



Appeal Decision

Site visit made on 29 November 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022.

Appeal Ref: APP/V2004/W/22/3299702

Cornmill Hotel, Abbey Street, Hull HU9 1LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Townglow Ltd against the decision of Hull City Council.
 - The application Ref 21/00992/FULL, dated 29 June 2021, was refused by notice dated 2 March 2022.
 - The development proposed is erection of 5 storey extension to hotel to provide 17 no. serviced apartments with associated ancillary facilities. (Design Revised).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 storey extension to hotel to provide 17 no. serviced apartments with associated ancillary facilities at Cornmill Hotel, Abbey Street, Hull, HU9 1LA in accordance with the terms of the application, Ref 21/00992/FULL, dated 29 June 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development on the application form is 'erection of extension to hotel to provide 19 no. serviced apartments with associated ancillary facilities'. The scheme was amended during the Council's consideration of the application. The Council has confirmed that it is the amended scheme and associated plans on which it made its decision. The description of the development proposed in the banner heading is taken from the Council's decision notice rather than the application form as it more accurately describes the proposal. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on highway safety and residential amenity, with regard to parking provision.

Reasons

4. The Cornmill Hotel is located on a four-way junction on the corner of Holderness Road and Mount Pleasant. There is also a restaurant at the hotel that is open to members of the public as well as hotel guests. Vehicle access to the site is from Mount Pleasant into the existing 46-space car park.
5. During the course of the application, the design of the proposed extension was revised. In addition to reducing the number of two bedroom apartments from 19 to 17, provision was made for undercroft parking spaces and a reconfiguration of the existing car park was proposed. The total number of

- vehicle parking spaces that would be provided to serve both the existing hotel and restaurant and proposed extension would be 62, including 3 disabled spaces.
6. The Council has not raised a concern about the layout of the car park or the access arrangements which would be the same as currently. From the submitted evidence and my site visit observations, I have no reason to take a different view.
 7. Policy 32 of the 2017 adopted Hull Local Plan 2016 to 2032 (the Local Plan) states that development should comply with the relevant parking standards and guidelines. These are set out in Appendix C of the Local Plan.
 8. The appellant contends that the 62 spaces proposed would be adequate for the usage of the site. The Council's officer report identifies a requirement for 125 spaces for the site as a whole, with its appeal statement identifying 186 spaces, the difference explained as being due to ways of interpreting the uses of the space. The Council's figure of 186 comprises 30 spaces for the onsite restaurant based on its floorspace, 94 spaces for the existing hotel and 62 spaces for the proposed extension, based on bedroom numbers, staff levels and floorspace for conference or exhibition facilities, as set out in Appendix C of the Local Plan.
 9. The submitted plans do not show any public floorspace for conference or exhibition facilities within the proposed extension. The Council appears to have counted the foyer, lobby and lounge in the existing hotel as conference or exhibition facilities. Furthermore, the figure for the restaurant does not seem to acknowledge that a number of the customers may well be hotel guests. In my view, the figure of 186 parking spaces would therefore be quite a generous provision. Nevertheless, even discounting a provision for conference or exhibition facilities, the proposed parking spaces would fall short of the standards and guidelines in Appendix C of the Local Plan.
 10. The appellant has presented evidence¹ on parking occupancy levels at five comparable hotels. In each of these examples, the maximum parking occupancy was less than the number of bedrooms, with the average maximum parking space occupancy recorded as 0.451 spaces per bedroom. The period of highest demand for parking is shown to be the evening. The appellant applies this average occupancy to the existing hotel and proposed extension, giving a parking requirement of 35 spaces.
 11. Information has been presented on usage of the car park at the site by both main parties. The appellant's information on parking availability is from several evenings in January 2022. This shows that parking demand fluctuated, with Saturday evenings being the peak period with little or no availability. The car park appears to have been well used at the time of the Council officer's two evening visits in August 2021, with little or no spaces available. Two further visits were undertaken by Council officers on a Friday and Saturday evening in October 2022, when the evidence shows there was reasonable availability within the car park, and also on Abbey Street, which runs along one of the hotel's boundaries.

¹ Proposed Extension to Cornmill Hotel Mount Pleasant, Hull, Supplementary Transport Note (17/02/2022), Local Transport Projects

12. Whilst only a snapshot in time, I visited the site during a weekday lunchtime period and noticed that there were six cars parked in the car park and spare capacity on Abbey Street for the parking of vehicles.
13. The submitted evidence identifies that since the Council's decision on the application in March 2022, a staff travel plan has been implemented and car parking charges have been introduced. Based on the results of the surveys undertaken before and after this, there does appear to have been a reduction in the extent of usage of the car park.
14. I am mindful that Policy 32 of the Local Plan states that the parking standards will be applied flexibly to take account of the accessibility of the development and the availability of public transport amongst other matters. Notwithstanding the presence of a network of cycle lanes in the vicinity, it may be less likely that hotel guests would arrive by bicycle. Nevertheless, there are bus stops served by a range of regular services² within a reasonable walking distance of the site along pavements of good width with regular street lighting. The nearest train station is identified as being around 2.2 kilometres away, which is likely to be beyond a reasonable walking distance for some guests but is served by buses operating from the nearby stops. The site is close to the range of shops and other services and facilities on Holderness Road and is identified as being around one kilometre from the edge of the city centre.
15. Given the accessibility of the site by means other than the private motor vehicle, it would not be unreasonable to conclude that at least a proportion of guests would arrive by alternative means and therefore not generate parking demand. The flexible approach identified in Policy 32 could therefore reasonably be applied to the appeal scheme.
16. Based on the figures for hotels in Appendix C of the Local Plan, there being no specific figures for apartments, the proposed extension would be required to provide 34 spaces for the bedrooms that would be provided in the 17 two bedroom apartments, plus a further provision for the additional six FTE staff that the appellant has identified. However, while each of the proposed apartments would comprise two bedrooms, it seems to me unlikely that guests would always generate separate vehicle trips and therefore parking demand. When taking the apartments as one unit, the proposed increase in parking spaces would still be below the parking standards and guidelines in Appendix C of the Local Plan. However, it would not be significantly so when considering the accessibility of the site to public transport, its proximity to services and facilities and the evidence presented on parking occupancy rates at comparable hotels.
17. The Council and interested party are concerned that the lack of parking provision at the site would result in a displacement of parking onto neighbouring streets to the detriment of highway safety and the amenity of the area. The interested party contends that this is already apparent on Abbey Street following the introduction of the car park charges.
18. There are double yellow lines in the vicinity of the site on Holderness Road and Mount Pleasant, which would restrict on-street parking in these locations.

² Proposed Extension to Cornmill Hotel Mount Pleasant, Hull, Transport Statement, June 2021, Local Transport Projects; and Proposed Extension to Cornmill Hotel Mount Pleasant, Hull, Travel Plan, February 2022, Local Transport Projects

Abbey Street, which has no through access, serves a residential area comprising mainly terraced dwellings which appear to rely mostly on on-street parking provision, although there does seem to be a private parking area to the rear of the flats near to the hotel. There are double yellow lines at certain locations but for much of its length I observed no parking restrictions.

19. From the evidence that is before me, I do not know if the vehicles observed on Abbey Street were related to the hotel, were those of residents of Abbey Street or were due to other reasons. While there is clearly a demand for on-street parking within the vicinity of the site, there is little substantive evidence to demonstrate that the existing on-street parking situation has reached saturation point or that highway safety issues have occurred as a result of the current levels of on-street parking.
20. I appreciate that the parking provision at the existing hotel and restaurant falls short of the standards and guidelines in Appendix C of the Local Plan. However, the available evidence does not indicate that this has given rise to highway safety concerns or that it has resulted in additional on-street parking demand that has caused an unacceptable impact on highway safety or the amenity of the area.
21. The proposed development would result in an increased number of guests at the hotel and additional staff. However, based on the available evidence and for the reasons given above, I am not persuaded that the level of parking provision proposed would result in such an increase in demand for on-street parking nearby that there would be an unacceptable impact on highway safety. Nor am I persuaded that the level of parking provision proposed would result in an unacceptable adverse effect on the surrounding area due to, for example, inconvenience caused to residents through the take up of on-street parking capacity, or noise and disturbance.
22. I therefore conclude that the proposed development would not have a harmful effect on highway safety or residential amenity, with regard to parking provision. Accordingly, there would be no conflict with Policy 32 of the Local Plan which has been summarised above, or Local Plan Policy 14 which requires development to support the delivery of a high quality environment including through its relationship with the surrounding built form.

Conditions

23. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
24. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
25. A number of conditions are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm. To ensure the quality of the development, details of the windows are necessary. In the interests of living conditions, a noise survey and appropriate mitigation measures and details of the construction phase are necessary. In the interest

of public health and safety and the environment, a scheme to address land contamination risks is necessary.

26. Landscaping details are necessary in the interests of the character and appearance of the area. To safeguard living conditions, it is necessary to require details of equipment to control any fumes and odour and to restrict hours of operation during the construction phase.
27. To encourage sustainable transport modes, conditions requiring the submission of a travel plan and the provision of bicycle parking are necessary. In line with Policy 36 of the Local Plan, a parking scheme for motorcycles, mopeds and scooters is necessary. In the interests of highway safety, conditions requiring the implementation and retention of the vehicle parking area including free from obstructions, are necessary. To ensure appropriate parking provision, a scheme for the management of the car park is necessary. A requirement to implement the flood risk assessment mitigation measures is necessary to minimise flood risk. In the interest of public health and safety and the environment, a condition is necessary to secure details of any soil importation.
28. To comply with Policy 17 of the Local Plan, a condition is necessary to require that the building is constructed to a minimum BREEAM standard (or equivalent) of very good. In line with Policy 21 of the Local Plan, a scheme for mobility impaired access is necessary. A condition to define the use of the building is necessary.

Conclusion

29. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21.3108-02D Location Plan; 21.3108-03D Ground Floor Plan as proposed; 21.3108-04D First Floor Plan as proposed; 21.3108-05D Second & Third Floor Plans as proposed; 21.3108-06F Fourth Floor & Roof Plans; 21.3108-07D Typical Section as proposed; 21.3108-08E North East & South West Elevations; 21.3108-09E South West & North West Elevations.
- 3) No development shall commence until plans to a scale of not less than 1:20 showing window reveals have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained as approved.
- 4) No development shall commence until a noise survey has been carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall include details of any mitigation measures required to protect occupiers of the development from disturbance by noise from traffic in the locality. The development shall thereafter be carried out in accordance with the approved mitigation measures, and such measures shall be thereafter retained.
- 5) 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. The details shall identify sensitive receptors outside of the site boundary and measures to minimise noise disturbance to those properties. The approved details shall be adhered to throughout the construction period for the development.
- 6) No development shall commence until an assessment of the risks posed by any contamination have been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons in accordance with the Environment Agency's guidance 'Land Contamination Risk Management (LCRM)' and the Hull Local Plan SPD 3: Environmental Quality and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall 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).

The initial report will be a Phase 1 Preliminary Risk Assessment, and should further intrusive investigation work be recommended from the Phase 1 Report, a Phase 2 intrusive site investigation shall be conducted and a report produced.

Part 2. Submission of Remediation Scheme

If required through the recommendation of the Phase 2 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 shall be submitted to and approved in writing by 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. 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 shall be submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is found during the course of construction of the development hereby permitted that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and an investigation and risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

- 7) Prior to the development hereby permitted being brought into use, 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 show 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 and location. The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of development. 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.
- 8) Prior to the development hereby permitted being brought into use, details of equipment to control the emission of fumes and odour from the development

hereby permitted including the location and design of any odour abatement system and 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 manufacturer's specifications/instructions.

9) Prior to the development hereby permitted being brought into use, details of a Travel Plan Framework shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Framework shall include:

- mode shift targets;
- the number of parking spaces to be provided 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;
- 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 shall be produced and implemented in accordance with the Travel Plan Framework throughout the lifetime of the development.

10) Prior to the development hereby permitted being brought into use, parking facilities for motorcycles, mopeds and scooters shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained.

11) Prior to the development hereby permitted being brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision to be made for persons with a mobility impairment to gain access and occupy at least one room. The approved scheme shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained.

12) Prior to the development hereby permitted being brought into use, a scheme for the management of the car park, including charging schedules, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained.

13) Construction works shall take place only between 07.30 to 19.30 hours on Mondays to Fridays, 08.00 to 12.30 hours on Saturdays, and no time on Sundays or Bank and National Holidays.

14) Prior to the development hereby permitted being brought into use, the vehicle parking area shall be provided in accordance with the approved plans, including the removal of temporary structures within the car park. The vehicle parking area shall be retained in its entirety for such use.

15) Prior to the development hereby permitted being brought into use, secure cycle parking facilities shall be provided in accordance with the approved plans. The cycle parking shall be retained in its entirety for such use.

16) The development shall be carried out in accordance with the flood risk assessment (Ref: RLC/0776/FRA01, dated 9th July 2021) and the following mitigation measures it details:

- a. no sleeping accommodation shall be provided on the ground floor;
- b. flood resilience measures;
- c. flood emergency plan.

These mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

17) Should any soil be imported on to site for 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.

18) The building hereby permitted shall be constructed to a minimum Breeam standard of 'Very Good', (or similar scheme).

19) 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, machinery or equipment.

20) The extension to the hotel hereby permitted shall not be used for residential purposes.