

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 18 January 2005

PLAN: 01	CASE NUMBER: 04/00626/DVCON
APPLICATION NO. 6.101.12.X.DVCON	GRID REF: EAST 438360 NORTH 456050
	DATE MADE VALID: 06.02.2004
	TARGET DATE: 02.04.2004
	WARD: Ribston

APPLICANT: BUPA Care Homes (GL) Ltd

AGENT: Walker Morris Solicitors

PROPOSAL: Variation of Condition no 3 of planning permission 6.101.12.M.PA to state the premises shall only be used for a use falling within Class C2 of The Town & Country Planning (Use Classes) Order 1987.

LOCATION: Goldsborough Hall Church Street Goldsborough Knaresborough North Yorkshire HG5 8NR

REPORT

SITE AND PROPOSAL

This application was considered at the Area 2 Development Control Committee on 14 December 2004 when members were minded to refuse the application contrary to the planning officer's recommendation as they considered that the proposal would have a serious adverse effect on the environment and the fabric of the listed building, an unacceptable impact on the residents of Goldsborough, and would result in an increase in traffic which would be detrimental to residents of Stansfield Court.

Cabinet Member - support members views for the reasons given at the meeting.

Solicitor - comments will be given verbally at the time of the committee.

Officers verbally reported the receipt of additional letter of objection at the Area 2 Development Control Committee on 14 December 2004. This information related to the additional 30 letters of objection received, which did not raise any new issues. No further letters of objection have been received at the time of writing the report.

No further information has been received from the current owners or applicant regarding the traffic figures submitted by the Parish Council.

Goldsborough Hall is a sixteenth century grade II* Listed building. The site comprises of the main Hall, which is three storeys high with a basement. This is linked by a corridor to the two-storey Dower House which is a converted stable which links to the single storey Garden House. The Hall was originally a private residence, but it has had several different

uses over the years including a finishing school and a hotel. The most recent and existing use is for a residential/nursing home, which are now referred to as care homes. The existing internal layout of the hall has primarily been made to accommodate bedrooms on the first and second floor of the main Hall with more in the Dower House. The Garden House was specifically created for additional bedrooms.

A planning condition was placed on the permission for the care home, which seeks to control any future use; it does not preclude any alternative use from being applied for and considered against the current development plan. The reason for the imposition of this condition was to safeguard the rights of control by the local planning authority in this respect. The condition specifically excludes other uses in Class XI (boarding/guest houses/hotels) of the Town and Country Planning (Use Classes) Order 1972. The applicant was informed that this condition is incorrectly worded and should in fact refer to Class XIV of the 1972 UCO (Use as a home or institution for the boarding, care and maintenance of children, old people or persons under disability, a convalescent home, sanatorium or hospital). Such uses are now incorporated into Class C2 (Use for the provision of residential accommodation and care to people in need of care, hospital and nursing home, residential, school, college or training centre) of the Town and Country Planning (Use Classes) Order 1987. This application seeks to vary that condition to allow it to be used for any use within Class C2.

In this case there is a specific user intended for Goldsborough Hall, and the proposed variation of the condition and the proposed alterations to the listed building and the associated planning applications are to facilitate the use of the building and grounds by the Senad group. Information on the Senad website states that the group was formed in 2003 to create a group of schools for children and young people with a range of special educational needs, and to develop care homes to support them into adulthood. The Senad group have stated that Goldsborough Hall would be used as a residential school, the residents would be children and young adults with severe and complex communication and learning difficulties with associated challenging behaviour, which arises directly out of the students communication and learning problems.

MAIN ISSUES

1. Policy/Land Use
2. Amenity
3. Traffic

RELEVANT SITE HISTORY

6.101.12.Y.LB- Listed Building application for various internal alterations including the erection of polycarbonate sheeting to protect windows, raising of chandeliers, replacement of existing wall lights; and erection of boundary fences and gates: Pending Consideration 2004

6.101.12. Z.FUL - Erection of boundary fence and entrance gates, formation of children's hard play area, installation of children's play equipment, and formation of increased hardstanding within existing car park: Pending Consideration 2004

6.101.12.W.LB and V.FUL - Erection of extensions to existing building to form new laundry facilities and internal bathrooms: PER 1986

6.101.12..PA - Single storey link between Garden House and Dower House: PER 1985

6.101.12.O.PA - Single storey annex to be used as a nursing home: PER 1984

6101.O.LB and M.PA - The conversion of an existing private dwelling into a residential/nursing home: PER 1982.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Goldsborough

Conservation and Design Section

See Report

Economic Development Officer

See Report

Chief Estates Surveyor

See Report

Highway Authority

See Report

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 12.03.2004

PRESS NOTICE EXPIRY: 12.03.2004

REPRESENTATIONS

GOLDSBOROUGH PARISH COUNCIL - The Parish Council objects to the proposals:

See Appendix A for full details

OTHER REPRESENTATIONS - Over 500 representations have been received for the three associated applications relating to this site. In addition application 6.101.12.Y.LB received a petition signed by 331 people. The representations received for each application cross-refer to all three applications with many of the objections stating that the applications contravene Harrogate District Local Plan Policies. The main issues, which generate most concern are residential amenity, visual amenity, the internal alterations, the impact on the landscape character, the impact on the village character, the proposed residents behaviour, the impact of increased traffic, the impact of the proposals on the conservation area and the impact of the proposal on the listed building. The following information relates to the areas of most concern:

Church Access, Lighting and night time security, Proposed residents behaviour, Public

safety, Residential amenity, Impact on Stansfield Court.
Impact on Conservation Area, Environmental Impact, No environmental improvement,
Village character, Visual amenity, Impact on school numbers.
Impact on countryside, Landscape character, Outside development limit, Impact on wildlife,
Impact on woodland.
Internal alterations, Impact on the Goldsborough Hall, Impact on surrounding listed
buildings.
Entrance Gates, Fencing, Hard Play area, Increased hard standing .
Access, Road safety, Increased traffic, Traffic pollution including noise from traffic.
Use Class C2 too wide, Loss of nursing home.

6.101.12.X.DVCON

178 objections were recorded for this application (6.101.12.X.DVCON). The main
objections specifically refer to the loss of the care home and Use Class C2 being too wide,
but other areas of concern for this application are as follows:
Inappropriate facility, Internal alterations, Traffic Pollution, Loss of nursing home, Fencing,
Proposed residents behaviour, Village character, Increased traffic, Use Class C2 too wide,
Impact on the Conservation Area, Impact on the listed Building.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- SPE4 North Yorkshire County Structure Plan Policy E4
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the
Environment and Amenity
- LPHD01 Harrogate District Local Plan (2001, as altered 2004) Policy HD1: Statutory list of
buildings of special architectural or historic interest
- LPHD03 Harrogate District Local Plan (2001, as altered 2004) Policy HD3: Control of
development in Conservation Areas
- LPT01 Harrogate District Local Plan (2001, as altered 2004) Policy T1: The Highway
Network
- LPCF09 Harrogate District Local Plan (2001, as altered 2004) Policy CF9: Other New
Community Facilities
- LPCFX Harrogate District Local Plan (2001, as altered 2004) Policy CFX: Community
Facilities Protection

ASSESSMENT OF MAIN ISSUES

1. POLICY/LAND USE - Retention of care homes for the elderly (Policy CFX): Adopted
Local Plan Policy CFX seeks to retain community facilities in their current use and states
that proposals which involve the loss of land or premises in community use will not be
permitted except where it can be shown that there is no reasonable prospect of the existing
use continuing on a viable basis with all options for continuance having been fully explored,
as a priority. Thereafter, Policy CFX seeks to ensure that a satisfactory viable alternative
community use is secured before a non-community use is considered. Residential schools
and care homes are within Use Class C2 and are considered to be community facilities;
however the proposed use is not a substitute for the care home and needs to comply with

Policy CFX criterion C).

Viability of the existing use:

The current owner (BUPA) have cited the requirements for care homes for older people set out by National Care Standards Commission (NCSC) as a reason why the continued use of the hall would not be viable. The applicant has stated that internal alterations required by the NCSC standards will be difficult to achieve because the building is Grade II*listed, and that the Halls capacity would be reduced to 30 rooms reducing the viability of the care home. BUPA state it would not be possible to comply with all the NCSC Standards and that it would also fall short of achieving the standards set out in its own portfolio. A fire risk assessment has also been submitted and BUPA state this results in a further 2 rooms not being capable of being used as sleeping accommodation. In addition the building has high maintenance costs.

The Senad group would not need the main larger rooms within the Hall for bedroom accommodation, but for teaching purposes instead. The larger rooms within the main building would not have to be subdivided to achieve single room occupancy. The problems highlighted with the fire escape in the submitted information by BUPA, is not considered to be as substantial for the proposed use as there would be fewer residents who would occupy more of the purpose built rooms at ground floor level.

Marketing:

The applicant has also provided a report on the marketing campaign. It is considered that the property has been fully marketed, given the unusual and relatively unique nature of the property. The Agents have achieved the required outcome for the vendor, while trying to adhere to the requirements applied in Policy CFX. Although many of the representations state that the Hall should be retained as a care home for the elderly it is considered unlikely that a purchaser could be found who wanted to use the hall and grounds as such given the viability of the building and the works required to bring it up to present day standards. The Councils Estates Division considers the marketing exercise meets the criteria contained within Policy CFX.

Location and Accessibility (Policy CF9):

Local Plan Policy CF9 states that proposals for new community facilities should be located in or adjacent to the built up confines of larger villages, provided that it would be easily accessible for those without a car and would not have an adverse impact on residential amenity. Goldsborough Hall is already established as a community facility and there is supporting information which shows that residents and staff of the care home did not reside within the village. The public transport services are minimal and include four bus services per day on Monday to Saturday (none on Sunday) to/from Harrogate, Knaresborough and Ripon (8 in total). However, the Senad Group propose to use a minibus and a Green Travel Plan can be conditioned.

The Senad group requires a high staff to resident ratio. The level of supervision required for the proposed residents illustrates that it would not be necessary for this facility to be within safe walking distance of other community facilities and services on a day to day basis. The circumstances regarding accessibility for the proposed use are comparable to the care home use. It is therefore a material consideration that the existing use of the hall is currently that of a community facility (albeit a privately provided) and therefore the location of the proposed residential school and care home within this rural

setting/village/Conservation Area is acceptable in terms of Local Plan Policy CF9.

2. AMENITY - Surrounding Land Uses & Residential Amenity:

Numerous concerns about the use have been expressed in the representations specifically mentioning that Class C2 is too wide, however the use could be conditioned to the specific user. In this case it is known that the user would be the Senad Group. However, it is the children and young people who would be taught at the school who are perceived as a threat by local residents. Many concerns stem from local opinion that the proposed residents and use would increase noise, damage the listed building, create the potential for more accidents within the village, as well as concern for public safety and the village being stigmatised. Residents within the village have visited schools operated by Senad, and their opinion is that the schools look run down. This has been suggested to result in fewer parents from within and outside the village sending their children to the village school.

The Senad Group is an independent school, which seeks to create a social and learning environment for children and young people. The schools would be registered with the Commission for Social Care Inspection (CSCI) with student fees paid for by Local Authorities or private individuals. The school would be inspected by Ofsted and CSCI. Ofsted inspections are every 3 years and the school would have to meet Ofsted requirements before it could open. In addition the 27 residents proposed for Goldsborough Hall would be highly supervised, at a ratio at one to one during waking hours, with time managed within structured timetable and lessons. Students would always be under observation when outside, but all would have individual risk assessments. (See Appendix B).

Given the level of supervision the residents would receive, the regulatory framework, individual risk assessments and the large element of organisation and control of the residents day-to-day activity and free time it is considered that the school or residents behaviour would not be harmful to everyday village life or nearby residents in terms of increased accidents or threats to public safety. The concerns and perceived threats expressed about the Senad Group to all aspects of village life is not sufficient justification to refuse this proposal.

Due to the above, it is also considered that a refusal could not be justified to refuse this application on the grounds of the impact on the Listed Building resulting from damage by the user. The Senad Group also operate from other Grade II Listed Buildings and because Goldsborough Hall is currently specifically geared towards a residential institution then the use is a material consideration.

In addition ensuring that the listed building is occupied is the best way to secure the upkeep and maintenance of the fabric of the building and its grounds, the proposed works required to do this are minimal. The internal and external alterations are to be considered in detail as part of applications 6.101.12.Y.LB and 6.101.12.Z.FUL. Further alterations would be controlled by the Local Planning Authority through listed building applications.

Immediate Neighbours

There are twelve assisted Living units at Stansfield Court located at the entrance to Goldsborough Hall. Residents at Stansfield Court would have been aware that a residential institution was in operation when deciding to reside there, but it is accepted that the

proximity to a care home may have been a reason for choosing to live there. It was an option for the residents to purchase a range of services from the Care Home, and following its closure the services are still available to the residents, this still constitutes sheltered accommodation in accordance with the approval granted in 1983 for the conversion of the buildings at Stansfield Court. It is also accepted that the change in circumstance could be disconcerting for the residents. However the main issues likely to affect residential amenity of the occupiers at Stansfield Court and nearby Goldsborough Hall Cottages would be the potential for increase traffic movements in and out of the site.

3. TRAFFIC - Goldsborough Hall care home was (up until 2003) in operation on a daily basis with staff, deliveries and visitors entering the site via the archway at Stansfield Court. Therefore provided the proposed volume of traffic entering the site is not substantially different to the volume of traffic when the care home was in operation it follows that the proposed use could not be considered to result in an unacceptable increase in traffic causing harm to the amenity of neighbours.

Based on the information provided by BUPA and the Senad Group the overall number of vehicular movements would be increased during Monday to Friday, but it is considered that this would not be significant increase (see appendices C and D). At weekends there would be no teachers and therapist reducing the traffic volume.

The shift patterns of the Senad Group and BUPA are similar and are concentrated between the times of 7:00am to 9:00am, 14:00pm and 16:00pm and 20:00pm and 22:00pm. The number of vehicles parked on the site has been shown to be similar to the care home parking requirements for which there was adequate space. The car parking arrangements would be conditioned to be retained clear of obstruction and retained for their intended purpose.

It is accepted that the number of staff has increased significantly, but based on the information provided by the Senad Group the traffic volume would not be exponentially increased. In addition it is considered that the creation of a Green Travel Plan, which could be conditioned is a positive measure that the applicant has agreed to which would be aimed at reducing traffic by maximising the use of the mini-bus by the Student Support Assistants (the applicant has stated that car use amongst this group is low) and encouraging car sharing by teachers and therapist.

Road Safety

Following consultation with NYCC Highways engineers and based on the traffic figures submitted it is not considered that the roads in Goldsborough are unsuitable for the amount of traffic proposed or that a refusal on this ground could be supported at appeal. The parking would be conditioned as per Highways comments in application 6.101.12.Z.FUL, which relates to the hard standing.

It is a material consideration that the Hall was used as a care home and required shift patterns and access to Goldsborough Hall via Stansfield Court. The increase in the vehicular movements has been shown by the applicants to be comparable to the vehicular movements required by the staff at the care home when it was in operation and it is considered that it is not substantially different to be unsuitable for the roads or road safety in Goldsborough or have any further unacceptable impact upon nearby residents.

CONCLUSION - The proposed use is an acceptable alternative community use and satisfies the Council's retention of community facilities policy. The proposed use is appropriate for the listed building and Conservation Area. The perceived threat or fear of residents behaviour is not considered to be a justifiable reason for refusing the application. The proposal scheme would be in accordance with Local Plan Policy T1 as the potential for increase in traffic resulting from the proposed residential school would be comparable to the amount of traffic generated by the care home or therefore result in a hazard to road safety or traffic flow or residential amenity. However the scheme would benefit from a Green Travel Plan. The proposal accords with the criteria in Harrogate District Local Plan Policies CFX, CF9 and Local Plan Policies A1, T1, HD1 and HD3.

CASE OFFICER: Mrs K Williams

RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC02 DEVELOPMENT IN ACCORDANCE WITH DRAWINGS
- 3 Notwithstanding the submitted details, the Local Planning Authority shall be informed in writing of the first day of occupation of the premises. Prior to the first day of occupation a travel plan shall have been submitted to and approved in writing by the local planning authority. The submission of such travel plan for the written approval of the local planning authority shall include consideration of the following:
 - i) A timetable for completion of the travel plan and its review;
 - ii) The appointment of a travel coordinator or nominated person with responsibility for the travel plan and its maintenance;
 - iii) A questionnaire to be agreed with the Local Planning Authority prior to a survey of staff travel choices and statistics of staff travel choices;
 - iv) A Car share database;
 - v) The promotion of measures/incentives to encourage car sharing;
 - vi) Encouragement of cycling, including cycle storage;
 - vii) Mileage allowance for work related bicycle use;
 - viii) Financial assistance towards the purchase or loan of a bicycle;
 - ix) Maximum possible use made of flexible working hours;
 - x) Public transport information/promotion of public transport;
 - xi) Initiatives for using public transport or cycling;
 - xii) Inwards and outwards delivery policy that discourages wasteful journeys;
 - xiii) Efforts made to avoid all forms of travel - i.e. canteen/small shop on site;
 - xiv) Use of existing mini-bus for staff travel to work/lunchtime visit to Knaresborough or Harrogate etc.

Those parts of the travel plan that are identified therein as being capable of implementation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development

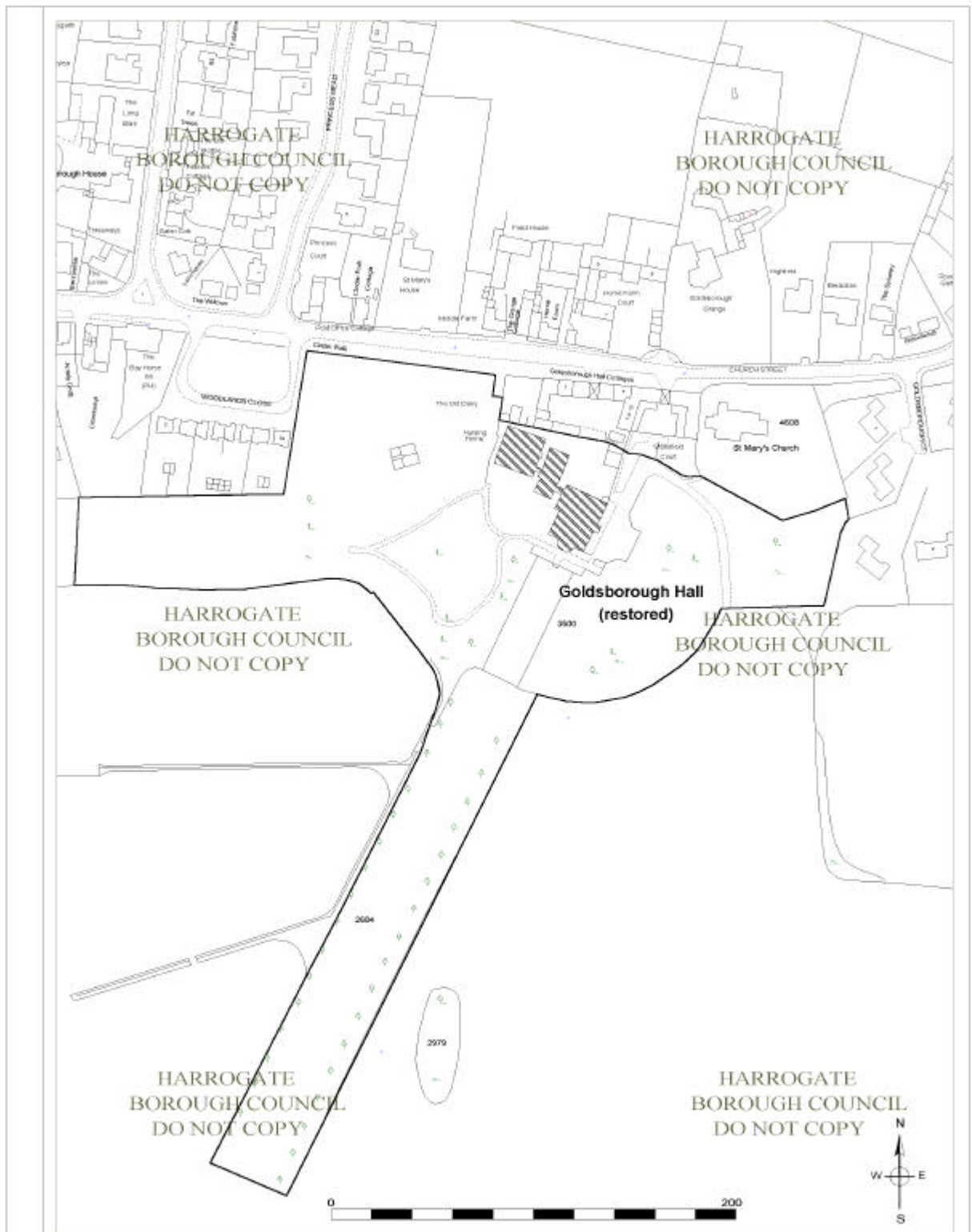
- is occupied by the Senad Group.
- 4 The permission shall operate for the use as a residential school only within Use Class C2 and for no other use within Class C2.
 - 5 This permission shall operate for the benefit of The Senad Group Ltd only and in respect only of the premises at present existing and the use hereby approved shall be terminated at such time as the above named person(s) cease(s) to occupy the premises.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC02R COMPLIANCE WITH DRAWINGS
- 3 In order to increase travel options for staff and visitors.
- 4 In the interests of amenity
- 5 CF04R PERSONAL PERMISSION ONLY IS ACCEPTABLE

INFORMATIVES

- 1 It is essential to obtain the advice of the Local Planning Authority prior to the preparation of the Travel Plan.



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Area 2 DC Committee

18/01/2005

App No.: 6.101.12.X.DVCON Case No.: 04/00626/DVCON

Scale: 1:2500 (at A4 size) Item No.:

Drawn by J Brown

Site



Produced for Development Control Area Planning Committee for site identification purposes only.

