. Sectional drawings have been submitted which depict deep reveals to fenestration, affording appropriate texture to substantial facades, with a plinth of exposed structural columns and beams, feature concrete banding and column surrounds, creating a colonnade to the foyer and side elevation return, grounding the building. In approximating consistent alignment with the eaves levels of the two listed buildings, a cohesive but varied streetscene would be presented, and an animated glazed ground floor frontage addressing key public spaces and routes. At elevated levels, a glazed bar/restaurant area with concrete detailing reminiscent of the lower plinth provides relief and interest to the top of the structure in more distant views, alongside opportunities for distinction and legibility with feature lighting at night, and for patrons to enjoy distant views over the Old Town, Marina, and Humber beyond. Honeycombed brickwork to the remainder of the uppermost level concealing plant would provide further texture and relief.

The hotel's proposed positioning would serve to positively screen the more utilitarian and unanimated east-facing façade of the Princes Quay MSCP, and its bulk would be read against the massing of the substantial modern Princes Quay shopping centre in its entirety, as well as the recently constructed Bonus Arena, without obscuring key views of the golden raking auditorium of the latter on approach from the west and south. It would have an acceptable impact upon views within and across the Old Town Conservation Area, adding a new townscape element, but one which would appear in keeping with similar building forms in evidence, and of appropriate scale relative the surrounding townscape, including the settings Warehouse No.6 and Princes Dock from the north-east, and aspects over Humber Dock, Railway Dock, and the setting of Warehouse 13 from the south.

In addition to the beneficial impacts of repairing the Waterhouse Lane frontage described above, the proposed layout of the site would define an animated connection through the Princes Quay Bridge. Details of landscaping design and materials will need to be secured by

condition, to ensure a compatibility with recent public realm enhancements in accordance with Policy 14g on design, and to ensure legible surfacing for equitable access purposes.

The proposed visual and acoustic barrier to the proposed outdoor seating area depicted on the plans is recognised as a positive intervention, mitigating the environmental impact of the adjacent trunk and slip roads. Limited details have been submitted regarding the design and materials of the barrier, through the reference to dry dock terracing with integrated seating is appreciated for its local relevance. Details to ensure appropriate safety, accessibility, and appearance for the setting of the listed buildings will need to be secured by condition.

## **Parking/Highways**

The application site is currently served by adequate vehicular access from Waterhouse Lane, via Osborne Street, the southern end of Waterhouse Lane being bollarded off to prevent vehicular access directly from the A63 via Myton Street. The scheme does not propose to alter this arrangement. The application is accompanied by a Transport Assessment which concludes that the proposed uses will not have a significant impact upon the function of the Strategic Road Network or local highway network. No objections have been received from the local highway authority, and the conclusions of the assessment are accepted.

Local Plan Policy parking standards for hotels require 1 space/bedroom, plus 2 spaces / 3 FTE staff. This would equate to 150 spaces plus potentially in the region of up to an additional 30 spaces to cover staff across the entire site. However, the policy advocates the application of flexibility in the city centre, and the City Centre Parking Strategy proposes that an appropriate degree of flexibility would equate to 20% of the standard, which would equate to 36 spaces. In this particular instance, it is recognised that the application site is situated in a very sustainable location, within 530m walking distance of the Transport Interchange, and will be situated directly on a key pedestrian and cycle route, to be delivered through the construction of the Princes Quay Bridge over the A63.

In terms of parking provision, it is recognised that the site is located within 150m of Osborne Street MSCP, with a capacity of 342 spaces, and directly adjacent to Princes Quay MSCP, with a capacity of 900 spaces. The applicant has provided survey information for the latter, and it is considered that the locality has sufficient capacity within existing infrastructure to cater for the likely trip generation associated with the proposed uses. Consequently, given the particulars of the site, the scale and nature of the uses involved, and the complementarity of those uses with other surrounding uses for linked trips, the limited degree of on-site parking provision is considered to be acceptable.

Reference has been made to the loss of around 50 existing on-site pay and display car parking spaces in the Highways Development control response. Spot counts reported in the applicant's submission identified maximum usage of 28 vehicles. It is considered that any displacement could be adequately absorbed by the neighbouring MSCPs and referenced above, alongside other available city centre parking capacity. The facility is not considered to be of strategic significance to parking provision within the city centre, and unlike other city centre local plan allocations, there is no requirement for on-site parking provision to be retained.



A Travel Plan has also been submitted in support of the application, and a condition is recommended to ensure that this is implemented with a view to maximising the sustainable travel potential of the location. The proposed provision of two disabled bays within the eight on-site spaces identified is supported.

## **Air Quality**

It is not considered that the proposals would have a significant detrimental impact upon air quality in the area, given the predicted trip generation associated with the scheme. Such impact would be mitigated by the recommended travel plan condition.

## **Amenity of neighbouring occupiers**

The application site is located within the city centre, in a predominantly commercial area with relatively high levels of ambient noise as a consequence of proximity to the trunk road, and the nearest residential premises some 200m distant, although there are other hotel uses nearby, as well as the prospective hotel occupiers of the proposed scheme. Subject to appropriate noise attenuation measures within the construction of the hotel, and suitable conditions covering noise outputs from any drinking establishment use hereby approved, it is considered that the amenities of existing or future residential or commercial occupiers will not be significantly affected.

## **Objections**

Objections have been raised by the Environment Agency, and are addressed elsewhere in this appraisal.

## **Equalities**

Under the Equality Act 2010 S149, the Council has a duty to consider equality issues. A Public Authority must, in the exercise of its functions have due regard to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between people who share a relevant characteristic and persons who do not.

The Equalities Act requires that service providers make reasonable adjustments to their buildings in the interests of delivering equitable access. Approved Document M Volume 2 on Building Regulations for access to and use of buildings other than dwellings, recognises that access to listed buildings should be improved 'where and to the extent that it is practically possible, always provided that the work does not prejudice the character of the historic building, or increase the risk of long-term deterioration to the building fabric or fittings.' BS 8300 on the Design of an Accessible and Inclusive Built Environment identifies that a balanced approach between conserving historic buildings and improving access needs to be taken. It references Historic England's guidance entitled 'Easy Access to Historic Buildings' which in turn recognises that, where main entrances to historic buildings present a barrier to equitable access, 'it may be possible to avoid the feature that creates a barrier by changing the way in which a building is managed, perhaps by providing access via a side route or by opening up a secondary main entrance.'

The existing entrance doors to the frontage of the Earl de Grey feature a historic stone step to each threshold. As submitted the plans show the building set back from the back of footway, and the incorporation of a parallel ramp. At the gradient shown, this ramp would require the installation of a handrail, which would have a detrimental impact upon the significance of the buildings frontage, but in any event, amended plans have been requested which describe the elevation of the public house brought forward to the back edge of footpath to align with the adjacent Castle Buildings, for reasons explained elsewhere in this appraisal. This would remove any scope for introducing a ramp feature to the frontage without compromising safety for the users of the carriageway footpath or the historic frontages of the two buildings. Consequently, it will be necessary to provide a second main entrance to the building to deliver equitable access, with the double doors shown on the eastern elevation to the glazed rear extension offering suitable potential. A condition is recommended to ensure that the openings are managed accordingly.

Existing door openings to Castle Buildings are not proposed to be changed, but the applicant should seek the opportunity to enhance access where possible, perhaps by fixing doors in an opened position when trading and/or introducing automation where feasible and appropriate to do so, subject to confirmation that further listed building consent is not required for such works.

The proposed hotel arrangement would provide equitable access into and around the building, along with suitably located and designed disabled parking in adequate number. Much informed advice relating to the internal design of the hotel has been submitted by the Council's Access Officer and Hull Access Improvement Group. Such matters are more appropriately considered through the Building Regulations approval process, but the information has been made available to the applicant to assist and inform from a user group's perspective, in the interests of securing optimal outcomes and driving forward excellence in accessible design.

This proposal has been considered against the duty of the Council to consider equality issues. This development is considered to comply with these requirements because equitable access will be provided to the new build elements of the scheme and appropriate reasonable adjustments have been identified or can be secured by condition for the existing buildings on the site.

It is considered that people of protected characteristics would not be disadvantaged by the development proposals.

## **Biodiversity**

Very recent bat emergence / re-entry survey information has identified that the Earl de Grey site is used as a roost by common pipistrelle. Further survey work is to be undertaken and information submitted which will provide more information on species present, the number of individuals involved, and the type of roost. Subject to appropriate mitigation to be informed by the results of additional survey, and secured through recommended conditions, it is considered that the proposed development is likely to pass the three derogation tests under the Conservation of Habitats and Species Regulations 2010, and is consequently likely to be granted a licence by Natural England.

The proposed development will support broad policy objectives for delivering and supporting economic growth, and establishing the city as a world-class visitor destination. It would serve to enhance the vitality and viability of the city centre, support the operation of the adjacent Bonus Arena for live entertainment and conferencing programmes, and animating and enhancing the pedestrian cycle route from the Transport Interchange and western part of the city centre via the under-construction Princes Quay Bridge to the Fruit Market regeneration area and waterfront beyond. It is projected to deliver 90-120 new jobs, and support the delivery of development allocated within the local plan. The scheme would also realise the refurbishment and re-use of two long vacant listed buildings, one under threat of demolition for highway improvement works, which the proposed sensitive relocation would assist in delivering, the benefits of the latter being substantial indeed, upgrading nationally important infrastructure, improving access to the port and development land in the city, relieving congestion and thereby improving safety and air quality, and improving connectivity between the city centre and its waterfront. It would recreate an historic street frontage to the benefit of the character of the Old Town Conservation area and an emerging dynamic quarter of the city centre. Consequently, it is considered that there are substantial imperative reasons of overriding public interest for the proposed development.

The application site comprises brownfield land and vacant listed buildings within the city centre retail core, constitutes a sequentially preferable site for main town centre uses, and is allocated for mixed-use development and supported by a supplementary planning document with which the proposals largely align. The bat roost in question is located on a listed building which has been vacant and subject to deterioration as a consequence, for the most part of approaching two decades. The building is the subject of proposals for its demolition and rebuilding as part of the Castle Street Improvement Scheme Nationally Significant Infrastructure Project which is currently being examined by the Planning Inspectorate. Should the improvement scheme be approved with a Development Consent Order necessitated the relocation of the building, the roost would likely be destroyed and mitigated as part of that process. Should the road scheme not go ahead for any reason, then the building's condition, position fronting onto the trunk road, and isolation from complementary development will threaten its long term future. Consequently, it is not considered that there is any satisfactory alternative to the redevelopment of the site which would retain the bat roost in situ.

The conservation significance of the bat roost identified is still to be established, but the survey work undertaken to date identifies that it is in use by a common and widespread species. Given that the building is proposed to be rebuilt on adjacent land, mitigation can be secured by the condition, to recreate the roost as applicable to its scale and type, whilst additional mitigation in the form of bat bricks for single roosts can be integrated into the brick face of the proposed hotel building. It is considered, therefore that the development would not be detrimental to the favourable conservation status of the local bat population. No loss of natural range will occur, nor any reduction in habitat to maintain the local bat population status.

## **Crime and Disorder**

Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Given the nature of the proposal it is considered that there would not be, or likely to be, an increase in crime or disorder or the potential for such an increase due to the proposals. On the contrary, a significant degree of additional natural surveillance would be delivered by the scheme.

### **Energy efficiency and renewables**

The National Planning Policy Framework supports the transition to a low carbon future in a changing climate for example, by the development of renewable energy. The proposal describes the use of energy efficient technology within the building, and intent to explore the integration of renewable energy generation equipment.

### **Flood Risk**

The site is located within the high risk medium hazard flood zone 3a<sup>ii</sup>, with limited areas to Castle Street within zone 3a<sup>iii</sup>. The site is allocated for mixed-use development in the Local Plan, and is therefore not subject to the sequential test.

The site could be affected by flood waters up to a depth of 900mm and would require a place of safety at 7.25m A.O.D.

An objection for the Environment agency has been received on the basis that the submitted Flood Risk Assessment inaccurately assesses the risk of flood to the site and consequently the flood mitigation required. The submission of a revised Flood Risk Assessment is awaited.

The proposals involve the erection of an extension, along with external alterations to a grade II listed office building, and the possible change of use to café/restaurant, another less vulnerable use, and/or a drinking establishment, a more vulnerable use. The building consists of three storeys, and is therefore capable of providing a place of safety. However, changes to the finished floor levels of the building would have a significant detrimental impact on the historic fabric of the Grade II listed building, and therefore, it is accepted such flood resistance measures would not be feasible in this instance. Flood resilience measures could be incorporated into the building subject to ensuring that they would not have a detrimental impact upon the structure's significance, and can be secured by condition. In this way, the proposed scheme offers an opportunity to enhance the resilience of an existing building.

The Earl de Grey public house, although proposed to be dismantled, relocated, and reconstructed, would retain its grade II listed status throughout that process. The faience front to the building makes a substantial contribution to the building's significance, and the lifting of finished floor levels as part of this process, would have a significant detrimental impact upon this significance, and weaken the mitigation value of the buildings reconstruction relative to the harm to be occasioned by its dismantling and removal from its original site. It would also compromise the visual and historic relationship between the building and Castle Buildings, to the same effect. Furthermore, such measures would compromise equitable access opportunities into the building, which are already challenging.

The Earl de Grey, as a three storey building, has inherent potential to deliver a place of safety, and its reconstruction presents opportunities to integrate sensitive but effective flood resilience measures, constituting flood risk gain relative to the current condition and location of the building within the same flood risk zone.

The proposed hotel building would be located in close proximity to the two listed buildings, and whilst the canopied set-back of the hotel foyer provides some flexibility, the need to provide a suitably graded public realm along the intervening route, along with equitable access to the hotel limits the prospect of raising floor levels to 600mm above average site level or adjacent road level, in accordance with standard SFRA recommendations. The submitted scheme proposes to raise finished floor levels by 200mm and introduce robust flood resilience measures to the ground floor of the building. Given the limiting factors described above, and the fact that no more vulnerable uses would be located on the ground, with all hotel rooms at first floor and above, this is considered to represent a proportionate and safe approach.

Necessary measures can be secured by condition, as informed by the Environment Agency's consultation response to the awaited revised Flood Risk Assessment.

## **Conclusion**

In summary, it is considered that, subject to the receipt of amended plans and a revised flood risk assessment, to be reported via the planning committee update sheet, the development would accord with relevant development plan policy, and in the absence of material consideration to the contrary, is recommended for conditional approval.

## **DMPO Article 35 Statement**

The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application in the following way(s):

Engaging in pre-application discussions with the applicants;

Discussing potential solutions with the applicants during the processing of the application;

Held meetings with objectors to see if scheme could be amended to address their objection.

Requested additional information from the developer in response to concerns with the proposal

## **RECOMMENDATION**

That the application be approved subject to the following conditions: -

- 1) Det 1D (Development to accord with approved plans)

[insert approved plan numbers here]

- 2) Det 2B (Time limit – Full application)

- 3) DES 1B (Samples of materials)
- 4) DES3B (Surfacing materials)
- 5) DES 4B (Ground levels)
- 6) H1B (Access before building/use)
- 7) H3B (Pedestrian/Cycle Access)
- 8) H8C (Parking before building/use)
- 9) H9C (Cycle parking)
- 10) H12A (Servicing/Turning Area)
- 11) H20A (No Open Storage)
- 12) NE1D (Landscaping Scheme)
- 13) NE4B (Tree Planting)
- 14) ENCL 2 ( Enclosure Details - optional)
- 15) PD 1B (Use Class Restriction) – Ground floor Earl de Grey – A3, A3/A4, A4 only
- 16) FUME 1C (Fume Equipment)
- 17) NOIS 1C (Sound Attenuation Scheme)
- 18) NOIS 2B (Control of Noise from the Site)
- 19) NOIS4A (Sound Insulation for Plant and Machinery)
- 20) CONS1E construction methods
- 21) REFU3C (Storage of Refuse, Scheme)
- 22) LIGH1B (Lighting scheme)
- 23) AirQ3B Travel Plan
- 24) LP1B Light Impact Report
- 25) ARCH 1C (Programme of Archaeological Works)

- 26) CLC 1C Phase 1 Desk Study Report
- 27) CLC2B Reporting of Unexpected Contamination
- 28) CLC4C Submission Of Test Certificates For Imported Soil
- 29) The site shall be developed with separate systems of drainage for foul and surface water on and off site in the interest of satisfactory and sustainable drainage and in order to comply with Policy 39 of the Local Plan.
- 30) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed , the information shall include , but not be exclusive to :-
  - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
  - b) evidence of existing positive drainage to public sewer and the current points of connection; and
  - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 50% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and in order to comply with Policy 39 of the Local Plan.
- 31) Surface water run -off from hard standing (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .To prevent pollution of the aquatic environment and protect the public sewer network and in order to comply with Policy 39 of the Local Plan.
- 32) DRAI6A (Sustainable Drainage)
- 33) ART 1C
- 34) BREEAB (Sustainable Building standards)
- 35) MOBI 1C(Access for Persons with a Mobility Impairment)
- 36) MOBI 2C (Transfers on doors/windows)
- 37) CRIM1C (Crime prevention measures)
- 38) Prior to the commencement of development hereby approved a comprehensive phasing plan for the entire development shall be submitted to and approved in

writing by the Local Planning Authority. The phasing plan shall identify and describe the phases of demolition and construction of development including the relevant public realm, landscaping, access and parking, and details of safe and convenient pedestrian and vehicular access into, out of, through and around the site including during construction. The development shall be carried out in accordance with the provisions of the approved phasing plan and access details and/or any subsequent amendments to them which have been approved in writing by the Local Planning Authority in the interests of the historic environment, safe and convenient pedestrian access, the free and safe movement of vehicular traffic, and the amenities of neighbouring occupiers, and in order to comply with Policies 14, 16, and 25 of the Local Plan.

39) Prior to the commencement of any works to the Earl de Grey building which may affect the common pipistrelle roost identified, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. The mitigation strategy should include details of timings, appropriate demolition techniques and the temporary and permanent bat roosting features. The strategy should cover the inclusion of bat bricks in the new build hotel and the retention of access points to the roost in the rebuilding of the Earl de Grey. The development shall then proceed only in accordance with the approved details, and the features and bat boxes shall be installed prior to use and thereafter retained unless otherwise agreed in writing by the local planning authority. A pre-commencement condition is required in order to make appropriate provision for protected species within the development and to ensure that mitigation measures are agreed and introduced at an early stage in the interests of environmental protection and to comply with policy 44 of the Local Plan.

40) Before commencement of any development on the site, a method statement describing full details of how the Grade II listed Earl de Grey public house shall be:

- recorded in situ in to level 4 building recording in accordance with Historic England guidance;
- structurally assessed;
- dismantled, including an inventory of all building materials to be re-used, and justification for excluding any historic fabric;
- stored;
- re-constructed;

shall be submitted to and approved in writing by the local planning authority in the interests of the historic environment and in order to comply with Policies 15 and 16 of the Local Plan.

41) Before the commencement of its installation, full details of the siting, design, and materials of the proposed noise barrier wall shall be submitted to and approved in writing by the local planning authority. Development shall then take place only in accordance with the approved details, in the interests of the setting of listed



buildings, the character of the conservation area, and equitable access, and in order to comply with polices 14, 15, and 16 of the Local Plan.

42) Flood risk conditions as informed by the revised FRA.