

Appeal Decision

Hearing held on 13 June 2017

Site visit made on 13 June 2017

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22.06.2017

Appeal Ref: APP/E2734/W/16/3162522

Great Yorkshire Showground, Wetherby Road, Harrogate, HG2 8PW

- 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 Roomzzz against the decision of Harrogate Borough Council.
 - The application Ref 15/04361/FULMAJ, dated 25/09/2015, was refused by notice dated 12/05/2016.
 - The development proposed is the erection of a 98 room hotel with associated parking and landscaping (site area 0.55ha).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 98 room hotel with associated parking and landscaping (site area 0.55ha) at the Great Yorkshire Showground, Wetherby Road, Harrogate, HG2 8PW in accordance with the terms of the application, Ref 15/04361/FULMAJ, dated 25/09/2015, subject to the conditions set out in the annex to the decision.

Preliminary Matters

2. The proposal was amended during the course of the application with a reduction in the size of the site and a decrease in the number of rooms. The description of the development given above reflects the amended scheme. The Council reached its decision on the amended plans and I have determined the appeal on the same basis.
3. Whilst the Appellant is recorded on the appeal forms as Roomzzz, it was confirmed at the Hearing that the application and appeal were submitted jointly with the Yorkshire Agricultural Society.
4. The Council failed to submit its statement of case in accordance with procedural requirements and sought to lodge it at the Hearing. After consultation with the Appellants I accepted the statement and I have had regard to it in determining the appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site forms part of the Great Yorkshire Showground. It is set back a short distance from the southern side of Wetherby Road, one of the main routes
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into the centre of Harrogate. The area around the site is one of mixed residential and commercial uses which include a large Sainsbury's supermarket and filling station on the land to the east of the site at the junction of Wetherby Road with Railway Road. There are residential properties to the north of the site together with a car dealership and a Council recycling centre. The showground also hosts a variety of buildings, including The Pavilions, a conference centre, to the south west of the site, and various arrays of long, low, timber buildings.

7. The site is currently used as overflow parking for events on the showground. Access is proposed from Wetherby Road via the existing Orange Gate and the internal access road leading from it which follows the boundary with Sainsbury's car park. The main access into the showground from Wetherby Road is a short distance to the west.
8. The proposed building has been designed as two rectangular blocks in an L-shaped arrangement. The block facing Wetherby Road would be three storeys high with a roof storey set back from the front and side elevations. The block running perpendicular to Wetherby Road and facing Sainsbury's car park would be four storeys in height. The area between the building and the road boundary would be landscaped and the area behind the building would be used for car parking.

Planning Policy

9. In refusing planning permission the Council relied on Policies SG4 and EQ2 of the Harrogate Core Strategy (CS), adopted in 2009 and saved Policy HD20 of the Harrogate District Local Plan (LP), adopted in 2001. Both plans predate the publication of the National Planning Policy Framework (the Framework) in 2012. With regard to paragraph 215 of the Framework the parties considered that the policies cited were broadly in accord with the Framework and significant weight could be afforded to them in the determination of the appeal. I have no reason to reach a different conclusion and for the purposes of paragraph 14 of the Framework I consider that the policies of the development plan relevant to the appeal are not out-of-date.

Effect on character and appearance

10. The proposed hotel would be sited approximately 35 metres from the back of the footway at its western side and as the building would not be parallel with the road this distance would increase to approximately 45 metres at its eastern side. It would be forward of the supermarket and The Pavilions, with the car parks associated with both developments sited to either side of the site. The proposed development would not therefore reflect the very generous set-back of its immediate neighbours.
11. However, the position of other buildings in relation to Wetherby Road varies along its length. The filling station at Sainsbury's is close to the road at the junction of Wetherby Road with Railway Road and the evidence records the properties to be typically around 9 metres from the back of the footway on the northern side of Wetherby Road and 18 metres on its southern side. Although the hotel would be sited forward of its immediate neighbours, the significant distance it would be set from the road would provide visual separation and add to the varied pattern along Wetherby Road.
12. The hotel would be approximately 9.4 metres in height on its front elevation, rising to approximately 12.5 metres in the four storey section. The study of building

heights submitted by the Appellants indicate there are buildings of comparable heights scattered along the length of Wetherby Road, although there is a higher concentration at its western end.

13. The height of Sainsbury's is recorded as being approximately 11 metres and is therefore comparable to the proposed hotel. However, the difference in ground levels between the two sites would result in the hotel appearing substantially taller than the supermarket. One of the main views of the hotel would be from Railway Road where it would be seen in the context of Sainsbury's. Although the difference in the height of the buildings would be discernible, the view of the hotel would be broken by new tree planting and the building would provide a sense of enclosure to the supermarket car park. From within the car park, the visualisations submitted in evidence indicate that the contrast in heights would not be as evident. Moreover, in views from Wetherby Road along the frontage of Sainsbury's, the hotel would be screened by the petrol station.
14. In views from Wetherby Road outside the showground, the hotel would be seen forward of Sainsbury's and The Pavilions and flanked by car parks. In this setting the building would appear taller than its immediate neighbours and would be relatively prominent in the street scene. It is acknowledged that its scale would be substantially larger than the residential properties on the opposite side of the road. However, given the distance the hotel would be set back from the road and the scale of its neighbours, it is not considered that it would be uncharacteristic of its surroundings.
15. Although trees within the site would be removed as part of the development, views into the site would continue to be broken by the hedge and mature trees along the roadside and the line of trees which runs along the western side of the access road. New planting would also take place within the site frontage with Wetherby Road and along the other boundaries.
16. In most views, particularly those from Wetherby Road and the houses opposite the site, the building would be filtered by existing and proposed planting. It is possible that the trees may not grow to be as high as the building and the trees would not be as effective in the winter months when they have no leaves. However, the setting back of the top floor to the front block reduces the visual effect of its height on the street scene and the effectiveness of the tree planting in breaking up views of the building throughout the year could be increased by the planting of evergreen species.
17. The Council also expressed concern in respect of the height of the hotel when viewed from within the showground where the full four storey height would be seen. Whilst in some views the height of the building would contrast with the lower height of Sainsbury's, the southern elevation of the rear block is narrow and not full height and the southern elevation of the front block would be sufficiently distant that its height would appear lower. Furthermore, this elevation makes no contribution to the street scene.
18. It is accepted that the design of the building is contemporary and differs in character from Sainsbury's and The Pavilions, it also contrasts with the residential properties opposite. However, the use of stone on the front elevation takes reference from Sainsbury's and The Pavilions and there is evidence of metal cladding and large sections of glazing on other buildings in the area. The use of vertical timber fins which would weather to grey on the rear block would contrast with the stone of the front block. Timber cladding is found in the area and it would

provide reference to the agricultural origins of the showground. Whilst a fairly wide palette of materials has been proposed, they are taken from the surrounding area and their use in emphasising the contrast in the design of the two blocks and elements within them would help diminish the overall scale of the building.

19. The proposed building would be large and in its siting forward of Sainsbury's and The Pavilions it would create a prominent feature in the street scene. However, the height of the building is comparable with others in the area and the design and use of materials would visually reduce its scale. The building would also be set back a significant distance from the road in landscaped grounds which would maintain an element of openness to the street scene. Furthermore, the retained trees together with new planting would break up views of the building in views from Wetherby Road and other public vantage points.
20. On balance I consider that the development would create a statement building which would not have an over-dominant effect in the area or be detrimental to the character and spatial quality of the street scene, in accord with policies SG4 and EQ2 of the Core Strategy and saved policy HD20 of the Harrogate Local Plan. In reaching this conclusion I have also had regard to paragraph 60 of the Framework which, whilst considering it is proper to seek to promote or reinforce local distinctiveness, states that decisions "*should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*".

Other material considerations

21. In addition to the issues already addressed, interested parties also raised concerns regarding the effect of the development on highway safety, air quality, overshadowing, outlook and privacy.
22. In respect of highway safety, the concerns of residents centred on the increase in traffic generated by the development and its use of the Orange Gate which lies close to a bus stop and other junctions. As a main route into the town centre Wetherby Road already carries a high volume of traffic and the residents indicated that whilst recorded traffic accidents were low, minor accidents were a weekly occurrence. Although the development would add to the traffic using Wetherby Road, the figures provided by the Appellants indicate that the percentage increase would be very low. Furthermore the Council raised no objection to the proposal on highway grounds. It is accepted that the development would result in additional traffic using Wetherby Road. However, the evidence before me does not justify dismissing the appeal on grounds of highway safety.
23. I was advised that Wetherby Road is already the most polluted road in Harrogate and as a result residents were concerned regarding the effect additional traffic generated by the proposal would have on air quality. The matter was considered by the officers of the Council who raised no objection on these grounds. I have no evidence on which to base a different conclusion.
24. The proposed building would cause some additional overshadowing of the front elevations of the properties on the opposite side of the road in the afternoon over the winter months. However, I do not consider that the extent of the additional overshadowing would cause an unacceptable level of harm to the living conditions of the occupiers of the affected dwellings.

25. At present the occupiers of properties on the opposite side of Wetherby Road from the site have views over the open frontage of the showground towards The Pavilions. Although the erection of the hotel would alter this outlook, I consider that the separation distance of approximately 60 metres between facing elevations and the intervening landscaping would prevent the proposal from having an overbearing effect on the outlook from the residential properties.
26. Concerns were also raised with regard to the potential for guests at the hotel looking into the residential properties to the detriment of the privacy of residents. However, there would be a limited number of rooms with views towards the dwellings and the extent of the views would be limited by the intervening trees and the separation distances. On this basis I do not consider that the proposal would cause an unacceptable level of harm to the living conditions of the occupiers of the residential properties by reason of privacy.
27. Local residents also suggested that there were alternative sites within the showground on which an hotel could be sited. However the Council accepted the principle of the development on this site and the Appellants opined that there was no other vacant site. Notwithstanding this, the appeal has to be determined on the basis on which it has been submitted and I have no remit to consider alternative locations.

Planning balance

28. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving proposals that accord with the development plan without delay.
29. I have concluded that the development would not harm the character and appearance of the area, in accordance with relevant policies of the development plan. There are no material considerations which outweigh this conclusion. On this basis and having had regard to the guidance in the Framework, I conclude that the appeal should be allowed.

Conditions

30. I have considered the list of suggested conditions submitted by the Council and discussed at the Hearing. I have also had regard to the advice set out in the government's Guidance and in the Framework in terms of the need for individual conditions and of appropriate wording. I have imposed the standard time limit condition and confirmed the drawings on which my decision is based.
31. In the interests of visual amenity it is necessary to ensure the protection during the construction period of existing trees to be retained and require the approval of further details in respect of hard and soft landscaping. I have incorporated within this condition the details of external lighting. However, as a landscaping masterplan has been approved, I do not consider these details are required before a start is made on site and I have worded the condition accordingly. The landscape levels strategy drawing is included within the list of approved plans. I therefore do not consider further details of the ground levels as suggested by the Council are required.
32. Also in respect of visual amenity I consider it necessary to confirm the details of the balustrade to the roof, the height of the screening around the plant and

equipment to be housed externally and the junction between the various materials in the construction of the fabric of the building.

33. In the interests of the environment and sustainable development I consider it necessary to ensure the building will meet a specified standard in terms of its construction and operation. Drainage details are also required. For a similar reason I consider the implementation of a Travel Plan and the provision of electric vehicle charging points to be necessary and reasonable. I have noted that the Police Liaison Officer found that the scheme satisfied the principles of Secured by Design. I have therefore imposed a condition requiring compliance with the agreed strategy and not the submission of further details as suggested by the Council.
34. Although the contamination reports concluded that no remediation works were required, in the interests of public safety an update of the situation in respect of gas monitoring including a suitable risk assessment is required and provision made for the possibility of new areas of contamination being found during the construction period. In the interests of highway safety and visual amenity I have imposed conditions governing the access into the site and the provision of parking and turning.
35. In the interests of the amenity of local residents, construction hours on the site are restricted. For the same reason the installation of ventilation systems is controlled, although as the control of noise is covered by separate legislation I do not consider a validation report to be necessary. For similar reasons I do not consider it necessary to impose conditions in respect of the implementation of highway works and the maintenance of the highway in a clean condition.

Conclusion

36. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed.

Kay Sheffield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Williamson BA(Hons)DipTP MRTPI	Consultant, Walker Morris LLP
Mr Hitchmough BA(Hons) B.Arch(Dist) RIBA	Architect Director of BDP
Mr T Cook MA (Hons) MRTPI	Director of ID Planning Limited
Mr E Appleton BEng DMS CEng MICE MCIHT	Director of Via Solutions
Mr P Manku	Of Roomzzz
Mr N Pulling	Chief Executive, Yorkshire Agricultural Society

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Wood BA(Hons) BPI MBA MRTPI	Richard Wood Associates
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INTERESTED PERSONS:

Mr N Hancock	Local resident
Mr M Harrison	Local resident
Mrs Harrison	Local resident
Mr B Nicoll	Local resident
Mr G Robertson	Local resident

DOCUMENTS

- 1 Letters sent by the Council regarding the appeal and the arrangements for the Hearing.
- 2 Council's statement of case including Appendix 1: list of suggested conditions.

Annex – 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: P(01)AP003B Revision B (proposed site plan); P(02)AP000B Rev B (ground floor plan); P(02)AP001B Rev B (First and second floor plans); P(02)AP002B Rev B (Third floor and roof plans); P(03)AS001B Rev B (Proposed section AA); P(03)AS003B Rev B (Proposed section BB); P(04)AE001B Rev B (Proposed north and east elevations); P(04)AE002B Rev B (Proposed south and west elevations); P(9-)L001 Rev B (Landscape masterplan); P(9-)L002 Rev B (Planting strategy plan); P(9-)L003 Rev B (Proposed levels strategy); P(9-)L004 Rev B (Landscape sections).
- 3) Preparatory or construction works shall take place on the site only between 08:00 and 18:00 on Monday to Friday and between 08:00 and 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) No work on the construction of the external walls of the building shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No work shall take place on the site until a scheme has been submitted to and approved in writing by the local planning authority detailing the fencing to the root protection area around the trees, shrubs and planting to be retained, in line with British Standard BS 5837:2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document. The protective fencing shall be erected in accordance with the approved details prior to the commencement of the development and shall be retained intact until all the works are completed.
- 6) Notwithstanding the details already submitted, no work on the construction of the external walls of the building shall take place until further details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers and planting densities; hard surfacing materials; external lighting and an implementation programme.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The construction of the external walls of the building shall not be commenced until a Design Stage Certificate issued by BRE has been submitted to and approved in writing by the local planning authority. The development shall meet a minimum BREEAM rating of 'very good'. Thereafter the development shall be carried out in accordance with the approved details.

- 9) A Post Construction Phase Certificate issued by BRE confirming that BREEAM Level 'very good' or above has been achieved shall be submitted for the written approval of the local planning authority prior to the building being brought into use.
- 10) The development shall be carried out in accordance with the letter dated 07/12/2015 from BDP to North Yorkshire Police which sets out the security measures to be incorporated in the scheme.
- 11) Prior to the commencement of the development, an addendum report to the Phase 2: Ground Investigation Report (Ref:15-492) by Arc Environmental and dated 02/09/2015 shall be submitted to and approved in writing by the local planning authority. The addendum report shall detail on-going gas monitoring activities and include a final risk assessment. Thereafter the development shall be carried out in accordance with the approved details.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be immediately reported in writing to the local planning authority. Development on the part of the site affected shall be suspended and a 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.
- 13) Before the use hereby permitted takes place, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 14) Prior to the first use of the building, a report of the noise environment at the site shall be submitted to and approved in writing by the local planning authority. The report shall identify new noise sources and predicted levels which neighbouring residents would be exposed to internally and externally, and set out mitigation measures as necessary. All necessary works shall be completed in accordance with the approved details prior to the building being brought into use and retained thereafter.
- 15) All vehicles associated with the development shall access or egress from the site via the existing Orange Gate access with the public highway, Wetherby Road.
- 16) The approved vehicle access, parking, manoeuvring and turning areas shall be completed prior to the building being brought into use. Thereafter these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 17) The Travel Plan shall be implemented, monitored and reviewed in accordance with the details and timescales specified therein.
- 18) Notwithstanding the submitted details, four electric vehicle charging points shall be installed within the car park prior to the building being brought into use and shall thereafter be retained for the duration of the development.
- 19) The details, including sections, of the balustrade to prevent occupants of the upper floor from accessing the roof shall be submitted to and approved in writing

by the local planning authority prior to its erection. The balustrade shall be installed in accordance with the approved details prior to the building being brought into use and retained for the duration of the development.

- 20) Details of the height of the proposed screening to the external plant area shall be submitted to and approved in writing by the local planning authority prior to its erection. The screening shall be installed in accordance with the approved details and retained for the duration of the development.
- 21) Prior to the commencement of the development, detailed vertical and plan sections of the front block through the zinc clad second floor and its glazing; the stone projecting box and its glazing; the timber fins, cladding and windows to the rear block; and the ground floor together with vertical sections of the external retaining and balustrade walls shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 22) Foul and surface water discharges shall be drained separately from the site.
- 23) No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the local planning authority. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.