
Appeal Decision

Site visit made on 12 July 2016

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 28 July 2016

Appeal Ref: APP/E2734/W/16/3147943

The Station Hotel, 26 North Road, Ripon, North Yorkshire HG3 1JP

- 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 Ripon 123 Ltd against the decision of Harrogate Borough Council.
 - The application Ref 15/0186/FULMAJ, dated 28 April 2015, was refused by notice dated 15 March 2016.
 - The development proposed is residential/mixed use development on site of the Station Hotel consisting of 12 No. self contained residential apartments and 1 No. D1 community facility.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A series of amendments were made to the application scheme prior to the Council's decision including the deletion of the proposed office (Use Class B1) unit and a reduction in the number of apartments from 14 to 12; the description of development has been amended accordingly. Amendments to the site access proposals were also made such that this now includes a one way flow of traffic through the site with vehicles entering the site via an access road across part of the former Auction Mart. The appellant has rights over that land and the red line plan was amended and the necessary notice was served on the site owners prior to the determination of the application by the Council. I have considered the proposal on the basis of the revised description and amended plans.

Main Issues

3. The main issues in the appeal are:
 - (a) Whether the proposal would result in the unacceptable loss of premises in community use;
 - (b) The effect on the significance of the existing hotel building as a non designated heritage asset and on the character and appearance of the Ripon Conservation Area; and
 - (c) Whether the proposal would be likely to cause prejudice to the prospects of securing the redevelopment of the adjacent, former Auction Mart site.
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Reasons

Loss of community use

4. Saved Policy CFX of the Harrogate District Local Plan (Local Plan) (2001) states that proposals involving the loss of land or premises in community use, including public houses, will not be permitted unless one of 3 criteria is satisfied. In summary these relate whether: A) the continued use would cause unacceptable planning problems, B) a satisfactory replacement facility is provided and C) where there is no reasonable prospect of the existing use continuing on a viable basis. There appears to be agreement that the recommencement of use of the appeal premises as a public house and/or hotel would not cause unacceptable planning problems but the parties disagree as to the application of the other clauses of the policy. On the first of these areas of dispute I agree with the appellant's submissions that a proposal need only satisfy clause B) or C), but not both, in order for there to be no conflict with the policy.
5. The Local Plan was adopted in 2001 and Policy CFX is founded on national planning guidance in Planning Policy Guidance Notes 6 and 7 which was superseded by the publication of the National Planning Policy Framework (Framework) in 2012. Section 8 of the Framework includes public houses as facilities which can play an important role in promoting healthy communities but paragraph 70 states that planning decisions should guard against the unnecessary loss of "*valued facilities and services*", particularly where this would reduce the community's ability to meet its day to day needs. To the extent that Policy CFX seeks to give blanket protection to all community facilities and services it is not fully consistent with the Framework and needs to be considered in the context of the more focused national policy set out in paragraph 70.
6. A public house is capable of being a valued facility in terms of the opportunities that it might provide for people to meet socially, hold community meetings and events, participate in recreational pursuits and activities, and in a number of other possible ways. However, the Station Hotel has not provided any such opportunities since its closure in 2010 and its use as a community facility is historic rather than current. The appellant has not provided the detailed financial information which the Council would wish to see in order to assess the proposal against part C) of the policy. However, given the length of time that they have been closed, the investment that would likely be needed to refurbish the property and the extent of competition from other licensed premises in Ripon, there would seem to be limited prospect, in the short to medium term, of the premises being re-opened and again meeting any local need for community facilities.
7. No evidence has been put to me that any local group or organisation has sought the designation of the premises as an asset of community value and, although the Parish Council objected to the application, its concerns appear to relate to the loss of a commercial facility offering guest accommodation rather than of any community facilities or services. The one local resident who has made representations to the appeal supports the proposal and wishes to see what he refers to as an 'eyesore' removed as soon as possible. Hence, there is no evidence that the premises are valued by the local community or that their

loss would have any effect on the community's ability to meet its day to day needs. Hence there is no obvious reason why they should be treated as 'valued facilities' having regard to paragraph 70 of the Framework.

8. Given the availability of a good number of other licensed premises that are easily accessible to the local community, the need, if one exists, is more likely to be for facilities to meet the social, recreational and cultural needs of residents living within the area local to the appeal site; hence the lack of on-site parking to serve the proposed community room is unlikely to be an obstacle to that use. I accept that the proposed siting of that room below residential accommodation would make it unsuitable for very noisy or late evening activities but do not consider that that constraint would be a significant one in terms of meeting local community needs. The proposed room is of a good size, at around 120 square metres, and of regular shape and would provide a flexible space for use by local people and groups for meetings, events and a range of social and recreational activities. The proposal would not meet the policy requirement that it be provided before the existing premises are demolished. However, given the length of time that the premises have been unavailable for community use, I do not regard that as a significant conflict.
9. For these reasons, and in the context of national policy in the Framework, I find that the community room proposed as part of the appeal scheme would provide more than adequate mitigation for the demolition of the existing hotel building in terms of its past use for community purposes and the limited potential that it might provide for such use in the future. The test set out in part B) of Policy CFX is satisfied and, as there is no need to satisfy both parts B) and C), no conflict with that policy would arise.

Heritage issues

10. The Council's Conservation Officer considers the Station Hotel building not to have any particular architectural interest and my observations on my site visit would support that conclusion; it is of a domestic scale and simple form which is not out of keeping with its surroundings but it has no distinguishing features. However, the evidence from the Conservation Officer and the Ripon Civic Society is that the building is of local historic interest due to its association with the coming of the railway in the 1840s and the siting of Ripon Railway Station just over the River Ure across North Bridge. The Civic Society states that the building is a good example of a purpose built roadside tavern.
11. The significance of the coming of the railway is set out in the Ripon Conservation Area Character Appraisal Report (Character Appraisal), approved by the Council in 2009, which records that, following its arrival, imposing villas and terraces spread northwards from the historic core of the City and a new suburb was developed at Ure Bank near the railway station. The railway contributed to and supported a major increase in the size and population of Ripon during the 19th Century and, because most of the building materials for that expansion were brought by railway, it also had an influence on the styling of development undertaken in that period of rapid expansion.
12. My observations on my site visit are that the North Road part of the Conservation Area is characterised by the presence of large villas and terraces, set back behind front gardens enclosed with walls and/or railings on the street frontage. Many of the terraces have imposing facades and ornate detailing and reflect the different stages of the city's expansion to the north and the

relatively high status of these properties. The imposing Ure Terrace on the north side of the river confirms the significance of the area around the former railway station as an important suburb of the expanding city. My observations align with the assessment of this area within the Character Appraisal and confirm the significance of this area to the character and appearance of the Conservation Area as a whole.

13. A Heritage Statement was submitted with the application which includes a series of historic maps that indicate that the building first appeared on the 1857 OS map, shortly after the railway opened in 1848. The Statement records that, other than two fireplaces, there are no original features preserved within the building but does not appear to address or reach any conclusion on its historic interest by reason of its association with the railway and subsequent expansion of Ripon. Also, although it concludes that the building is of no special architectural interest, the Heritage Statement does not set out any opinion on what contribution the building makes to the character and appearance of the conservation area.
14. Having regard to the evidence submitted by the parties I find that, although not included in any statutory or local list, the hotel building should be regarded as a non-designated heritage asset due to its historical association with the railway and the subsequent expansion of Ripon. Paragraph 135 of the Framework requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the appeal and that, in weighing proposals that directly affect such an asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. In this case, although the building is of only moderate significance as a non-designated heritage asset, the proposal would result in its total loss. The resultant harm to its significance would, therefore, be considerable and that harm must be weighed against any benefits that the proposal would provide.
15. As a vacant building in its current state and condition the former hotel does, to some extent, detract from the appearance of the Ripon Conservation Area. However it is prominent in view in the long vista from North Bridge and on the approach the City from that direction. As a commercial use within an otherwise residential frontage its presence gives an indication that one is on the fringes of the City Centre. I also agree with the Civic Society that it serves as a reminder both that the former railway station was located in close proximity and of the development of this part of Ripon following the coming of the railway. In those senses the building makes a positive contribution to the particular character of this part of the Conservation Area and, given the importance of that 19th Century expansion of Ripon, to the character of the Conservation Area as a whole. Accordingly its demolition would fail to preserve the character of the conservation area.
16. Following the various amendments made to the appeal proposal the Council raises no objections to the design quality of the proposed development. I agree that this would be of an acceptable standard and that both the scale and massing of the development and its detailed design would be appropriate in the context of its conservation area setting. However, although acceptable, the design is not of such an exceptional quality as to bring about an enhancement of the character or appearance of the conservation area. Given the loss of the existing building and the positive contribution which that makes, the net effect

would be that the proposal would fail to preserve the area's character or appearance and would therefore cause harm, albeit at a less than substantial scale, to the significance of the conservation area as a designated heritage asset.

17. Paragraph 135 of the Framework advises that, where a development will lead to less than substantial harm to the significance of a designated heritage asset, such as a conservation area, that harm should be weighed against the public benefits of the proposal. In carrying out that balancing exercise it is necessary to have regard to the statutory duty under Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.
18. The public benefits of the proposal would be to provide 12 apartments which would increase the range and choice of accommodation in Ripon and help to meet housing needs in the area. Economic benefits would also flow from the construction activity and the expenditure by future occupiers of the proposed apartments on local goods and services. These would be tangible benefits but, other than a general reference to a Regional HBF report, I have seen no evidence that there is a pressing, unmet need for the provision of the kind of accommodation proposed or that these benefits could only be achieved through the development of the appeal site. Accordingly I find that the public benefits would not be sufficient to outweigh the harm to the significance of the conservation area given the statutory duty that I have referred to above. The loss of the existing building as a non-designated heritage asset must also be taken into account.
19. For these reasons I find that the proposal would conflict with saved Local Plan Policy HD3 which states that development that would have an adverse effect on the character and appearance of that area will not be permitted.

Prejudice to redevelopment of the Auction Mart site.

20. The Auction Mart closed in 2001 and its site has remained vacant ever since. It has limited frontages to North Road but the poor condition and appearance of the former garage building, the gaps in what was historically a largely built frontage to the road, and the views which these gaps provide of an extensive area of overgrown and neglected land all combine to cause detriment to the appearance of the conservation area. The early regeneration of the site, either through redevelopment or other means, would be of benefit in removing the negative contribution which the site currently makes to the appearance of the conservation area.
21. Together with the appeal site the Auction Mark site has been identified under saved Local Plan Policy HD11 as one of a number of Townscape and Environmental Improvement Area where priority will be given to visual improvement either through refurbishment or redevelopment. In relation to this particular site the policy indicates a preference for comprehensive approach.
22. Problems relating to ground conditions led to a refusal of permission for a comprehensive redevelopment in 2013 and the Council acknowledges that those constraints might make residential use, at least of the full extent of the site, unviable. However, there have been several enquiries about the

- redevelopment of the site since that decision and I have seen no evidence that it would not be suitable for commercial or other forms of development. I note also that the Council has recently identified the site as one that should be considered as part of a sequential assessment required in connection with a current application for retail development elsewhere in Ripon.
23. The proposed access for the appeal scheme uses part of the Auction Mart land but the proposal would not prejudice the future use of the existing access to the Auction Mart site. However, I agree with the Council that, although the potential uses of the Auction Mart site might be narrowing down to mainly commercial uses, there is as yet no indication as to the type or scale of any such use or what form and standard of access may be required to serve such a redevelopment.
 24. The plans submitted with the 2013 application for comprehensive development of the two sites together indicate that such an approach could provide for a better standard of access in terms of visibility at the access junction and the provision of a central refuge to assist pedestrians to cross the road. Those plans also show the potential that a comprehensive development would offer in terms both of creating a more visually prominent access located centrally in the site frontage and of enabling the reinstatement of a built frontage to North Road on each side of that access.
 25. Having regard to that evidence, I accept that the proposed development would not deprive the Auction Mart of its existing lawful access but consider that a reliance on that existing access to serve any redevelopment of so large a site could limit its potential in a number of ways. First, the siting of some of the proposed apartments immediately abutting that access might give rise to the need to limit the hours of access to and servicing of the development site because of concerns about noise and disturbance to the future occupiers of those apartments.
 26. Secondly, it would close off options for achieving a better quality access and thereby possibly constrain the type and scale of development that can be achieved. Thirdly, and perhaps most importantly, it would remove the opportunity for creating a much more prominent, centrally located access and for bringing part of the new development onto the North Road frontage. In my experience the achievement of such visibility and prominence for a commercial development can be a significant factor affecting the marketability of the proposed accommodation and, hence, development viability. Given the many challenges that any development of the Auction Mart land is likely to face, the closing off of these opportunities could severely hamper the prospects of securing an appropriate development of the site at the earliest possible opportunity.
 27. Accordingly I find that the proposal would conflict with saved Policy HD11 and its objectives of securing the redevelopment of the land in order to achieve townscape and environmental improvements. Insofar as the removal of the opportunities for greater flexibility might lead to delay in proposals being brought forward for the site's redevelopment, the proposal would also conflict with saved Policy HD3 in that the proposal would fail to preserve or enhance the appearance of the conservation area.

Other Matters

28. The appellant has indicated a willingness to enter into a planning obligation to make financial contributions to the provision of off site open space. That obligation would provide adequate mitigation in lieu of on-site provision in accordance with the Council's normal planning standards but cannot be regarded as a benefit of the proposal and does not alter my conclusions on the main issues.

Conclusions

29. For the reasons set out above and having regard to all matters raised I conclude that the appeal should fail.

Paul Singleton

INSPECTOR