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5 June 2019

Dear Sir(s)

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR PLANNING PERMISSION TO DEVELOP LAND

Your Application:- PP-07727554
(Check on-line with System Reference Number:- 19/00333/FULL)

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.

At:- 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,

has been APPROVED subject to the following conditions.

You do not have planning permission until you have submitted details to comply, where required, with the following conditions, and the Council has agreed such details. In some cases you must write to us with the required details before you start any work, as specified in



the condition. Current fees for agreeing details are £34 for a householder permission, £116 otherwise (per request, rather than per condition).

1) The development must be carried out in complete accordance with the following approved documents

Approved plans Approved plans; 2016-223-0010 rev B, 0025 rev B, 0026 rev B, 0027 rev B, 0024 rev B, 0023 rev B, 0022 rev B, 0021 rev B, 0028 rev A, 0029 rev B, 0035 rev D, 0036 rev D, 0040 rev D, 0041 rev D, 0042 rev D, 0043 rev D, 0045 rev D, 0057 rev D, 0056 rev D, 0055 rev D, 0052 rev D 0051 rev D, 0050 rev D, 0033 rev D, 0032 rev D, 0031 rev D, 0030 rev D, 0020 rev D, 0046 rev D, 0047 rev D, 0048 rev D, 0053 rev D, 0061 rev D, 0075 rev A, 0076 rev A, 0077 rev A, 0078 rev A, 0012 rev D, 0015 rev C, 0058 rev D, 0060 rev D, 2016-223/9100 rev A, 2016-223 SK002

Reason: to provide clarity to the permission

2) The development hereby permitted shall be begun within three years of the date of this permission (to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004).

3) Prior to commencement of development on Castle Buildings, the Earl De Grey, or the hotel hereby approved, samples of all external materials to be used in the development of that building (including revised elevational details to show window designs, reveals and architectural brickwork details in the case of the hotel) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out as approved to ensure the materials to be used in the interests of preserving the historic interest of the listed building and to comply with policies 14 and 16 of the Local Plan).

4) Prior to commencement of any works to roads, footpaths and hard landscaped areas details of the surface materials of all roads, footpaths and hard landscaped areas in the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out as approved. to ensure the materials to be used are in the interests of visual amenity and comply with policy 14 and 16 of the Local Plan.

5) No development shall commence until details of existing and proposed ground levels on the site and finished floor levels of buildings shall be submitted to and approved in writing by the Local Planning Authority. The information shall be presented in the form of cross sections through the site and adjoining land. The development shall be carried out as approved. A pre-commencement condition is necessary to ensure that changes to ground

levels are appropriate (in the interests of visual residential amenity and to comply with policy 14 of the Local Plan).

- 6) The building(s) hereby approved shall not be occupied until a means of vehicular access to serve them has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. In the interests of amenity and public safety and to comply with policy 26 of the Local Plan.
- 7) The buildings shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The access shall thereafter be retained (to ensure suitable access is available to enable and encourage pedestrian and cycle access and to comply with policies 25 and 26 of the Local Plan).
- 8) The building(s) hereby approved shall not be occupied until a vehicle parking area has been provided in accordance with the approved plans. The vehicle parking area shall be retained in its entirety for such use. In the interests of minimising the opportunity for crime, amenity, and public safety and to comply with policy 26 of the Local Plan).
- 9) The building(s) hereby approved shall not be occupied until secure cycle parking facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall subsequently be retained in its entirety for such use. In order to ensure adequate secure provision for cyclists and to comply with policies 25 and 36 of the Local Plan).
- 10) In accordance with a scheme to be submitted to and approved in advance by the Local Planning Authority] provision shall be made and retained within the site at all times for the parking, loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear (in the interests of public safety and to comply with policy 26 of the Local Plan).
- 11) At no time shall any part of the vehicle parking, servicing, or manoeuvring areas shown on the approved plans be used for the open storage of goods (in order to ensure the availability of parking, servicing, and manoeuvring space within the site and to comply with policy 26 of the Local Plan).
- 12) Prior to commencement of any landscaping works a landscaping scheme with full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include indications of all existing trees and hedgerows on the site and details of any to be retained; measures for their protection in the course of development; and details of the species, size at planting, numbers, densities, location and proposed timing of new planting.

ii) The building(s) hereby approved shall not be occupied until the hard landscaping works have been carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting season following the commencement of the development unless an alternative phasing scheme has been approved by the Local Planning Authority. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of 5 years from the implementation of the landscaping scheme, shall be replaced in the next planting season with others of similar size and species.

13) Prior to commencement of any landscaping works a scheme for planting trees on the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall include details of species, size at planting, numbers, and location of new planting; the scheme shall be carried out in the first planting season following commencement of the development unless otherwise agreed by the Local Planning Authority. To ensure that adequate provision is made for the planting of trees in accordance with the duty imposed on local planning authorities under Section 197 of the Town and Country Planning Act 1990, and to comply with policy 45 of the Local Plan.

14) Prior to installation of any walls, fences, or other means of enclosure details of the position, design, materials of any walls, fences or other means of enclosure to be used in the development shall be submitted to and approved in writing by the Local Planning Authority, and any means of enclosure which is installed shall comply with the approved details. In the interests of visual amenity and to comply with policy 14 and 16 of the Local Plan.

15) The Ground floor of the Earl de Grey shall be used for - A3, A3/A4, A4 only and for no other purpose in the interests of the special historic and architectural significance of the listed building and local distinctiveness and to comply with policy 15 and 16 of the Local Plan)

16) Details of equipment to control the emission of fumes, including the location and design of any external pipe or flue and measures to mitigate noise from the extraction equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed before the use commences and thereafter retained and operated in accordance with the manufacture's specifications/instructions in the interests of amenity and to comply with policy 14, 47 and 49 of the Local Plan.

17) Details of a sound attenuation scheme for the hotel premises, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The scheme shall be carried out as approved before the use commences and shall thereafter be retained. In the interests of amenity and to comply with policies 14 and 49 of the Local Plan. A pre-commencement condition is required to ensure satisfactory attenuation measures are agreed and carried out.

18) Before the A3, A3/A4 or A4 uses hereby approved commences a scheme specifying the provisions to be made for the control of noise emanating from that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out as approved before the use commences and shall thereafter be retained. A pre-commencement condition is required to ensure satisfactory noise control measures are in place in the interests of amenity and to comply with policy 49 of the Local Plan.

19) Before plant and/or machinery is used on the premises it shall be enclosed with sound attenuation material mounted in a way which will minimise the transmission of structure borne sound in accordance with a scheme submitted to and approved in writing by the Local Planning Authority (in the interests of amenity, and to comply with policy (ies) 14/23/49 of the Local Plan).

20) No development shall commence until details of construction methods (including the methods of piling), and measures to minimise the emission of noise and dust from the site have been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with those approved details. [a Construction works that are audible at the boundary of the site shall not take place outside 07.30 to 19.30 hours on Monday to Fridays, 08.00 to 12.30 hours on Saturdays nor at any time on Sundays or Bank and National Holidays. No open burning of any waste material shall be permitted within the site, except for the burning solely for the control of dry rot, for which prior permission from the Environmental Regulation department is required]. A pre-commencement condition is required in the interests of amenity and to comply with Local Plan policies 47 and 49.

21) Prior to the commencement of the use, provision shall be made for the [(a)secure] storage of refuse, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The provision shall be retained in accordance with the scheme. A pre-commencement condition is required to ensure the development provides adequate refuse storage facilities in the interests of amenity [and security], and to comply with policy 14 of the Local Plan.

22) An external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority which shall be to BS5489 standard. It shall be installed before the

use commences and shall thereafter be retained and used in its approved form (in the interests of minimising the opportunity for crime, visual amenity and to provide an adequate standard of development in accordance with Local Plan Policy/policies 14. A pre-commencement condition is required to ensure suitable lighting is agreed before the use begins.

23) Prior to commencement of development details of the Travel Plan Framework shall be submitted to and approved by the Local Planning Authority, in order to reduce air quality issues.

The Travel Plan Framework shall include:

- mode shift targets;
- the number of parking spaces to be provide on site
- secure cycle parking and infrastructure within the site and in the vicinity of the site;

- details of public transport infrastructure provision and services available to serve the development;

- introduction of proposed measures and action plan to meet targets;

- how the Travel Plan will be implemented and the method of monitoring the effectiveness of the Travel Plan.

The Travel Plan will be produced and implemented in accordance with the Travel Plan Framework (in the interests of air quality and to comply with policy 47 of the Local Plan). (c) A pre-commencement condition is required to ensure adequate measures can be identified and incorporated into the scheme.

24) Prior to installation of operational lighting a light impact survey shall be carried out with details to be first submitted to and approved by the Local Planning Authority, and shall include details of any mitigation measures required to protect prospective occupiers of the dwellings from disturbance by light pollution.

The report shall be prepared in accordance with the guidance notes for the reduction of obtrusive light 2005, produced by the Institution of Lighting Engineers. The development shall thereafter proceed in accordance with the approved mitigation measures (in the interests of residential amenity and to comply with policy 50of the Local Plan).

25) A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority. 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 part (A).

C) Unless otherwise agreed beforehand in writing with the Local Planning Authority 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 part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The programme shall be carried out as approved, unless otherwise agreed in writing beforehand with the Local Planning Authority (to protect archaeological interests: to comply with policy16 of the Local Plan; Joint Structure Plan policies ENV6 and ENV7; and guidance within the National Planning Policy Framework (section 12). A pre-commencement condition is required to ensure adequate recording and mitigation measures can be identified and incorporated into the scheme.

26) Part 1. Site Characterisation

No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock,
 - o pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,

- o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The initial report will be a Phase I Desk Top Study Report and should further intrusive investigation work be recommended from the Phase I report, a Phase II Intrusive site investigation shall be conducted.

Part 2. Submission of Remediation Scheme

If required through the recommendation of the Phase II intrusive site investigation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

A pre-commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with policy 48 of the Local Plan).

27) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with policy 48 of the Local Plan).

We have removed the current CLC3A condition for long term monitoring and maintenance as it is so infrequently used. If the need for a such a condition does arise in future we can word a bespoke condition.

28) Should any soil be imported on to site for gardens or landscaped areas, documentation/test certificates for the imported material shall be submitted to, and approved in writing by the Local Planning Authority before the soil is imported. The documentation/test certificates shall include:

- (i) the source of the soil;
- (ii) the ratio of samples taken per volume of soil in cubic metres;
- (iii) the analytical suite of contaminants tested for; and
- (iv) the assessment criteria against which the analytical results have been compared, to assess suitability for use.

For imported soils from a 'greenfield' source, the number of samples to be taken shall be a minimum of 3 or 1 per 250m³, whichever is the greater. These shall be tested for standard metals/metalloids; speciated PAHs; and asbestos.

For imported soils from a 'brownfield' source, the number of samples to be taken shall be a minimum of 6 or 1 per 100m³, whichever is the greater. These shall be tested for standard metals/metalloids; speciated PAHs; TPH (CWG banded); asbestos; and any other contaminants deemed necessary, based on the history of the source site.



The assessment criteria against which the test results are compared, shall be compliant with government policy (e.g. soil guideline values, or other authoritatively produced generic or site specific assessment criteria).

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with policy 48 of the Local Plan).

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) Prior to commencement of development a scheme to provide public art within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include an implementation schedule. Unless otherwise agreed the approved details shall be carried out in accordance with the schedule and thereafter retained. ((c) A pre-commencement condition is required) in the interests of the amenity of the area and to comply with policy 14 of the Local Plan.

33) The buildings hereby approved shall be constructed to a minimum Breeam standard of 'Very Good', unless otherwise agreed in writing beforehand with the Local Planning Authority following the submission of a viability study (to comply with [either policy HRC4 of the Holderness Road Corridor Area Action Plan or policy NaSA 12 of the Newington and St Andrew's Area Action Plan and policy 17 of the Local Plan).

34) No development shall commence until a scheme indicating the provision to be made for persons with a mobility impairment to gain access to the premises has been submitted to and approved by the Local Planning Authority.

The agreed scheme shall be implemented before the development hereby permitted is brought into use, and shall thereafter be retained. A pre-commencement condition is required to ensure suitable access for persons with a mobility impairment, and to comply with policy BE14 d providing inclusive access of the Local Plan.

35) Before the development hereby permitted is brought into use, transfers or other devices shall be affixed to the glass windows/door(s) at ground floor level on the street elevation, and shall thereafter be retained. A pre-commencement condition is required to enable partially sighted persons to be aware of the areas of glass for safety reasons, and to comply with policy 14 of the Local Plan.

36) No development shall commence until details of the Crime Prevention Measures have been submitted to and approved in writing by the Local Planning Authority in consultation with Humberside Police.

The details shall include:

Lighting of footpaths

CCTV coverage

Anti-graffiti Measures

Communal areas

Access control.



The development shall be carried out and thereafter retained as approved. ((c) A pre-commencement condition is required) to minimise the opportunity for crime and to ensure a satisfactory quality of development to comply with policy 14 of the Local Plan, guidance within; Secured by Design Principles; Safer Places the Planning System and Crime Prevention 2003; and the National Planning Policy Framework).

37) 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.

38) 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.

39) Before commencement of any development on the site, a revised 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 Polices 15 and 16 of the Local Plan.

40) 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.

41) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Alan Wood and Partners ref: JAG/AD/JF/39388-Rp001 Rev May 2019 and the following mitigation measures detailed within the FRA:

- a. Identification and provision of a place of safety above 5mAOD as detailed within section 8 of the FRA.
- b. Finished floor levels are set no lower than the existing finished floor level as detailed within section 8.
- c. Flood proofing measures shall be incorporated to a level of 450mm above finished floor level as detailed within Section 8 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority (To protect the development against existing and future flood risk and to comply with Local Plan Policy 40).

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.

Yours Faithfully



Alex Codd
Assistant Director Economic Development and Regeneration