

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 10 November 2016	
APPLICATION REFERENCE NO: 15/00570/FL	TARGET DATE: Agreed extension – 15 November 2016	GRID REF: 504235-488489

REPORT OF THE PLANNING SERVICES MANAGER – PSM/16/254

SUBJECT: Demolition of 21 and 25A Huntriss Row and erection of 89 bed hotel as an extension to the Premier Inn Hotel adjacent for Crown Properties (Scarborough) Ltd at The Constitutional Club 21 Huntriss Row Scarborough NORTH YORKSHIRE YO11 2ED

1.0 THE PROPOSAL

1.1 This application is being reported to committee following changes that have been made to the proposals following its previous consideration by Committee. Members will recall that the original scheme - which the Committee resolved to approve in June last year - proposed the partial demolition of the Constitutional Club building and the demolition of an adjacent warehouse on Huntriss Row to enable the site to be redeveloped as an extension to the existing Premier Inn hotel.

1.2 In the previous scheme, the façade of the existing building was to be retained along with part of the eastern corner of the building, which enabled the existing staircase and stained glass windows on the landing to be incorporated into the new building. The main entrance and reception area of the extended hotel were to be moved to Huntriss Row, utilising the main entrance doors to the Constitutional Club building.

1.3 The revised proposal now seeks permission for the complete demolition of the Constitutional Club building and the neighbouring 25A Huntriss Row (a two-storey warehouse building set back from Huntriss Row) and the erection of a new building on the site. The revised proposal still incorporates the main guest entrance to the extended Premier Inn hotel within the Huntriss Row frontage.

1.4 It is proposed that the architectural features of the Constitutional Club building would be salvaged for reuse in other projects, whilst the three First World War memorial stained glass windows on the half-landing of the building would be carefully removed and incorporated into a public area within the new building.

1.5 The existing building is a mix of heights, with front elevation eaves and ridge heights of 9.5m and 12.0m respectively, but with higher features (max. 16.5m). The proposed building would have a greater height and would not have the variation that the existing building has, both in terms of heights and architectural features. The proposed

property would be six-storeys in height with the proposed front elevation measuring 15.4m in height to parapet, and 18.7m to the top of the mansard roof, within which the fifth-storey of hotel accommodation would be provided. At ground floor the elevation of the of the building fronting onto Huntriss Row would be constructed in stone, which would incorporate robust contemporary detailing, with a central main entrance door to the hotel, with two glazed frontages either side, similar to the existing building.

1.6 The footprint of the building would cover the majority of the site – measuring 20.6m in terms of frontage width and 32.6m in depth. The redeveloped site would link through to the existing hotel building via a central link that would deal with the differences in levels between the two. The linking element would be some 2.5 storeys in height (6.6m to eaves and 8.9m to ridge), this element being lower in height than the previous proposal, which measured 12.2m to eaves and 19.0m to top of the mansard roof.

1.7 The dominant feature of the new building would be its principle elevation to Huntriss Row. The bulk of the building would sit between existing buildings, including the library fronting Vernon Road. The proposed hotel extension, including its rear sections, would be viewable from existing gaps between buildings from Huntriss Row, Vernon Road and the passage linking the two running alongside the Library and McDonalds Restaurant. The upper storeys would be viewable from vantage points further away, such as from the Esplanade (by the Esplanade Hotel).

1.8 The hotel operator, Whitbread Plc, has advised the applicant that:

- Premier Inn is one of the UK's most successful hotel brands with over 700 hotels throughout the UK. The hotels attract a wide range of customers including business, leisure and short break guests. At this location in the centre of Scarborough, the proposals will add additional rooms to the benefit of travellers, and those looking to visit or do business within the surrounding area.
- Whitbread experience significant demand at the existing Scarborough site averaging around 90% occupancy, hence it has a direct requirement to extend this facility.
- As well as the benefits arising from increasing local hotel patronage – which can be noted within a very wide local area, the proposals will also see on-site employment increase across a range of trades and skills. It would be expected that the extension would create around 15 additional new jobs in the hotel, which will be particularly attractive to school leavers and the young.

1.9 The site lies within the Conservation Area. The Constitutional Club building is not a Listed Building, although it is considered to be a non-designated heritage asset that positively contributes to the character and appearance of the Conservation Area. The building, which has a very well detailed front elevation comprising of stone and brickwork, was erected in 1888. Immediately to the north of the site is 19 Huntriss Row, which is occupied by RBS Bank, to the east is the pedestrianised street of Huntriss Row, to the south is 25 Huntriss Row and its neighbours, along with Nos. 4 - 7 Falconers Square. To the south west lies the existing building occupied by Premier Inn, whilst to the west lies Scarborough Library, which is a Grade 2 listed building.

2.0 SCREENING OPINION REQUIRED?

2.1 No.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.

4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.1 Highway Authority (NYCC) - Have recommended the imposition of conditions on the grant of any planning permission.

4.2 Environmental Services (SBC) - Construction work can often give rise to complaints about noise and dust. Therefore I request that a requirement is included asking that these matters be considered and that details of any proposed measures to prevent harm to amenity are submitted for approval. Recommend that construction is limited to 0700-1800 Monday to Friday and 0800-1300 Saturday only.

4.3 Estates Manager (SBC) - I would agree with CPH's comments regarding Huntriss Row and the current position regarding retail vacancy. It appears that the site was marketed by Collin Ellis for a reasonable period of time and interest was very limited. They say they marketed the site at a commercially realistic value but interest was limited. Further information on this point would be helpful.

I would agree that the building is in a very poor state of repair and has suffered from years of neglect and a lack of maintenance. As the report states major capital expenditure is required and the figures mentioned in the report do seem reasonable, perhaps even optimistic, although you may want to check this point with a quantity surveyor. I agree that the restricted town centre site will also add to refurbishment costs.

The report mentions they have looked at a flats/retail scheme and it may be worth asking for the evidence they used to come up with their figure of £700k as it appears low given the scheme included 7 flats and two retail units. I agree however that the commercial location and lack of outside space and parking will have an effect on potential sales.

With regard to the costs involved in a façade retention scheme it may be that further investigation is required to see if there are any alternate design solutions...although I understand that an Architect has been involved so this avenue may have already been exhausted. With the second issue if the £500,000 figure is correct, it would clearly represent a substantial additional cost to the overall project which could clearly affect the scheme's viability.

4.3 Historic England – The previous façade retention scheme would have preserved the positive contribution this important building makes to the character and appearance

of Scarborough Conservation Area, a designated heritage asset which appears on our 'Heritage at Risk' Register. We consider that the scheme in its current form would result in unjustified harm to the character and appearance of the conservation area. We therefore object to this application.

The building is high quality in terms of both its construction and the fine architectural detailing it exhibits. It makes an important contribution to the architectural quality of the streetscape. The aesthetic value and architectural interest is high. There is also considerable historic interest attached to the original use of the building and its association with the Conservative party.

The total loss of the building, in particular the façade, would cause serious harm to the character and appearance of the conservation area.

The application contains insufficient information to demonstrate that total demolition is the only option for the future use of this site in the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities when exercising planning functions with respect to buildings or land in conservation areas to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 132 of the National Planning Policy Framework (NPPF) (March 2012) states that any harm to the significance of a designated heritage asset requires a 'clear and convincing justification'.

This proposal would undermine the beneficial works and investment undertaken with grant schemes that has helped to secure and promote the local distinctiveness and character of the town centre. The permanent loss of the Conservative Club in the streetscape would erode the quality historic environment that visitors and local people value.

We are not convinced that this harmful proposal is the only way of securing the future of the building.

The cost of repairing the frontage is stated in the application to be £0.5million. We suggest that the issues raised relating to cost and right to light could be addressed through a the creation of a larger and taller structure behind the façade. The rear of the building is far less sensitive to more intensive development than the frontage. Options for alternative new build elements behind the façade which increase the viability of the scheme to include façade retention should be explored before total demolition is accepted.

The Design and Access Statement refers to the building accommodation being 'function specific' which is the reason that it has not been possible to find an alternative use. We wish to highlight that the adaptive re-use of historic buildings of all different types, including churches, mills etc is commonplace and we would be happy to offer advice and provide examples.

We object to the application on the basis that the demolition of the Conservative Club would cause unjustified harm to the character and appearance of the conservation area.

4.4 Victorian Society - We strongly object to this application and echo the concerns expressed by Historic England in its formal response of 13 April.

The former Constitutional Club at 21-23 Huntriss Row is a highly characterful work by the prominent architect *Henry Arthur Cheers*. Notably it is referred to in the Buildings of England as a “*picturesque*” construction. While the building is evidently of considerable historic and architectural interest, it also forms part of and contributes positively to the special interest of the Scarborough Conservation Area.

The demolition of a building of high local significance, one that makes a positive contribution to the character and appearance of the Scarborough Conservation Area, would therefore conflict with legislation.

4.5 Conservation Officer - Whilst I accepted the previous proposals to retain the Huntriss Row frontage I have strong objections to full demolition and to the scale and over dominance of the replacement design on the Scarborough Conservation Area, Huntriss Row Streetscene and setting of the Grade II Library on Vernon Road.

I agree with Historic England’s objection to the total demolition of this building and to the unjustified harm this would cause to the character and appearance of the Scarborough Conservation Area, a Historic Asset of significance, contrary to para 132 of the NPPF.

I also object to the demolition of this building as resulting in the loss of a building of Local Interest, a non-designated Heritage Asset, currently included in the Draft Conservation Area Appraisal for Scarborough.

The building has additional significance in being designed by an architect of some note, Henry Arthur Cheers, who had a substantial practice including many Libraries, Technical and Board Schools, Market Halls, Town Halls, Hotel and Church extensions. As such total loss of the building, even if some stained glass was retained, would be contrary to para 135 of the NPPF

The replacement design, whilst including some quality materials such as stone work at ground floor level, is above this floor a simple repetition of a modular plain brick hotel floor layout, albeit with some bay windows. There is little in the detailing that echoes the character of the conservation area and the six storeys plus building is considered to be of excessive height and, particularly the prominent gables with flat roofs behind mansard frontages over-dominant in the street scene. Dominating its immediate neighbours, it will cause substantial harm to the Huntriss Row section of the Scarborough Conservation Area.

Whilst some benefits are claimed for the extended hotel use, such benefits are not considered sufficient to outweigh the harm caused if less than substantial harm to the Conservation Area is argued as under para 134 of the NPPF.

The loss of the building itself can also be assessed against para 135 of the NPPF and I can see no arguments sufficient to outweigh the above concerns.

The adverse impact on the setting of the Grade II Library on Vernon Road is also contrary to para 128 of the NPPF.

4.6 Scarborough and District Civic Society – We were extremely dismayed to note that the applicant had changed the application (which we initially supported) and now wish to demolish the whole of the former Conservative Club. We agree entirely with the views of Historic England expressed in their letter of objection dated 13 April 2016. To demolish this fine example of Scarborough's heritage and replace it with what looks like an office block would be seriously harmful to the Conservation Area. We strongly object.

4.7 Investment Manager (SBC) - The proposed Premier Inn extension facing onto Huntriss Row is one that is very much welcomed. As the Town Centre Manager, I consider that the occupancy of a long vacated site in an important street connecting two key areas is vital. Huntriss Row is the main conduit connecting the South Cliff via Spa Bridge and most importantly St Nicholas Cliff, both being the main hotel districts, to Westborough the main shopping area.

The number of people needing to move through that area is considerable and with 12 empty retail units in a 200m long street there is much wasted opportunity. The main key to opening up the investment into those units and regenerating the street would be developing the former Constitutional Club site.

The number of potential jobs that would be created through this investment could be well in excess of 100 and with all the other significant developments coming into Scarborough these would be sustainable. Scarborough is also in need of additional people staying in the centre of town to further enhance the night time economy offer, which would encourage further investment in the restaurant and hospitality sectors. Clustering this activity around this part of the town will add further strength to the economic benefits.

The Spa Complex, accommodating conferences and events also needs further hotel capacity in town to match their needs.

4.8 Tourism and Marketing Manager (SBC) – Premier Inn is a well-established brand within the Tourism Hospitality Industry. The company proactively market their accommodation across all high level media which in itself attracts visitors to destinations. Having additional bedrooms of this standard to complement the current bedstock within the borough will enable the destination to attract larger and more frequent conferences all year round and thus support a market where there is additional growth potential.

The Visitor Economy Strategy 2014 - 2024 sets out key visitor spend growth targets of around 5% year on year. The Borough currently has an estimated occupancy level of around 83% in high season. The Premier Inn itself has a current occupancy rate of around 90% all year round. The addition of further quality bedrooms will support additional growth in both visitor volume and value.

4.9 Senior Planning Policy Officer (SBC) – I can confirm that the costs involved in the redevelopment for the revenue estimated would be prohibitive for developers/investors. I consider the assumptions used in the assessment to be reasonable.

4.10 Publicity - Consultation period expired on 28 July 2016.

The following objections have been received:

J & A Ferns – 25 Huntriss Row, Scarborough

1. We are concerned that we will be surrounded by an overbearing development that will be even higher than the previous scheme.
2. We agree that siting the main entrance to Premier Inn on Huntriss Row is in essence a positive move for the town, but we consider that the total demolition of the Constitutional Club is intrinsically harmful and extremely damaging to the Conservation Area. There is no conservation in this application which proposes a building of six floors plus, which looks more like an office block. The Conservation Area is supposed to help maintain our architecture, street scenes and heritage.
3. There is no justification for not keeping the façade. This is to the detriment of us as property owners in the street and denies the tourists we aim to draw to the town the heritage appeal that helps draw them. The overall visual appeal of our conservation area would be greatly damaged by this scheme. Once our heritage is lost it cannot be regained.
4. We regret that we feel we have to object to this scheme and re-iterate the comments made by the Conservation Officer and Historic England.

C W Hall – 12 Uplands Avenue, East Ayton, Scarborough

1. The site is within a Conservation Area which is defined as an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. In assessing the proposal the Planning Authority needs to place considerable weight on the fact that the area is special and to apply the test of whether the proposal preserves or enhances the area.
2. The building in question was built as the Constitutional Club in 1888 to a design by H A Cheers of Twickenham. Cheers had a substantial national practice and his work includes Barnet Registry Office, Hartlepool Town Hall, Hull Northern Branch library, Teddington Library, Oswestry Guildhall all Listed Grade II and Hereford Town Hall Listed Grade II*. So this is a building by a nationally recognised architect of acknowledged significance at the height of his creativity. This is his only building in Scarborough.
3. The special interest of this street lies in its varied, indeed eclectic, architectural mix; its varied building heights, textures and variety of frontages. The former Conservative Club, which is in a style which Pevsner describes as picturesque mixed Tudor and Baroque makes a significant contribution to the special interest of the area. It is a well detailed and interesting building.
4. Furthermore, the building has considerable presence in the street scene, especially when seen from the south where it sits forward of the houses (with later ground floor shop front projections) of about 1840 and the building is detailed to make the most of this forward projection.
5. The demolition of this building fails the test of preserving the character or appearance of the conservation Area. In addition, there is little in the detailing of the proposed new building that echoes the character of the conservation area and the new design is unduly dominant in the street scene so it cannot be argued that the development enhances the area.
6. In my view the total demolition of this building is contrary to paragraph 132 of the NPPF.

The following points in support have been received:

J Goodall – Top Office, 24 Huntriss Row, Scarborough

1. The need for this development has become stronger since my last comments on this, now revised, application. Whilst the loss of the former Constitutional club building may be regrettable it must surely be outweighed by the benefits to both Huntriss Row, and the town, of the proposed development.
2. The extension to Premier Inn will undoubtedly lead to an increase in footfall, and by bringing a currently vacant site back into use, lead to further investment and redevelopment of the surrounding area. Huntriss Row has suffered in the last few years from high levels of vacancy and I worry that without this development could become stuck in a vicious cycle of decline.

S Burnett – Castle Employment Agency, 15 York Place, Scarborough

1. Huntriss Row is a very under invested area, there are vacant shops, poor maintained buildings and an influx of gulls making it a much less desirable area of the town centre.
2. Allowing Premier Inn to have its main entrance and extension on the street will bring increased footfall into that area and it will help to regenerate business on the street. In our opinion visitors to the Premier Inn add considerably to the visitor spend in the area as it is not a traditional hotel where visitors stay in to eat and drink but one where they usually only sleep, might have breakfast but use the local restaurants/amenities/shops during their stay.

N Jackson – Jackson Property Service, 75 Newborough, Scarborough

K Howard – The Dickens Bar and Inn, 41 Huntriss Row, Scarborough

I Bland – Dissent Skate Shop, 5 Huntriss Row, Scarborough

J C Fairbank – Bonnets Café, 38 Huntriss Row, Scarborough

1. The proposal will:-
 - Help to regenerate Huntriss Row which is suffering from under investment, poor quality realm and an increasing number of vacant units
 - Help to increase footfall and trade for existing local businesses.
 - Act as a catalyst for further investment in the street.
 - Bring a vacant site back into active use.
2. The loss of the frontage to the Constitutional Club is acceptable given the benefits offered by the scheme and the excessive costs associated with its retention and repair.
3. I would just add that I recently sold 33 Huntriss Row, Scarborough, having owned that property for 27 years, because I had had the property up for lease for over a year and was unable to find a tenant of any description. The principal difficulty in letting the premises was due to every potential tenant commenting upon the run down appearance of this once vibrant and desirable road, and frankly I think that we are very fortunate as a town to have someone who is prepared to invest in this venture (N Jackson).

5.0 RELEVANT SITE HISTORY

5.1 None.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan (Saved Policies)

E12 - Design of New Development
E14 - Extensions and Alterations to Existing Buildings
H10 - Protection of Residential Amenity
S13 - Secondary Shopping Frontages
S14 - Shop Fronts

Scarborough Borough Local Plan (Proposed Submission)

SD1 – Presumption in Favour of Sustainable Development
SH1 – Settlement Hierarchy
DEC1 – Principle of Good Design
DEC5 – The Historic and Built Environment
TC1 – Hierarchy of Centres
TC2 – Development in Commercial Centres
TOU1 – New Tourism Facilities

National Planning Policy Framework

NPPF2 - Ensuring the vitality of town centres
NPPF7 - Requiring good design
NPPF12 - Conserving and enhancing the historic environment

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy Guidance

None relevant

7.0 ASSESSMENT

7.1 There are considered to be a number of issues to consider in this case are as follows:

- The principle of the proposed development
- The impact on the Conservation Area and nearby listed buildings
- The loss of the Constitutional Club (as a non-designated heritage asset)
- The design and scale of the proposal
- Access and parking
- The impact on the amenities of neighbouring properties

- Safeguarding the amenities of future occupiers of the hotel (and others).

7.2 Notwithstanding the above list, your Officers consider that the main issues that Members will need to weigh up in reaching a decision on this case are the public benefits that might arise from the development against the harm that would arise to the Conservation Area as a result of the loss of the existing building. Members will need to determine that the scheme would result in substantial public benefits in order to determine that the harm to the Conservation Area and the loss of a non-designated heritage asset would be justified.

7.3 In revising the scheme, the developer has advised your Officers that he has sought to address the issues that make the scheme unviable. In brief, the viability issues revolve around the retained façade. These include the cost of repair and extension of the façade itself, the inefficiency that retaining the façade would bring to the new-build (i.e. impacting on storey heights etc in order to enable room windows to align with existing openings) which impacts on room numbers, and the additional cost of constructing the new building behind the façade on a land-locked site. The developer has provided finance information to your Officers that demonstrates that even with the revised project proposal, the viability of the project is challenging and would be unlikely to be undertaken by others wishing to take a shorter term view on the project, as it will only deliver profit if a long term view is taken (i.e. 10 plus years). The developer considers that this is a view that needs to be taken in the current market where commercial property values are falling and higher vacancy rates are not helping investor confidence. The Council's Senior Planning Policy Officer has scrutinised the viability assessment provided in respect of the project and has confirmed that the cost assumptions made are reasonable and that the project is financially challenging.

7.4 The report sets out the various issues below under subheadings for ease of reference.

The Principle of the Proposed Development

7.5 The principle of an extended hotel use within the town centre accords with guidance in the NPPF which seeks to ensure the vitality of town centres. The NPPF advises that Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It further advises that LPAs should allocate a range of suitable sites to meet the scale and type of development needed in town centres, including tourism, retail, leisure, commercial, community and residential uses (para 23).

7.6 The emerging local plan can be given reasonable weight in the decision making process at this stage. Policy TOU1 supports new tourism facilities, acknowledging that there is a need to develop a more diverse year-round tourism product. The increase in competitively priced quality bed-stock would be beneficial to the town centre as a whole, and the economy of the wider area, helping support the additional investment in tourism facilities in the Borough. The proposal would result in an increase of 87 bedrooms offered by Premier Inn from the existing 74 (2 of which would be lost as part of the development) to provide a total of 161 bedrooms. Whilst the proposal would result in the loss of a shop unit within the building's frontage, which would be replaced by a reception area, the loss of activity associated with the existing modest retail unit is considered to be more than compensated for by the activity that would be generated by the extended hotel with its main entrance on Huntriss Row. A new larger shop unit

would be created in place of the one currently occupied by Rosh Jewellers, which has now relocated to the corner property opposite the Dickensian Hotel (formerly the Pickwick Hotel).

7.7 Setting aside the considerations regarding demolition within the Conservation Area, which are dealt with later in the report, in principle the increased capacity of this town centre hotel and the provision of the main entrance on Huntriss Row are both considered to be of real benefit in principle. By providing a new purpose for the site and investment in the street, which is currently suffering from a considerable level of vacancy, there is potential to encourage further investment in Huntriss Row properties. This would be of benefit to the street itself and the businesses currently operating there, as well as being of general benefit to the town centre and local employment.

7.8 The Investment Manager anticipates that there is potential for significant employment to be created from the investment that could be made in the town as a consequence of the hotel scheme, both through new businesses in Huntriss Row and jobs linked to increased use of The Spa for conferences and conventions. In addition, this investment is likely to spark interest from others looking to invest in the town centre, that could help stem the tide in terms of the rising vacancy currently being experienced. The Tourism Manager has verbally advised that at present Scarborough is missing out to other resorts in terms of conference and conventions due to the lack of quality bed-stock at reasonable rates, which is a gap the additional 87 bedrooms could help fill.

7.9 It could be argued that similar benefits could be derived from other potential hotel developments that might come forward in the future, but clearly the Premier Inn extension is site specific and could only come forward in this location. In addition, the central location of the site is a real positive in terms of supporting the town centre and encouraging further investment in it, as well as supporting the diversification of the night time economy. Other hotel schemes that might come forward in the future are likely to be peripheral to the town centre and will not necessarily be so well located in terms of the bus and train stations, the town centre, sea front and The Spa complex.

7.10 The Council's Tourism and Marketing Manager has supplied information from a report which provides an assessment of the economic impact of tourism on the local area that was commissioned by the Council. This provides estimates of the volume of tourists visiting the area, the nights spent in the area and the money spent in the local economy. The information shows an increasing number of overnight trips and an increase in spending over recent years, with some £324 Million spent by all overnight visitors on their trip to the Borough in 2015, which sustained 17,356 actual jobs. For each overnight stay the report estimates that an average of £69.75 was spent in the local economy in 2015, which again is a figure that is on a rising trend. If this figure is applied to the current 90% occupancy rate of the 74 bedroom Premier Inn, this level of spend would amount to some £1.67M in 2015. The proposed increase in bedrooms that would result if this proposal is permitted (161 no.) could see this figure rise to £3.68M in a year (based on 2015 figures). The report estimates that some 55% of the total overnight visitor expenditure is in retail, catering and attractions/entertainment.

7.11 A number of letters of support have been received from local business that echo the Investment Manager's comments regarding the benefits to Huntriss Row itself and the town centre generally that would arise from the footfall and activity associated with an extended hotel, with a main entrance in a central location in the street.

7.12 Given the above, the proposal is considered to accord with Policies S13 and S14 of the 1999 Local Plan and the guidance in the NPPF regarding economic growth and ensuring the vitality of town centres. Members need to consider whether the positives that could arise from the scheme and the further investment and jobs it could stimulate can be considered to be substantial public benefits in the planning balance. Your Officers consider that the development is well placed to bolster the town centre economy, both during the day and at night. The town centre is currently experiencing increased vacancy, with Huntriss Row being particularly hard hit. This project has potential to stimulate further investment in the town centre, helpful to ensure its vitality and viability as encouraged by the NPPF. Your Officers consider this could be viewed as a substantial public benefit.

The impact on the Conservation Area and nearby listed buildings

7.13 This proposal involves the loss of a single building, or more particularly the loss of its façade, given the previous decision to allow the demolition of the majority of the building. Given this, your Officers are of the opinion that the proposal could be argued to result in less than substantial harm to the wider Conservation Area. However, as Historic England and others have taken the view that the loss would amount to substantial harm, the application has been considered on this basis.

7.14 Historic England and others have raised concern over the project, considering the loss of the existing building to cause substantial harm to the Scarborough Conservation Area, a designated heritage asset. They do not consider that a clear and convincing justification has been provided for the harm that would arise as required by Paragraph 132 of the NPPF.

7.15 As Members are aware, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. A recent Court of Appeal case determined that Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' - and by extension your Officers would advise - preserving and enhancing the character or appearance of a conservation area, 'when carrying out the balancing exercise'.

7.16 Historic England has commented that the existing building "epitomizes the prosperity and confidence of the late Victorian period in this popular seaside town. It shares material and design characteristics with a number of high quality historic buildings in the area, some listed buildings, for example the Town Hall". It has also advised that "The previous façade retention scheme would have preserved the positive contribution this important building makes to the character and appearance of Scarborough Conservation Area..."

7.17 In respect of the above matters, your Officers consider that the information the applicant has provided in confidence does demonstrate the challenging financial situation that this project faces. They are also aware of the different uses that were considered during the property's marketing for sale, including other town centre uses such as bar/restaurant, dance studio and antiques centre, but due to the size of the building and the investment that would be needed in its fabric to bring it up to date, these uses were not taken forward. Whilst the building has a fine façade, without a viable use it will continue to have an air of under-investment about it, and it will not

generate any activity that would be helpful to the street, or wider town centre. This is not considered to be helpful to the character and appearance of the street.

7.18 Section 66 requires LPAs to have special regard to the desirability of preserving the setting of listed buildings. The Library, 1-4 Vernon Road and Falconer's Square are all Grade 2 listed buildings that lie in close proximity to the site. The enlarged building, including the rear section would be viewable through gaps between buildings from Huntriss Row and Vernon Road, and would appear sizeable against other buildings around it and in the foreground, including the group of Grade 2 listed buildings on Vernon Road (Public Library and Nos. 1, 2, 4 and 6). The rear elements of the proposed building would also be viewable from the rear elevations and yard areas of certain listed buildings, including the Grade 2 properties forming Falconer's Square. Despite this, it is felt that the impact on the setting of the listed buildings, which are designated heritage assets, would amount to less than substantial harm in terms of their significance.

The loss of the Constitutional Club

7.19 The building to be demolished was built during 1888 as Scarborough Constitutional Club and it remained in that use until 2012, when dwindling membership meant it was not viable to maintain the property in that use. The main building has remain largely unused since that date, although the two shop units have continued to operate on a temporary basis, although one has just shut due to the relocation of the retailer to a position further along the street.

7.20 Paragraph 135 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

7.21 Whilst only a modest element of the existing building, one feature, which is considered to be a part of the building's significance, is to be incorporated into the fabric of the proposed building. This is the triptych of First World War memorial stained glass windows made by William Pape of Leeds. The applicant has confirmed that he would agree to a condition of planning permission requiring agreement to a list of architectural features to be salvaged from the existing building during the demolition process, with these items either incorporated within the redeveloped site or used off-site in other heritage projects.

The Design and Scale of the Proposal

7.22 Having considered the harm that would arise to the Conservation Area, as the designated heritage asset that would be affected by this proposal, it is necessary to consider whether the design and scale of the proposed hotel extension is appropriate for its context.

7.23 Whilst described as an extension, the proposal is, for all intents and purposes, a new building within Huntriss Row and thus needs to be considered against Policy E12 of the Local Plan. E12 requires new development to be visually attractive and complementary to the character and appearance of its surroundings. In a similar vein, paragraphs 60, 126 and 131 of the NPPF require that local planning authorities should

take into account "the desirability of new development making a positive contribution to local character and distinctiveness". In addition, paragraph 64 of the NPPF advises that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions."

7.24 The approach to the design of the building is a modern one that seeks to replicate the character and detailing of many of the buildings seen within the Scarborough Town Centre, but a contemporary manner. The building is of a similar height to the former Salisbury Hotel in Huntriss Row, and a series of bay windows are proposed to pick up on the bay windows that can be found on the Salisbury Hotel and many other local buildings. At ground floor a natural stone façade is proposed, which would be robustly detailed to incorporate classic detailing in a simpler, contemporary manner. The main entrance to the hotel would remain in a central position within the building's frontage, as previously proposed, with two glazed frontages either side – one being the hotel's reception, the other being a good sized shop unit. Above this a red brick elevation is proposed with sizeable bay windows to the hotel bedroom, constructed in grey powder coated aluminium framing (similar to the existing frontage of the Premier Inn on Falconer's Road. The central bay has additional windows to its sides to provide a stronger architectural feature above the main entrance, which picks up on the nature of the central bays to the former Salisbury Hotel, which have dominate tops to them in relation to the other bays. A good quality red brick would be used above the stonework of the ground floor with windows in reveal with robust stone cills and strong string courses. The upper floor would be provided in a mansard roof, with dormer windows serving the bedrooms. Some minor amendments are being made to the design of the mansard roof to improve the appearance of the development when viewed from the south. The amended plans will be reported to committee.

7.25 The simpler approach that has been adopted to the elevations behind the frontage is considered to be appropriate, as there are only glimpsed views of these from gaps between buildings within the neighbouring streets. That said, the glimpsed views will be of a substantial building in relation to its neighbours, but the difference in scale between existing neighbours and the proposal is not considered to be inappropriate within the wider context of the town centre, which contains a wide mix of property types, often with buildings of differing scales sitting in close proximity to each other.

7.26 The scale of the proposed building both in terms of its massing and height would be markedly different to that of the current buildings. At present the buildings have a variety of eaves and ridge heights and have a number of different roof structures which all help to reduce the perceived mass of the buildings. The scale of the current buildings fit comfortably with neighbours. The proposed building would be higher and bulkier than the existing, mainly due to the additional storeys proposed and the form of the building which is effectively a large box with a mansard and large flat roof. Whilst not out of scale with other buildings in the town centre, the building would appear much larger than its immediate neighbours, although this might not be readily apparent when viewed from Huntriss Row itself.

7.27 The increase in height of the building is considered to be appropriate within the street scene of Huntriss Row, which has a mix of building heights. The increase of the main eaves of the building would correspond with the ridge line of the neighbouring building occupied by RBS Bank. The applicant's architect has produced a drawing to show the relevant size and height of the altered building in relation to its immediate

neighbours and also the former Salisbury Hotel, which is the largest property in Huntriss Row. This shows that the Salisbury Hotel would be slightly higher than the eaves and ridge height of the proposed and would remain the most dominant property in the street.

7.28 The upper storeys of the proposed building would also be viewable from certain vantage points from further afield, such as the view from the Esplanade across the 'Valley'. The visible elements would be finished in slate and would not be unduly high in relation to other buildings in the locality, and therefore it is considered that the impact would be neutral in terms of these views. Therefore, less than substantial harm would arise in terms of the impact on the significance of the Conservation Area.

7.29 The proposal is considered to accord with Policy E12 of Local Plan as it proposes a development which is visually attractive, and which, whilst large, should not appear visually intrusive within the streets around the site. The proposal is considered to contribute to the maintenance of Huntriss Row and the wider town centre as an attractive place. Whilst acknowledging the harm that would arise to the conservation area, your Officers do consider that development has the potential to improve the character and quality of an area and the way it functions by bringing a greater level of activity to Huntriss Row and the town centre, both during the day and at night in accordance with para 64 of the NPPF.

Access and Parking

7.30 The existing hotel sits within the town centre boundary and does not provide any parking for customers. The town centre location of the extended hotel means that it is not considered necessary to provide dedicated parking for the 161 bedrooms that would result from the development. When the original application for the Falconer's Road/Vernon Road site was considered, a report was submitted that demonstrated a substantial number of public car parking spaces were available for any customers arriving by private car, whilst it was envisaged that a good number of customers would arrive by public transport. The Highway Authority has raised no objection to the proposal, but has recommended conditions including one requiring a Travel Plan to ensure the business provides up to date information to its customers on the alternative means of travel to the hotel, including by bus and train. Increased cycle parking is also proposed as part of the development.

7.31 Customers will be required to carry or wheel their luggage to the main entrance on Huntriss Row, which is not as convenient as the current entrance on Falconer's Road, but the distance from nearby drop off points, bus stops and the station is not materially different to the existing situation.

The Impact on the Amenities of Neighbouring Properties

7.32 The site is surrounded by properties which are predominantly in commercial use although a number of residential/hotel properties are also present. Whilst there would be some impact on adjoining properties, where these are commercial the impact on light to rooms and overbearing effect needs to be accepted as a necessary consequence of allowing the construction of the hotel extension, and is not considered to result in a relationship that would be found to be unusual in terms of relationships between buildings within a high density town centre environment.

7.33 The owners of the adjacent building, 25 Huntriss Row have raised a general concern regarding the impact of the proposal on the amenities of their property, which has a cafe at ground and first floor and residential flat at second and third floor. It is clear from the submitted drawings that the proposed hotel extension, which links through from the rear of the existing Falconer's Road property to the site currently occupied by the Constitutional Club building, will have a significant impact in terms of loss of light and overbearing effect. The proposed building would be much higher than the existing Constitutional Club, although the linking element that would replace the existing two-storey warehouse at 25a Huntriss Row, would be higher than the existing building but would of a much lesser scale than the previous linking element, having been reduced to address Right to Light issues raised by the owners of 25 Huntriss Row.

7.34 Your Officers have considered the situation, and the Case Officer has visited 25 Huntriss Row to view the site from within the building to understand the impacts that would arise. The development would impact on windows serving the cafe and its toilets at ground and first floor level and would also impact on the light received by windows serving the staircase of the cafe and the staircase to the flat, as well as the kitchen to the flat at second floor level, although the effects would be less dramatic than the previous proposals. However, the development would not impact on the windows serving the living room of the flat which face out over Huntriss Row, or have a particular an impact on the roof lights serving the top floor bedrooms. Your Officers would advise that the impact on natural light to the rooms that would be affected by the development, and the overbearing effect that would arise as a consequence of its height and proximity would result would not be so serious as to conflict with the criteria of Policy H10 of the Local Plan. Your Officers consider that the impact on amenity that would accrue is not sufficient to warrant refusal of planning permission, especially if the wider benefits of the scheme are weighed in the decision making balance.

7.35 The owners of the cafe are aware that any 'Right to Light' issue to resolve in this case – which may or may not have been addressed through the revised scheme - will need to be resolved privately, as right to light is not a material planning consideration.

7.36 To a certain degree the same consideration applies to other properties in Huntriss Row and to the rear elevations and yards of properties fronting Falconer's Place, although the impacts, whilst less than that arising in relation to 25 Huntriss Row, as the properties are positioned further away, must be weighed in the balance in reaching a decision in this case. Whilst your Officers would advise that the change in the character of the rear areas and the relationship between buildings would be significant, the reduction in the linking block is considered to be helpful, and the impact on amenity is not considered sufficient to warrant a recommendation of refusal.

7.37 As the scheme is a mix of extension and new development your Officers would advise that Members should be mindful of Policy E14 of the Local Plan, which seeks, amongst other matters, to ensure that extensions are of a scale and design that will not adversely alter the relationship of a building with adjoining development. It is considered that the relationship with the surrounding properties that would arise as a consequence of this proposed development does not conflict with this policy, as the town centre location is one where there are a range of buildings of differing sizes sitting in close proximity to each other.

Safeguarding the Amenities of the Future Occupiers of the Hotel (and Others)

7.38 The owners of the adjoining cafe (Cafe Jardin) at 25 Huntriss Row have raised concern with your Officers regarding the potential for future hotel customers to complain about odours arising from the kitchen extract flue which would sit at relatively low level in comparison with the proposed hotel extension. The present height of the extract flue would result in a number of floors of hotel accommodation sitting above it. Whilst no hotel windows are proposed immediately adjacent the flue and the current flue sits lower than other upper floors in the vicinity, with no known odour issues, the proposed building could impact on the effectiveness of the extract unit as a result of providing a greater degree of enclosure to the rear area into which it expels.

7.39 Your Officers consider that there are a number of options that need to be considered, but consider it appropriate to recommend that a condition be imposed on any grant of planning permission that is worded so as to require agreement over the action required to be taken to guard against complaints of nuisance arising against the existing cafe use. A 'Grampian' condition is recommended, which would prohibit the development of the site until agreement has been reached over the matter, with the input of the cafe owners. Your Officers have discussed the approach with both the applicant and the cafe owners and both parties consider this approach to be acceptable if the proposal is to receive the grant of planning permission. The recommended condition would read as follows:

"Prior to any works starting on site in respect of the development hereby permitted details of the measures and/or works to be carried out to the kitchen extraction system serving 25 Huntriss Row shall be submitted to and be approved in writing by the Local Planning Authority. The approved measures and/or works shall be carried out in full before the hotel extension is first occupied unless any variation is first agreed in writing by the Local Planning Authority.

Reason - To ensure that the kitchen extraction system is modified in order to guard against complaints arising from existing neighbours and future hotel customers as a result of noise and odour nuisance from the system serving the Class A3 business operating at 25 Huntriss Row."

7.40 Your Officers consider the above recommended condition is satisfactory in terms of the advice in the PPG regarding Grampian conditions.

8.0 PLANNING OBLIGATIONS

8.1 There are no planning obligations required in connection with the development.

9.0 CONCLUSION

9.1 This application proposal represents a very finely balanced case where the benefits and costs of the scheme need to be carefully considered in reaching a balanced decision. The proposal would result in the total loss of a fine building that is a non-designated heritage asset lying within the Scarborough Conservation Area (which is itself a Designated Heritage Asset), whereas previously the scheme approved in principle would have retained the front facade. The loss of the building is considered to result in substantial harm to the Conservation Area and objections have been received from Historic England and others in this respect. In reaching a decision, the LPA must

consider firstly whether there is a clear and convincing justification for the harm and also whether that harm is necessary to achieve substantial public benefits that outweigh that harm or loss (paras 132 and 133 of the NPPF apply).

9.2 In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This requires that decision makers should give considerable importance and weight to the desirability of preserving and enhancing the character or appearance of a conservation area, when carrying out the balancing exercise.

9.3 It is considered that the proposed hotel extension would be an appropriate development for its context, which would benefit the town centre and the wider local economy by increasing the number of hotel customers staying in a central location within Scarborough. Customers would be able to access the proposed accommodation by various modes of transport, including by public transport. The development would enhance the activity in Huntriss Row, to the benefit of other local businesses and has the potential to help diversify the night time economy. The Investment Manager has advised that in his view the development would be likely to attract further investment in the street and town centre, creating additional job opportunities, as well as helping the vitality of the town centre.

9.4 There are other issues to balance, for instance the impact of the development, particularly on No.25 Huntriss Row needs to be weighed against the positive benefits of the scheme.

9.5 On balance, your Officers advise that the scheme should be permitted, mindful of the requirements of the Act, the guidance in the NPPF and the relevant policies of the adopted Local Plan. It is also considered that the scheme would not conflict with the policies of the emerging Local Plan. In advising in this manner your Officers accept that substantial harm will arise to the Conservation Area, but that this harm is necessary to achieve substantial public benefits that would arise as a consequence of this proposal through the investment in the site; the activity that would arise from the extended hotel use; the further investment that would be stimulated in Huntriss Row and elsewhere in the town centre; and the support this would bring in terms of the vitality and viability of the town centre, which the NPPF advises the LPA to recognise as the heart of the community. The benefits are considered to outweigh the harm. In reaching their recommendation, Officers have been mindful that in making a decision considerable importance and weight needs to be attached to the desirability of preserving and enhancing the character or appearance of a conservation area, when carrying out the balancing exercise. However, they consider the balancing exercise indicates that the revised proposed hotel scheme should be supported and the harm that would arise from the loss of the façade of the Constitutional Club needs to be accepted as part of this.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where additional details need to be agreed and implemented and/or specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

That PERMISSION BE GRANTED subject to the imposition of conditions to cover the following matters, subject to any amendments and/or additions that are first approved by the Chair and Vice Chair:

1. Approved plans
2. Grampian condition - Modifications to extraction equipment serving 25 Huntriss Row
3. Construction environmental management plan, incl. hours of working
4. Materials of Construction
5. Large scale details of the front elevation facing Huntriss Row and the side elevation facing 25 Huntriss Row
6. Hotel extension not to be brought into use until the reception on Huntriss Row is completed and operational. The hotel reception shall thereafter be retained in this location
7. Highways conditions
8. Travel Plan
9. Large scale details of the incorporation of the stained glass triptych into the new building (including details of their removal and safe storage prior to demolition works and during the construction phase). The stained glass triptych to be installed in the agreed location prior to the building first being brought into use
10. Schedule of salvaged architectural features to be incorporated into the new building or used off-site
11. Highways informatives

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR M P WHITMORE ON 01723 232475 email Marcus.Whitmore@scarborough.gov.uk



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