

- Meeting:** Skipton and Ripon Area Planning Committee
- Members:** Councillors Nathan Hull (Chair), Andy Brown (Vice-Chair), Barbara Brodigan, Robert Heseltine, David Ireton, David Noland and Andrew Williams.
- Date:** Tuesday, 4 February 2025
- Time:** 1.00 pm
- Venue:** Ripon Town Hall, Ripon HG4 1DD

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division Councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Vicky Davies, Senior Democratic Services Officer by midday on Thursday 30th January 2025.

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Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 3rd December 2024.** (Pages 5 - 10)
3. **Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZC23/02883/FUL - Remodelling of the interior and exterior of Canal Gates/Studley tea rooms including landscaping; demolition of single storey extensions and ancillary structures, retail hut, ticket office, LPG tank, fencing and hardstanding; extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements at Studley Royal Tea Rooms, Studley Park, Ripon, North Yorkshire HG4 3DY on behalf of the National Trust.** (Pages 11 - 44)
Report of the Assistant Director – Planning.
5. **ZC23/02884/LB - Listed Building Consent for works associated with the remodelling of the interior and exterior of Canal Gates/Studley tea-room including; demolition of single storey extensions and ancillary structures - retail hut, ticket office, LPG tank, fencing and hardstanding; extension to Studley tea room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements; at Studley Royal tea rooms, Studley Park, Ripon, North Yorkshire HG4 3DY on behalf of the National Trust.** (Pages 45 - 66)
Report of the Assistant Director – Planning.
6. **2020/22109/FUL - Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site on land at Richard Thornton's School, Burton-in-Lonsdale, on behalf of Permahome Limited.** (Pages 67 - 162)
Report of the Assistant Director Planning
7. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of Next Meeting**
Tuesday, 04 March 2025 at 1pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

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Monday, 27 January 2025

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North Yorkshire Council

Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Tuesday, 3 December 2024 commencing at 1.00 pm.

Councillor Nathan Hull in the Chair. Plus Councillors Barbara Brodigan, Andy Brown, Robert Heseltine, David Ireton, David Noland and Andrew Williams.

Officers Present: Andrea Muscroft, Development Management Team Manager; Stuart Mills, Development Management Team Manager; Kate Lavelle, Solicitor; Daniel Child, Principal Planning Officer; Daniel Herbert, Highways Officer, Mike Parkes, Senior Planning Officer; Vicky Davies, Senior Democratic Services Officer and David Smith, Senior Democratic Services Officer.

Councillor Williams left the meeting at 3.29pm.
The Committee took a short comfort break at 2.40pm.

Copies of all documents considered are in the Minute Book

127 Apologies for Absence

There were no apologies for absence.

128 Minutes for the Meeting held on 5th November 2024

The minutes of the meeting held on Tuesday 5th November 2024 were confirmed and signed as an accurate record.

129 Declarations of Interests

There were no declarations of interests.

However, Councillor Heseltine in referring to item ZA24/25923/FUL on the agenda, informed the meeting that complaints had been made against him in relation to a previous application ZA23/25403/FUL on land off Marton Road, Gargrave. He stated that the complaints had been investigated and dismissed and there had been no bias or pre-determination. He had never lived on Marton Road and, only for a short while, several years ago, had lived on the High Street, Gargrave. Councillor Heseltine stated that the unfounded allegations had been stressful to him, his family and friends.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permissions and variations of conditions. During the meeting, officers referred to additional information by way of a late information report and representations that had been received.

The conditions as set out in the reports, late information reports and the appropriate time conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act.

In considering the reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plans, the National Planning Policy Framework and all other material planning considerations.

In granting permission in accordance with the recommendations of the reports this was because the proposals were in accordance with the development plans, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee deferred consideration the reasons for that decision are as set out below.

- 130 ZC24/03113/DVCMAJ - Section 73 application for the variation of condition 1 of S73 permission ZC24/01066/DVCMAJ to allow changes to proposed window frames, door frames, garage door frames, front doors of dwellings and garage doors to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ at Brierley Homes Laverton Oaks development at land comprising field at 422819 474158, Back Lane, Kirkby Malzeard, North Yorkshire on behalf of Brierley Homes Ltd.**

Considered –

The Assistant Director Planning – Community Development Services sought determination of a Section 73 application for the variation of condition 1 of Section 73 permission ZC24/01066/DVCMAJ to allow for changes to proposed window frames, door frames, garage door frames, front doors of the dwellings and garage door to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ on land at Back Lane, Kirkby Malzeard. The application is brought to the Planning Committee because the applicant, Brierley Homes, is owned by the Council.

Having listened to the officer's presentation and being no public speakers, Members were content with the proposed variations as they did not materially affect the reserved matters of the development.

The Decision:

That the Section 73 variation be GRANTED subject to the conditions as set out in the report.

Record of Voting:

A vote was taken and the motion was declared carried unanimously.

- 131 ZA24/25923/FUL- Proposed construction of a covered steel portal frame agricultural building at Souber Dairy, Bank Newton, Skipton, North Yorkshire BD23 3NT on behalf of Mr Tom Dodgson.**

Considered –

The Assistant Director Planning – Community Development Services sought determination of a full planning application for a steel framed agricultural building at Souber Dairy, Bank Newton, Skipton. The application had been called-in to be determined by the Planning Committee due to concerns over the impacts upon the highway.

Updating the report the planning officer referred the Committee to a late information report

and photographs submitted by Rachel Berry, Bank Newton Parish Meeting and Gargrave Parish Council. The late information report also set out an additional condition regarding a scheme for the provision of solar panels, to be attached to the permission, if granted.

Following the report and questions to the Planning Officer by Members, the Chair invited the following members of the public to make representations to the Committee:

- Ms Rachael Berry spoke on behalf of the objectors.
- Ms Catherine Downes spoke on behalf of Bank Newton Parish Meeting.
- Mr Geoffrey Butt, spoke on behalf of Gargrave Parish Council.
- Local Division Member Councillor Simon Myers spoke and explained that whilst he was on the side of farm businesses and their expansion he wanted to raise residents' concerns regarding highway safety and damage caused to the canal bridge.
- Mr Tom Dodgson, the applicant, spoke supporting his application.

During consideration of the application, the Committee discussed the following issues:

- The potential increase in farm traffic movements, particularly during harvesting would add to the existing concerns regarding highway safety issues for pedestrians, hikers and cyclists.
- The collision history of the surrounding area. The planning officer had noticed the traffic concerns but stated it was an existing farm in a rural area and the Highways Authority's survey resulted in them being satisfied there was no impact on highway safety.
- Concern that the proposal only included one passing place on a narrow road which was thought insufficient. It was noted that the provision of further passing places was not feasible as all the land was not in the applicant's ownership.
- Damage to the canal bridge, drystone walls and ditches by large agricultural vehicles was concerning.
- The Highways Officer stated that the bridge was owned by the Canal and Rivers Trust and a scheme was being developed to repair and strengthen the bridge. The costs would be shared between the Council and the Canal and Rivers Trust.
- Members questioned whether covering the hardstanding with a steel portal frame would enable it to be used for cattle. The planning officer reassured Members that any change of use would require a separate application.
- In relation to the 7.5 tonne weight restriction, Members were advised it was still in force over the full length of Church Street between the A59 and A65 to stop the route being used a short cut by HGVs. It was not related to traffic movements on Marton Road.
- Members debated whether a deferral would be feasible to allow for an independent assessment of any additional traffic at peak season next Year. The planning officer confirmed that there was already an existing lawful use on the development site to transport grain and that an additional traffic survey was unlikely to demonstrate any additional movement in this respect. The Legal Officer reminded Members that a deferral until next Autumn would carry a risk of non-determination of the application.

The Committee voted to defer the decision to allow for an independent assessment of any additional traffic at peak season. A vote was taken and the motion was defeated with 4 votes against and 3 for.

Given that the above motion was lost, Members debated the original recommendation as set out in the Assistant Director's report and the decision of the Committee is set out below:

The Decision:

That, the application is GRANTED subject to the conditions detailed in the report and an additional condition as set out in the late information report.

Record of Voting:

A vote was taken and the motion was declared carried with 4 for, 2 against and 1 abstention.

Additional Condition:

A scheme for the provision of solar panels including details of appearance shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To help mitigate against climate change and to accord with Policy ENV3 (t) of the Craven Local Plan 2012-2032.

132 ZA24/26255/FUL - Residential development with associated parking provision, public open space, soft and hard landscaping and associated infrastructure, on land to the north of Airedale Avenue, Skipton, on behalf of Skipton Properties Ltd.

Considered –

The Assistant Director Planning – Community Development Services submitted a report and a late information report seeking determination of a planning application for the construction of 53 dwellings with off-street parking and associated infrastructure. The application had previously been reviewed by the former Craven District Council Planning Committee in September 2020 and was to be developed in partnership with a developer. Members resolved to approve the scheme, subject to a legal agreement, however, no legal agreement was signed, thus the resolution to approve fell away.

The application is brought to Committee because it is Council owned land which is currently being transferred to the applicant and is considered to raise issues appropriate for consideration. The site is an allocated site in the Local Plan and therefore the principle of housing on this site is acceptable.

Mr Eric Jaquin spoke as an objector.

Ms Sarah Barraclough representing the applicant, Skipton Properties, spoke in support of the application.

During consideration of the application, the Committee discussed the following issues:

- Concerns over the amount of construction traffic using town centre roads to access the site as this could have an impact on residents.
- Car parking for construction workers could be an issue. The Planning Officer stated that this would be controlled by a condition.
- In response to the question about why had the Yorkshire Dales National Park been consulted, the Planning Officer stated that it was part of the policy on design principals and out of courtesy it was normal practice to consult them.
- The poor visibility at the junction with Hurrs Road, Airedale Avenue and Shortbank Road.

The Decision:

That planning permission is GRANTED subject to conditions as set out in the report and late information report and a draft Section 106 agreement being agreed with terms as detailed in Table 1 of the report to secure the affordable housing provision, off site highway works, off site open space provision, biodiversity net gain enhancements and long term monitoring.

Record of Voting

A vote was taken and the motion was declared carried unanimously.

133 2020/22109/FUL - Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on an allocated site on land at Richard Thornton School, Burton-in-Lonsdale, on behalf of Permahome Ltd.

The Assistant Director Planning – Community Development Services submitted a report seeking determination of a planning application in respect of the construction of eleven two-storey dwellings on part of an allocated housing site previously in educational use at the former Richard Thornton 's Primary School, Burton in Lonsdale.

The application was brought back to Committee because planning permission was sought in revised terms to those which Members had previously resolved to grant, following the submission of a viability report and independent appraisal.

During consideration of the application, the Committee discussed the following issues:

- Dissatisfaction that the evidence of viability, independently assessed on behalf of the Council, concluded that the scheme would not be viable with affordable housing or off-site public open space obligations.
- The piecemeal development of the site instead of the whole site coming forward as one application, thereby avoiding the obligation to provide affordable housing.
- The planning officer informed Members that as this proposal was for only part of the site should a further application come forward for the remainder of the site then viability would be re-visited at that time. Additionally, if the undeveloped part of the site was sold it would still attract the re-consideration of another viability appraisal.
- The mix of dwellings did not meet the housing mix as required by the Local Plan policies.
- The site was in a Conservation Area and near heritage assets.

The Decision:

1. That, the application is DEFERRED as the Committee is minded to conclude that the overall balance of planning gain and loss is negative in circumstances where:
 - a. The site cannot deliver any affordable housing and contribute to that important need.
 - b. The proposal would not meet Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD.
 - c. The proposal would not meet the required housing mix.
 - d. The proposal would have a negative impact on local heritage assets.
2. That officers are allowed the opportunity to consider the above planning reasons for the deferral and a report is brought back to Committee for a decision.

Record of Voting

A vote was taken and the motion was declared carried with 5 voting for and 1 abstention.

134 Any other items

There were no urgent items of business.

135 Date of Next Meeting

Tuesday 7th January 2025 at 1pm.

The meeting concluded at 4.05 pm.

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

4th February 2025

ZC23/02883/FUL – Remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures - retail hut, ticket office, LPG tank, fencing, hardstanding; Extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements; at Studley Royal Tea Rooms, Studley Park, Ripon, North Yorkshire, HG4 3DY on behalf of the National Trust

Report of the Assistant Director – Planning

1.0 Purpose of the Report

- 1.1. To determine a planning application for the remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures - retail hut, ticket office, LPG tank, fencing, hardstanding; Extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements; on land at Studley Royal Tea Rooms, Studley Park, Ripon.
- 1.2. This application is brought to the Planning Committee, following referral from planning officers, due to the sensitive nature of the site within the boundaries of the Studley Park UNESCO World Heritage Site, which includes the ruins of Fountains Abbey and Water Gardens.

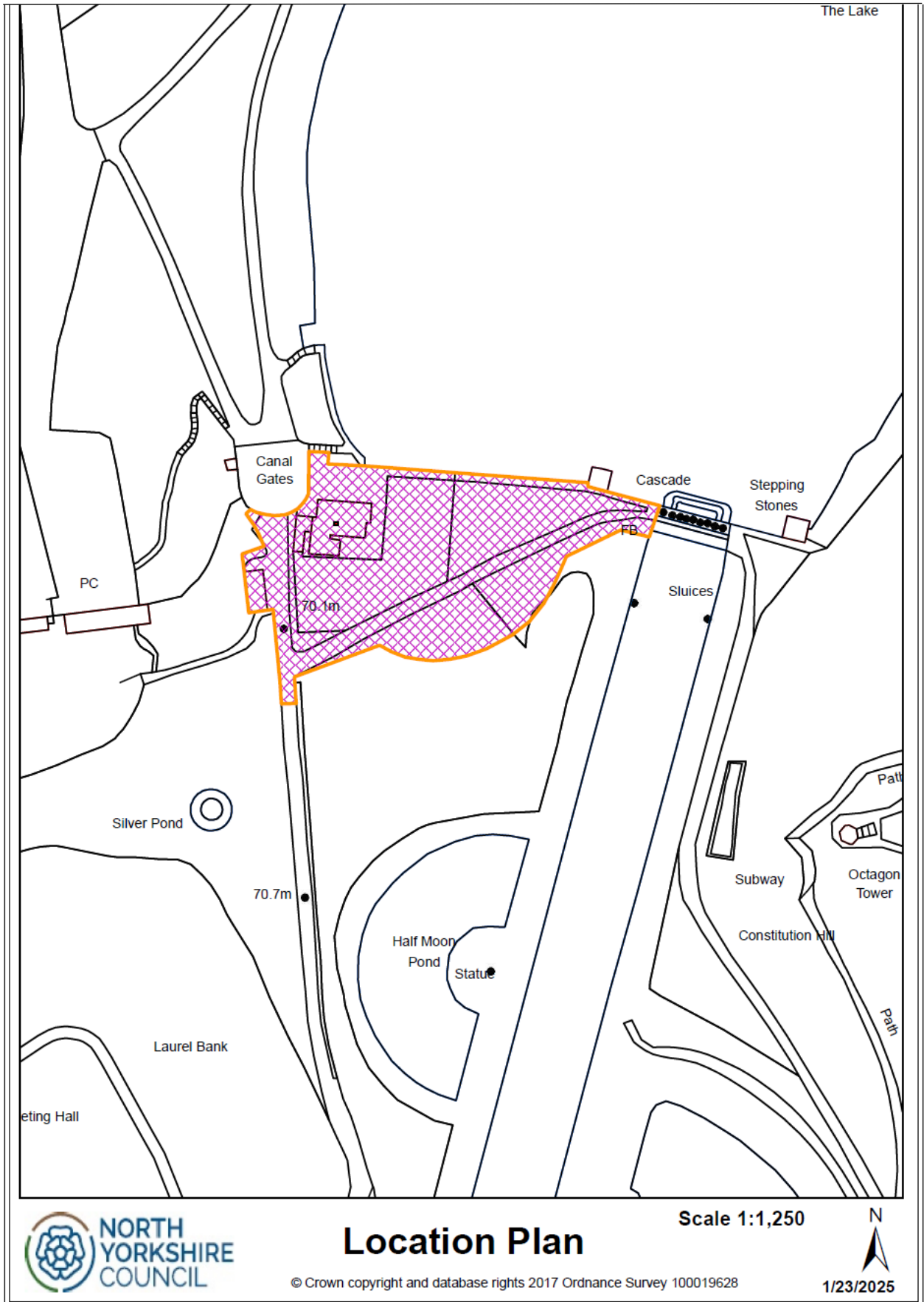
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below

- 2.1. The proposal site comprises the existing Grade II Listed Studley tea-rooms, ticket office, kiosk and internal pathway to the Aislabies' Water gardens. The site is located to the south-west of the Lake, which sits between the Studley Royal Deer Park and the Water Gardens, which form part of the UNESCO World Heritage Site. The site falls within the Nidderdale National Landscape.
- 2.2. The proposal seeks to demolish single storey additions to the building, remove contemporary fencing and planting; and to erect a single storey flat roof extension of contemporary appearance to the tea rooms.
- 2.3. The proposal would allow additional seating for 60 people, reduced from 88 additional seats in the original proposal plans. The plans include a reconfiguration internally in order to

provide interpretation space for the Water Gardens as well as rationalising the ticket gate entry system to the eastern access to the Fountains Abbey and Water Gardens, which forms part of the Studley Park UNESCO World Heritage Site.

- 2.4. The proposal is set outside of development limits of Ripon and Studley Roger as defined by Local Plan Policies GS2 and GS3, where there is a presumption against development where is not expressly supported by local or national policy. The proposal is considered to support Rural Tourism in accordance with Local Plan Policy EC7 and therein, is supported in principle.
- 2.5. Following concerns raised by ICOMOS International with regards to the proposal being viewed as having a negative impact on the Outstanding Universal Value of the World Heritage Site, amended plans have been received to reduce the scale of the extension and alter landscaping elements. Re-consultation has taken place.
- 2.6. The amended proposal is considered to present a limited degree of heritage and landscape harm as assessed within the Heritage and Landscape sections of the officer's report. This is due to the siting of a contemporary extension with visibility within viewpoints both within the Water Gardens and across the Lake, which is mitigated in part by a planting scheme and through its single storey design with oversailing eaves to prevent light glare.
- 2.7. The scale of the proposal is limited, within the setting of the existing tea rooms grounds, and is not considered to have a significant impact on the wider Nidderdale National Landscape in this regard, in line with Local Plan policy GS6.
- 2.8. There are a significant number of public benefits of the proposal through the rationalisation of the ticket gate, provision of interpretation boards for the Studley Royal Water Garden, re-instating a Bosco glimpsed-view garden, and re-instating the historic form of the pathway axis within the gate, as well as the removal of modern fencing in more sympathetic materials. Cumulatively, the benefits are considered to outweigh the harm to heritage in line paragraph 215 of the NPPF.
- 2.9. The proposal on balance is considered to comply with Local Plan policies HP2, HP3, GS6 and the provisions of the NPPF in this regard.
- 2.10. It is considered that matters of amenity, environmental health, ecology, arboriculture or drainage are acceptable, and matters can be resolved through condition.



3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found [here](#).

3.2. There are 7 relevant applications, which are detailed below.

ZC23/02884/LB - Listed building consent for works associated with remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures – retail hut, ticket office, LPG tank, fencing, hardstanding; Extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements. Pending Consideration.

ZC23/02061/SCREEN - Environmental Impact Assessment Screening Opinion for the extension and remodelling of Studley tea rooms and surrounding landscaping. Determined that EIA not required 15.06.2023.

90/02977/FUL - Constructing porch, replacing windows and external Alterations. Permitted 13.10.1990.

90/02665/LLB - Constructing porch, replacing windows and external alterations. Permitted 13.10.1990.

86/03057/LLB - internal alterations and improvements. Permitted 16.12.1986.

86/02388/FUL - erecting slate roofed porch and altering existing windows. Permitted 21.10.1986.

77/20101/FUL - Extension to ground floor premises to provide improved kitchen facilities and new snack bar. Permitted 03.05.1978.

4.0 Site and Surroundings

4.1. The Studley Royal tea-rooms is a C18th gatehouse, which has been adapted and amended for use as a café and as the entrance to the Water Gardens and south-eastern entrance to the tourist element of Fountains Abbey. The site is located to the south-west of the Lake, which sits between the Studley Royal Deer Park and the Water Gardens.

4.2. The existing alterations to the gatehouse building include the rending of the external walls, replacement of windows, unsympathetic modern extensions, and boundary treatment to the external seating area. The proposal site additionally includes the kiosk to the west of the gateway and the pathway itself within the gateway area, inside the ticketed entrance.

4.3. The proposal is set within the ground of the UNESCO World Heritage Site of 'Studley Park and Ruins of Fountains Abbey', which includes the Registered Water Gardens. The site is within land designated as Nidderdale National Landscape.

5.0 Description of Proposal

- 5.1. This is an application for planning permission in relation to the demolition of single storey additions to the tearooms building, kiosk, removal of contemporary fencing and planting; and to erect a single storey flat roof extension of contemporary appearance to the tea rooms.
- 5.2. This application accompanies listed building consent application ZC23/02884/LB.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 – 2035, 2020

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2024
 - National Planning Practice Guidance
 - Landscape Character Assessment
 - Supplementary Planning Document: Heritage Management
 - AONB Dark Skies Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Arboricultural Officer:** 06.11.2023 – No objections subject to the inclusion of conditions relating to the submission of an Arboricultural Construction Method Statement and the submission of a monthly report regarding the protection of trees on site in accordance with the submitted Arboricultural Method Statement.
- 7.3. **Department of Culture, Media and Sport:** 21.12.2024 - Sets out facts of the application and assessment by Historic England. The letter additionally confirms that the State did not consider a further Technical Review from ICOMOS (International) as Historic England indicates impact had been minimised whilst also achieving significant benefits, including for the Outstanding Universal Value of the World Heritage Site.
- 7.4. **Design and Conservation** 16.01.2025 – No objections. Recognised the decreased scale of the proposal sits more comfortably to the east of the existing building. “The scheme involves significant intervention to the Lodge, a grade II listed building. This involves loss of the staircase and rear wall to provide access through to the extension, together with demolition of an historic rear extension to accommodate the extension and in the way in which it adjoins the Lodge at this point. The harm has been assessed as less than substantial due to the change to the appearance of the tea room building, its setting, the interventions to the layout and demolition of a rear element of the building which is not modern. The development will result in public benefits as outlined within the supporting documentation.”

- 7.5. **Ecology:** 12.03.2024 – No objections subject to conditions for the removal of trees to take place outside of bird nesting season unless a survey is undertaken prior to works and for the mitigation measures set out within the submitted Ecology report are carried out in relation to the protection of bat habitats.
- 7.6. **Environment Agency:** 06.09.2024 – Previous comments apply. 29.09.2023 – “Our Flood Map for Planning shows the site lies within Flood Zone 2 and 3, with a medium to high probability of flooding from rivers and/or the sea. The application is for remodelling of the interior and exterior of Canal Gates/Studley Tea-Room including Landscaping, which is considered to be a ‘less vulnerable’ land use in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the ‘development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall’. A Flood risk assessment is submitted and the Environment Agency confirm that this is acceptable subject to the inclusion of a condition raising the finished floor height to the extension. The EA additionally provide advice with regards to the cleaning of equipment to prevent contamination to the environment of native white-clawed crayfish, advice the submission of a licence in relation to the removal of bat habitat and encourage Biodiversity Net Gain. They further provide advice on the prevention of land contamination.
- 7.7. **Environmental Health:** 27.08.2024 - observes that the café would require ventilation and it is noted that the proposed ‘chimney’ is to be replaced by a standard cowl to make the system less visible. No objection to this proposal provided cooking fumes are adequately filtered to avoid cooking odours being evident in the vicinity of the café premises.
- 7.8. **The Gardens Trust:** 12.09.2024 - “Having balanced the competing considerations considers that that the public benefit ultimately derived from this proposal outweighs the harm which will result to the Grade I-Listed Studley Royal Historic Designed Landscape. Accordingly, we do not object to the application and consider the level of impact on the Outstanding Universal Value of the World Heritage Site is acceptable.” 29.09.2023 – Recognises a high degree of detail in the submitted documents. There is a reasonable balance has been struck between the protection and conservation of a valuable historic landscape and the needs of future visitor management.
- 7.9. **Georgian Group:** 24.09.2024 - recognise improvements in design in amended scheme including reduction in furniture creep and planting, although remain to identify harm due to the prominent siting of the proposal and indicate a weight of harm versus public benefits are required in line with guidance of the NPPF. No objections to widening of the gateway. 14.09.2023 – Indicated that there is some harm to the Grade II Listed tearooms, and to the setting and special significance of the Studley Royal Water Gardens as a grade I registered park and garden and UNESCO World Heritage Site. Indicated that the heritage balance under of Chapter 16 of the NPPF is required to be considered in this regard.
- 7.10. **Highways Authority:** No objection, subject to the inclusion of conditions relating to the submission of a construction management plans which restricts construction traffic movement on Abbey Road. An informative is additionally included for additional consent which may be required from the Highways Authority.
- 7.11. **Historic England:** 21.09.2023 - Notwithstanding the small degree of harm that would be caused to the view from across the lake, we appreciate that wider heritage and public benefits that would be delivered by the proposal and therefore we support on heritage grounds. 13.09.2024 - No objects to the amended plans, summary of comments within heritage section of report.
- 7.12. **ICOMOS International:** March 2024 - Object. Conclusion (full comments on Public Access); A small tearoom and small nearby garden can be accommodated in this area as

has traditionally been the case but developing a 100-seater restaurant with ancillary buildings and a large open-air seating space will mean the area can no longer be seen as part of the grand Water Garden design. Visitors entering the Canal Gates expecting to see a water garden will be faced by a huge visitor centre complex. The project will impact adversely on the authenticity and integrity of the Water Gardens, on their link to the lake, and overall on Outstanding Universal Value of the property.

- 7.13. **ICOMOS UK:** 09.10.2023 – Object due to harm to the Outstanding Universal Value of the site, through the loss of ‘intactness’ of the gardens. A second visitor centre is not required and interferes with the attraction of the site. Improved pathways within the site would aid access for visitors to facilities. The balance of harm versus planning benefit should not apply to World Heritage Sites.
- 7.14. **Landscape Officer:** 20/10/2023 and 05/09/2024 - No objections. The proposal would be visible within views, however not an unacceptable visual detractor. Although large, it is subordinate to the lodge in height and siting back and to the rear of the building. Mitigation can appropriately be made through planting and conditions, such as implementation of landscaping scheme, the design/colour of the parasols.
- 7.15. **Natural England:** 31.08.2023 - No objections.
- 7.16. **Nidderdale National Landscape Joint Advisory Committee:** 20.09.2024 - Supports application. 05.09.2023 - notes the findings of the Landscape & Visual Impact Assessment which concludes that the development will not cause significant harm. The application is important to the Joint Advisory Committee because of Fountains Abbey and Studley Royal's contribution to the AONB's tourism economy. Fountains Abbey and Studley Royal is the second most-visited property in the Trust's estate nationally and one of the top visitor attractions in the region.
- 7.17. **Parish Council:** 30.09.2024 - No objections. 21.08.2023 – Does not support or object but notes the linear layout of Studley Roger, which is a cul-de-sac for traffic. Raises concerns of traffic congestion with increased visitor numbers and requests mitigation, including the directing of traffic and restricting on street parking with cones.
- 7.18. **Ripon Civic Society:** 22.04.2024 – Welcomes new facilities, however still raised concerns with lack or improvement to car park facilities and impact on traffic through Studley Roger. Also indicated the purchase of Studley Royal Hall would be an alternate site. 13.09.2024 – Welcomes reduction in scale of extension and the inclusion of amended planting. Raised concerns regarding siting of interpretation board with dividing wall which impedes flow and is within the ticket gate, concerns regarding visibility of an informal picnic area, concerns regarding lack of improvements to the car park appearance. 26.09.2023 - raised concerns with lack or improvement to car park facilities and impact on traffic through, limited access of tea rooms to the public, pedestrian route through to the Visitor centre could be improved.
- 7.19. **UK National Commission for UNESCO:** 14.11.2024 - Reduced scale and impact as assessed by Historic England is noted, although references ICOMOS internal comments with regards to any harm to the Outstanding Universal Value being avoided and extensions should minimised to a level where it would not cause negative impacts. No further comments anticipated from ICOMOS (International).
- 7.20. **Victorian Society:** 15.01.2024 – No objections, however, the committee is disappointed not to see the greater separation of the new extension, the majority of the scheme is of a good standard and mostly subservient to the rest of the heritage asset.
- 7.21. **Yorkshire Garden Trust:** 28.08.2024 – Welcomes improvements to proposal including sympathetic planting scheme, however, uphold objection due to concerns regarding the necessity and desirability of the proposal. Conservation benefits can be achieved without

proposal harm. 21.01.2024 – Floorspace and Floor area increase as set out by the National Trust contains errors as it includes the existing first floor and kiosk/hut.

Local Representations

7.22. 16 Letters of representation received. 1 letter neither objecting to or supporting the Planning Application, 1 letter of support and 14 letters of objection (from 7 members of the public);

7.23. Observations:

- Kiosk refreshment application should be made before application is determined.

7.24. Support:

- Ripon BID – All plans that improve access for visitors will benefit not only Fountains Abbey and Studley Royal but the wider Ripon city region's attractions and Ripon itself.

7.25. Objections:

- Impact of over-tourism to the site.
- Outdated approach to meeting visitor needs.
- Siting of development not justified; alternate locations possible.
- Environmental stress and damage with increased numbers through the Canal Gates.
- Concerns regarding traffic statistics and monitoring of traffic movements through the village, C17 gate, and deer park.
- Mitigation measures required for damage to deer park wildlife.
- Concerns regarding the pheasant shoot held on the wider site.
- Proposal plans risk the WHS status.
- Unsightly carpark issues not addressed.
- Arguments in support of the development are unsupported.
- Focussing on customer expectation over site significance.
- Visitor numbers through the Canal Gates will increase.
- Insufficient car park capacity.
- Harm to the Studley Great Gate not discussed through additional traffic.
- Concerns that ICOMOS International do not support plans.
- Amended plans do not give sufficient priority to conserving and enhancing the historical and aesthetic character.
- Additional/alternate car park required, but should not be supported in the deer park.
- Interior of the lodge would have a very different character to the Water Garden.
- Interpretative scheme is too dominant and invades the visitors experience.
- Suggestions of a shuttle bus between sites.
- Amended plans are an improvement but do not create an acceptable scheme.
- Concerns whether proposal falls within the vision and purposes of the National Trust.
- Historical attributes of Studley Royal are of primary importance.
- Impact on wider landscape.
- Proposal will become a destination café.
- No access to café for those not paying, kiosk without seating is a miserable alternative.
- Extension has no charm.
- Proposal should be open to all members of the public.
- Proposal is in the heart of the World Heritage Site.
- Traffic through Studley Royal is unchecked, increasing and harmful.
- Lakeside car parking has expanded on exposed hillside – it could be closed or screened.
- Concentration of visitors to the Canal Gates.
- Interpretation lacks depth.

- Re-routing of traffic should be considered to Lindrick Gate.
- National Trust should purchase Studley Royal House for visitor use.
- Demolish Stewards Lodge and create a single storey replacement entrance lodge.
- Biodiversity harm in deer park, harm to habitats.
- Café layout is not accessible for all.

8.0 Environment Impact Assessment (EIA)

- 8.1. The proposed development falls within Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which refers to urban infrastructure development, however, falls under the 1ha threshold.
- 8.2. When screening Schedule 2 projects, the Local Planning Authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Schedule 3 indicates the siting of the development with National Landscape as a sensitive environment. A request for a screening opinion was submitted and the proposal was determined to not require an Environmental Impact Assessment.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
 - Principle of development
 - Impact on Heritage
 - Impact on Landscape
 - Impact on Highways
 - Arboriculture
 - Ecology
 - Drainage
 - Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The National Planning Policy Framework (NPPF) (revised 2024) sets out the Governments planning policies for England and how these are expected to be applied. Its underlying theme is a presumption in favour of sustainable development.
- 10.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Plan is the starting point for determination of any planning application.
- 10.3. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council in December 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 10.4. Local Plan policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Local Plan Policies GS2 and GS3 set out the growth strategy for the District and the development that may be considered outside defined development limits. The application site is

located outside the development limits of the Smaller Village of Studley Roger as defined within Local Plan Policy GS3. There is a presumption against development outside of the development limits, contrary to the growth strategy of Local Plan Policies GS2 and GS3, unless the proposal is expressly supported by local or national plan policy.

- 10.5. The proposal relates to the remodelling of a tearooms in association with the Canal Gates / Studley Royal Tea Rooms as part of the Studley Park and Fountains Abbey World Heritage Site, which attracts visitors as a tourist attraction. As such, the application of Local Plan policy EC7 is applied with its criteria assessed in turn as follows;
- 10.6. Proposals involving the development of new, or extension of existing, tourist and leisure attractions or visitor accommodation in the countryside will be permitted provided that:

A. It can be demonstrated that proposals for new attractions or accommodation require a rural location and cannot be accommodated elsewhere;

The proposal relates to the remodelling of a Grade II Listed building to improve accessibility and use of facilities in relation to an existing tourist facility. The submitted information is supported by an Alternative Site Assessment (ASA). Studley Royal House is discounted as this falls out of National Trust ownership, it is additionally a significant distance from the site with significant development to be required should the site be developed as a visitor centre.

The Banqueting Hall has also been identified, however, it is set up a hill and within the existing paid part of the site, and it would not be practical or desirable to move visitor facilities to this location.

The proposal does not include the siting of an additional car park or extension, however, letters of representation indicate that an extended car park in the deer park would be unacceptable and a shuttle bus service or improved pedestrian links would be a preferred option to the proposed development. However, without additional parking provision within the main visitor centre, it is not considered that a shuttle bus service from the main visitor centre would alleviate concerns, and may create unacceptable traffic impacts around the main visitor centre should the Canal Gates/deer park car park be removed or restricted as indicated within letters received.

Moreover, it is not considered that an off-site or shuttle bus solution or improvement to pathways would resolve the ticket gate, lack of interpretation and appreciation of the Water Gardens; or the lack of refreshment, convenience facilities at the Canal Gates. The siting of the extension and improvement of provisions at the existing tearooms and ticket gate is logical in siting with regards to accessibility for all users. Paragraph 96 of the NPPF requires the decisions to achieve healthy, inclusive and safe places and encourages accessibility of sites. It is considered that based on the information received in submitted documents and consideration of letters of representation, that the site the proposal would not conflict with criteria A.

B. The scale, layout and design of development is appropriate to its location and there is no unacceptable adverse impact on the district's built, natural or historic environment;

As assessed within the 'impact on heritage' section of this report, the proposal does impact the historic environment, however, not to an unacceptable degree within the context of the scale of the proposal or within the wider site. Its design limits harms and light spill and includes

mitigation through planting and re-installation of historic oval pathway. The proposal is considered to comply with criteria B in this regard.

C. They would not cause unacceptable adverse impacts on the amenities of neighbouring occupiers;

The proposal would be set a significant distance from residential development and is not considered to create harm to residential amenity as set out within the amenity section of the officer report.

D. Appropriately located existing buildings are re-used where possible;

The proposal would continue the use of the existing tearooms, with the proposal providing additions to this structure. As such, the proposal is compliant with criteria D.

E. They result in an improvement to the range and quality of attractions and/or visitor accommodation in the area;

The proposal seeks to rationalise the ticket gate entry and provide interpretation board to increased the understanding and appreciation for the historic narrative and landscaping of the Water Gardens. The proposal would provide additional seating to the existing tea rooms and improved accessibility through the widening of the gates and increased internal area.

The submitted planning statement set out how much of the investment was focused on the construction of the visitor centre in 1992, which left the Canal Gate side of the site 'un-tackled' despite experiencing a sharp lift in visitor numbers and the proposal seeks to resolve these concerns. Therein, it can be reasonably considered that this would improve the quality of a visitors experience, in line with criteria E.

The Visitor Management Statement compile by the National Trust indicates that there were 430,000 visitors in 2022 with an additional 128,000 visiting the deer park. 15% of visitors entered through the Canal gate entrance and therein utilised the ticket kiosk within this application.

It is considered that the quality of the attraction in relation to the Canal Gates and tearooms would be improved within this context.

F. They will benefit the local economy and help to protect local services; and

The proposed remodelling of the tearooms and re-instating of historic layout to the footpath axis, bosco hedge gardens and through provision of interpretation boards and additional seating encourages longer visits to the north eastern section of the site, which due to limited capacity and facilities does not provide sufficient seating or facilities for the existing volume of visitors. The support of the Fountains Abbey as a long-standing tourist facility supports local tourism to Ripon and the surrounding villages. An improvement to its existing facilities to the tea rooms is considered to aid in bringing tourism to these areas and is compliant with criteria F.

G. They would not generate levels of traffic that would have an adverse impact upon the operation of the highway network or on highway safety or on air quality.

As assessed within the highways section of the officer report, the proposal would not increase car park capacity and seeks to improve the facilities to the existing tearooms to accommodate existing visitor numbers. Therein, it is not considered that the proposal would create a significantly increased volume of traffic and is compliant with criteria G.

- 10.7. Therein, the proposal is considered to meet the criteria of Local Plan policy EC7 and is expressly supported in this regard, notwithstanding the below sections of the officer report.
- 10.8. Impact on the character and appearance of the World Heritage Site and host building
- 10.9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.10. The revised National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 10.11. The NPPF set out that there is a presumption in favour of sustainable development and paragraph 8 advises that there are three dimensions to sustainable development: economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 10.12. Paragraph 139 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 10.13. Of particular reference to this application is section 16 of the NPPF, relating to Conserving and Enhancing the Historic Environment.
- 10.14. Within section 16, paragraph 213 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and substantial harm to or loss of a World Heritage site should be "wholly exceptional".
- 10.15. This application comprises the Canal Gates/ Studley tearooms, which is a Grade II Listed building set within the World Heritage Site. The World Heritage Designation was conferred on Studley Royal in 2012 in recognition of it being:
- (i) A masterpiece of human creative genius
 - (ii) An outstanding example of a type of building ensemble or landscape which illustrates significant stages in human history.
- 10.16. The proposal requires the removal of contemporary single storey elements of the host tea rooms, to retain the original two storey structure. The works further require the removal of modern fencing, LPG tank storage, kiosk and trees.
- 10.17. Paragraph 219 of the NPPF states that Local planning authorities should look for opportunities for new development Conservation Areas and World Heritage Sites, and within the setting of

heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 10.18. Paragraph 220 clarifies that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution. The UNESCO World Heritage Centre state that 'Outstanding Universal Value' means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.
- 10.19. These national considerations are further delivered at a local level through policies of the Harrogate District Local Plan.
- 10.20. Local Plan Policy HP2 requires that development in conservation areas or to listed buildings do not have an adverse effect on the character and appearance of the area or the building. This policy is in accordance with the advice contained within the National Planning Policy Framework. The Council's Heritage Management SPD is also relevant to this case.
- 10.21. The Harrogate District Heritage Management Guidance Supplementary Planning Document provides detailed guidance on how the Council will apply heritage and design policies, and is afforded considerable weight in the determination of applications and appeals.
- 10.22. The proposal site comprises a lodge building now operating as a tearooms and which was originally constructed in 18th century as a single storey building. The existing tearoom structure was built on its site in 19th Century constructed circa 1860 in place of the original tearoom, with unsympathetic 20th Century additions, with the submitted information indicating that this was due to touristic growth in visitor numbers to the site.
- 10.23. The host tearooms building is Grade II Listed and is adjoining the Canal gates and flanking walls to the west, which are registered under the same Listing. The stepped Weir and Fishing pavilions are Grade II* Listed to the east, set within the Aislaby Water Gardens, which are Grade I Registered Gardens. The development is relatively central to the UNESCO World Heritage Site of Studley Park and the Ruins of Fountains Abbey, which hosts a number of Grade I, II* and II Listed Buildings.
- 10.24. The proposal seeks to demolish or remove; The toilet block and ticket office extension to the west of the tearooms; Three single storey extensions to the south of tearooms; 10 concrete slabs within the external seating area; LPG tanks and enclosure; the gift shop kiosk to the west of the Canal Gates footpath and; unsympathetic boundary treatments.
- 10.25. The works include the erection of a single storey flat roof extension to the south and east of the tea rooms. Works would further require the widening of the pedestrian access gate to the tearooms forecourt, alteration of fenestration; resurfacing of external surfaces; replacement of boundary treatment; planting/ landscaping works, including the re-installation of an oval pathway to the south of the Canal gates.
- 10.26. The extension would extend to the east, south and west of the original buildings, approximately on the siting of the existing extensions and LPG tank enclosure, however, it would be of significantly greater footprint extending beyond the existing south and east building lines to create an additional pedestrian access point into the building from the south.
- 10.27. As described by the Garden Trust "The Canal Gates are located at the transition between the Water Gardens and the Deer Park and marked the Georgian entrance to the gardens. The 18th century vision of the garden creators was that this was the starting point for visitors for

experiencing a series of carefully orchestrated vistas and routes in the wider landscape leading to the ruins of Fountains Abbey.”

- 10.28. The submitted plans have been amended following significant concerns raised by ICOMOS (International Council on Monuments and Sites), a non-governmental international organisation who are self-described as being dedicated to the conservation of the world's monuments and sites; responsible for supporting UNESCO in the implementation of the World Heritage Convention.
- 10.29. ICOMOS International released a Technical Review of the proposal and describes the site as “one of the spectacular Georgian water gardens created by John Aislabe and his son William in the 18th century, where the vistas are particularly important in the general concept and design, as can be deduced from the owner’s purchase of the ruins of Fountains Abbey to be included in his famous perspective. Both the park and the abbey ruins and other prominent elements are intimately linked to produce an extraordinary ensemble. Both natural and cultural values merge in the site and as such the property was inscribed as a World Heritage property on the basis of criteria (i) and (iv).
- 10.30. The property has experienced several modifications throughout its history, being one of the most important, during the ownership of the Earl de Grey and the Marquess of Ripon, the addition of the Studley Lodge near the Canal Gates, a double-fronted cottage with elaborate bay windows and a shallow veranda that replaced the former east gate lodge, dedicated primarily since 1910 to welcome and refreshment for visitors. The restaurant was remodelled in 1930. The Canal Gates area suffered more remodelling in the 60s and some reversed interventions under the ownership of the National Trust. The area is a very sensitive place of the water gardens and is one of the key views from around the Lake.”
- 10.31. The report indicated that the lodge currently has views across the Lake, and this can be seen from across the lake and has an important aesthetic value. However, the different actions carried out mainly throughout the last century have degraded this area, both its built elements (the Lodge) and the landscape immediately around it related also to the circulation of visitors.
- 10.32. The Technical Review indicates harm through the siting and indicates that a modest extension would be more sympathetic to the building. The proposal is considered to risk the Outstanding Universal Value of the site, due to an adverse impact on the authenticity and integrity of the site.
- 10.33. The submitted information includes a Heritage Statement and Landscape and Visual Impact Assessment. This acknowledges the visibility of the site within shorted range views from within the Water Gardens and the Studley Stepping stones and longer range views from approach across the lake.
- 10.34. While ICOMOS acknowledges the details of the LVIA which notes the landscape design and vistas as the main attributes of the site, it does not concur with the minor to beneficial impact on the development due to the scale of the development and visibility from the main vista across the lake.
- 10.35. The Technical review comments that “The new structure will impact adversely not only on, the key water features and main structures that have survived next to the lake and which provide a perfect appreciation of the beauty of the design and its views, as can be seen in the historical succession of images over the lake, but also importantly on the feeling and spirit of a sizable part of the Water Gardens and their circulation paths.” It continues to state that screening in the form of planting would be required for views from across the lake.
- 10.36. While the heritage statement is acknowledged, ICOMOS considers that the lodge could be restored without the proposed tea rooms extension and while improvement is considered to be required, the response indicates that it should be done without a large extension and where tree planting has been minimised in the plans. The comments encourage the minimisation of an extension which provides interpretation without compromising the Outstanding Universal Value

of the property and where planting behind the balustrade highlights views from across the lake, reflective of the hide and reveal views of the Water Gardens.

- 10.37. The current site comprises contemporary extensions, although set to the rear (south) and west side elevation. The existing tea rooms hosts an external seating area with unsympathetic timber fencing to the east boundary, external furniture and without planted screening from views to the east from the stepping stones or from the north across the lake.
- 10.38. The extension would be of flat roof design set to the rear (south of the building and with the eastern projections set at angle inward to the building). The roof would be set under the first floor windows retaining the tearoom's form and with full height sections of glazing to the north and east elevations, set under oversailing eaves to provide a covered seating area to the perimeter of the extension. A new ticket get system would be included on entry to the building to the north to an interpretation area for the Water Gardens. The café, toilet / changing facilities and kitchen would be set beyond this. There would be additional building entrances to the east, into the external eating are and to the south and west onto the Water Garden pathways within the paid section of the site.
- 10.39. The proposal additionally includes the reinstating of an oval pathway, with hedged boundary to focus the views along the path way, which widen in the mid section. The development further includes Bosco hedge planting to the south of the existing building to create a glimpsed-view garden. This restores a lost narrative to this section of the site which links with the 'hide and reveal' views as a special characteristics of the Water Gardens which contributes to its value as a Registered Garden and criteria.
- 10.40. The above described planting would additionally screen much of the visibility of the building on approach from the southern pathway and visually improve the section to the west of the lodge immediately adjacent to the Canal Gate through the removal of the temporary kiosk to the west of the pathway and removal of the ticket office extension.
- 10.41. The plans have been amended following receipt of the comments from ICOMOS international to reduce the scale of the development and to include an amended landscaping scheme, which includes planting between the balustrade and tearooms.
- 10.42. The amended proposal reduced the scale of café to seat an additional 60 people, as opposed to 88 seats inside and decreases the external seating from 158 seats to 96. As such, the scale of development has decreased substantially in capacity and associated paraphernalia. It would measure approximately 17.6m at its furthest edge from the east side of the original tea rooms building, extending 21.4m to the south and 3.2m to the west. The south and western projections are in place of existing projections, albeit of differing scale and form.
- 10.43. The finishing materials would be lime washed render to the walls, oak frames fenestration with roll seam lead flat roof and stone lintels and copings.
- 10.44. While of moderate scale, the single storey scale, siting to the rear of the building and use of materials, the development would appear visually subservient to the existing tea rooms.
- 10.45. The addition of planting to the immediate south of the balustrade significantly will in time, screen the development from long -views across the lake and frame views along the canal and demonstrated in the 'year 1' and 'year 15' verified visualisations submitted.
- 10.46. The single storey scale design, set back position to the rear of the tea rooms, use of materials which can further be controlled by condition and overhanging eaves to avoid solar glare, further decreases visual prominence of the building. While it is considered that there would be short term visibility of the tea rooms from key receptor, visual indicators have been provided, which in consultation with the Landscape officer are considered to be reflective of the screening of the development in the mid to long term.

- 10.47. The amended plans with additional planting are considered to sufficiently mitigate against unacceptable impacts on key visual receptors and encourages vistas along the canal, which is more reflective of the historic painting 'The Cascade' (c1750, by Nebot) which shows the canal lined by trees, encouraging views along it and further into the Water Gardens.
- 10.48. The amended plans in this regard, redevelop an area of the site acknowledged by consultees, applicant and case officer as requiring improvement and which is degraded through the siting of unsympathetic extensions, loss of landscaping features reflective of the wider Water Garden and use of modern boundary treatment.
- 10.49. The concerns of the ICOMOS international Technical review have been considered in consultation with Historic England, the Council's Conservation Officer and Landscape Officer. It is not considered that the proposal would erode the authenticity and integrity of the Water Gardens, and re-instates lost horticultural narratives which contribute towards the Aislabe's genius of creation of the Water Gardens and supports the historic narrative of the landscape of the Water Garden through incorporation of hide and reveal views, glimpsed vista and which are recognised in this case as illustrating a significant stage in human history.
- 10.50. Historic England commented on the initial submitted plans to identify minor visual impact on important views from the north which contribute to attributes of Outstanding Universal Value as a result of the proposed extension to the Grade II Listed Lodge. It has advised that it considers the revised proposal will reduce the visual impact of the extension on important views from the north side of the lake. This will help to better maintain the spectrum of visual and aesthetic effects of this view both within and beyond the boundaries of the garden as an attribute of the Outstanding Universal Value of the World Heritage Site. Such views make an important contribution to the appreciation of the design of the water gardens, its beauty, harmony with and manipulation of the natural landscape.
- 10.51. Historic England welcomed the amendments to the proposed extent and nature of the restorative planting which is now more closely based on historic precedent. This would better reflect the authenticity of the Water Gardens designed landscape and would offer enhancement of its attributes of Outstanding Universal Value in an area that was previously compromised. Similarly, further details have been provided regarding the scheme design for the interpretation spaces within the listed Lodge and how this will help to introduce the Water Garden and orientate visitors.
- 10.52. Historic England concluded that a small degree of harm would be caused to the view from across the lake, and that this has been further reduced by the amended scale and design. It also appreciated that wider heritage and public benefits would be delivered by the proposal and therefore its position remains that it supports the scheme on heritage grounds."
- 10.53. The Council's Conservation Officer has been consulted and raises the following comments: "There is a need to improve and enhance the site around the lodge, both in terms of its appearance and in terms of the benefit to visitor services. There is a desirability in reinforcing the visitor experience of entering the water gardens from the North side of the lodge – the lodge having been created for the purpose as a point of access. The current main entrance to Fountains Abbey is to the south-west along with the Visitor Centre. However, it is important to note that the aim of the scheme is not to persuade more visitors to enter Fountains from this entrance as this would increase the amount of traffic to this end of the site and would cause other issues such as the need for more car parking and cars that would have a detrimental impact upon the appearance and setting of the WHS. Therefore, the improvements to the appearance of the tea rooms need to be the whole building and not just the front which faces

towards the lake. Visitors will be experiencing the whole of the building so there should be no back end of the building or blank walls. Consideration should be given to the treatment of all sides of the building.

There are no objections to the principle of the development, removal of inappropriate fencing, removal of the modern rear extensions or the widening of the pedestrian access gate within the flank wall. Amendments have been made to the scheme following previous comments with the size of the extension being reduced.

In previous conservation comments there were concerns raised over the intervention to the grade II listed lodge and the impact of the extension upon key viewpoints within the World Heritage Site. The new extension would make the tea room building more prominent in views towards the water gardens and long distance views. The views are of high significance as per the WH status and the Grade I RPG. The extension will be visible in wider views - principally those experienced from the approach to the lodge from the north.

Another point previously raised by the Conservation Officer relates to the design details of the extension and the impact it has upon the listed lodge. With the reduction in the size of the café extension, the extension will sit more comfortably to the east of the existing listed tea room building.

The scheme involves significant intervention to the Lodge, a grade II listed building. This involves loss of the staircase and rear wall to provide access through to the extension, together with demolition of an historic rear extension to accommodate the extension and in the way in which it adjoins the Lodge at this point. The harm has been assessed as less than substantial due to the change to the appearance of the tea room building, its setting, the interventions to the layout and demolition of a rear element of the building which is not modern. The development will result in public benefits as outlined within the supporting documentation. This justification is required within the NPPF paragraph 215, *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* As such and while there is not considered to be a wider harm to the Outstanding Universal Value of the World Heritage Site, the development through the siting of a contemporary extension, and loss of an internal staircase is considered to create less than substantial harm to the host building as a Grade II Listed Building.

- 10.54. The officer requests the inclusion of conditions relating to the submission of material samples, submission of cycle storage and window details.

- 10.55. It is noted that The Garden Trust do not object to the proposal stating that public benefit ultimately derived from this proposal outweighs the harm. However, The Yorkshire Garden Trust remain concerned with the justification for the works and increased floor space, where the ability to create the intended benefits without the proposal harm could be achieved through a new building.
- 10.56. On consideration of the information as submitted, there is not considered to be harm to the Outstanding Universal Value of the World Heritage Site. However, the development through the siting of a contemporary extension, and loss of an internal staircase is considered to create less than substantial harm to the host building as a Grade II Listed Building.
- 10.57. As such, less than substantial harm has been identified though the works within the proposal. In line with paragraph 215 of the NPPF, where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.58. There is a public benefit to the proposal which can be viewed from this development relating to social and economic objectives. Social and economic benefits of development are identified within the NPPF as key dimensions to achieving sustainable development. The proposed development would provide social and economic benefits through;
- i. Providing an improved quality of tourist facilities, through the provision of interpretation boards for the Water Gardens, which aids in the understanding of the historic and landscaping significance of the site.
 - ii. An increased capacity for seating to improve accommodation of refreshment and convenience facilities for existing and projected number of visitors to the site.
 - iii. The re-siting of the ticket barrier which simplified and streamlines the entrance system to the paid part of the site.
 - iv. Improved accessibility and inclusivity to the tea rooms through the tea rooms access gate and around the site, provision of additional toilet and changing facilities to the ground floor.
 - v. Economic benefits to the area through employment in association with the consultation and operation of the tearooms.
 - vi. Ensuring the ongoing viability of the tea rooms and management of the site, which is enjoyed by the public, through additional provision of capacity for the tea rooms.
- 10.59. The harm to the significance of the Grade II Listed Building is considered on balance to be outweighed by the public benefits outlined above. The application would meet the requirement of the NPPF, Section 16, and would adequately comply with the advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.60. Impact on Landscape within the Nidderdale National Landscape
- 10.61. The proposal site lies outside of the development limits of Studley Roger and within open countryside for the purposes of planning policy. Further the site is with land designated with the Nidderdale National Landscape Area.
- 10.62. Section 245 of the Levelling-up and Regeneration Act 2023 has amended the previous duty of regard under section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) to create a

new duty for relevant authorities in AONBs (National Landscapes). The new duty requires that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

- 10.63. Local Plan Policy NE4 states proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported. Development proposals must protect and/or enhance the character, appearance and local distinctiveness of the landscape, including the natural and man-made heritage features.
- 10.64. Policy GS6 of the Harrogate Local Plan sets out the Council's approach to conserved and enhanced the natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty. It is a requirement of the policy for proposals will only be supported where they:
- "A. Do not detract from the natural beauty and special qualities of the AONB and its setting
 - B. Contribute to the delivery of the Nidderdale AONB Management Plan objectives;
 - C. Support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area."
- 10.65. The submitted Planning Statement indicated the project aims as follows; Establish harmony between the new facilities and their surrounding landscape at the junction between the deer park and the more formal Water Garden; Improve the standards of care for the Canal Gates entrance and its surroundings; Recreate the feeling of arrival which the Canal Gates entrance once had; Create opportunities to engage visitors in the story of the Studley Royal Water; Garden and the designed landscape. The application is further supported by a Landscape Visual Impact Assessment (LVIA).
- 10.66. The proposal as set out within the previous sections of this report would have visibility within the wider landscape from across the lake, within the deer park. However, consideration is given to the removal of visual detractors such as the existing fencing and the incorporation of a sympathetic landscaping scheme.
- 10.67. The Council's Landscape officer comments "that taken in isolation it could be considered that the extension would have an adverse effect on visual receptors but taken together with the landscape enhancements which seek to reinstate lost features and reinforce the importance of the main axes as well as providing orientation and milling spaces, the extension will not be a detracting element in the view. Views from the Lakeside path are improved by the removal the existing fence and poor quality of existing extensions to the Lodge together with new avenue planting which frames the new building and integrates it visually with the Lodge in a satisfactory manner. The recessive colour of the extension and the coloured render applied to the Lodge also help to soften and integrate the change in the view brought about by the new building."
- 10.68. The officer continues to indicate that there would be increased visibility from the Studley stepping stones over winter when the deciduous trees are not in leaf, however, taken in balance of the removal of incongruous items and revealing lost elements of the garden, is considered to be acceptable by the Landscape officer. The officer further advises that views from the Octogan Tower above the Water Garden would require monitoring and controlled through woodland management within the sider site.
- 10.69. It is considered that the planting would not provide cover within the initial years of the project until the planting is established, therein the timescales for implementation of the planting scheme should reflect the sensitivity of the site. This can be controlled by condition.
- 10.70. The amended plans have also been reviewed by the Nidderdale National Landscape Joint Advisory committee who support the improvements of the site and in this regards the proposal

is considered to be in line with criteria C of the National Landscape objections. The officer does not raise concerns with regards to the impact of the natural beauty and special qualities of the National Landscape.

- 10.71. As noted within paragraph 10.55, there is no objection from The Garden Trust, who believes a suitable balance of harm versus benefit has been struck, however, there is an objection from the Yorkshire Garden Trust who indicate that the benefits could be achieved without the degree of harm to the site.
- 10.72. In summary, the proposal would have visibility from within the Water Gardens and Deer park and through the siting of a moderate contemporary structure, would create an increased visual presence of the existing Canal Lodge building / tearooms. However, the single storey design, this the overhanging eaves design reducing the potential of glare when viewed from a distance and overall reduced the prominence of the addition with the landscape. The incorporation of planting would break up the appearance of the building and further works to re-incorporate landscaping features such as the oval pathway, 'hide and reveal' views through the design of planting to the east and west of the site, this would have a positive impact on integrating the tea rooms into the contact of the Water Gardens landscape.
- 10.73. On balance, it is not considered that the proposal would create unacceptable impact to the special qualities of the wider landscape or that of the Nidderdale National Landscape in line with Local Plan policies NE4, GS6 and provisions of the NPPF. The proposal would further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty in accordance with Section 245 of the Levelling-up and Regeneration Act 2023.
- 10.74. Impact on Amenity
- 10.75. Policy HP4 states development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. Amenity considerations will include the impacts of development on: overlooking and loss of privacy, overbearing and loss of light, vibration, fumes, odour, noise and other disturbance.
- 10.76. The proposal is set a distance of over 800m from the nearest off site agricultural unit and distance of over 1km to residential dwellings on the access track through the deer park and within Aldfield. As such, it would not be considered to create unacceptable overlooking, overshadowing or overbearing impacts on amenity in this regard.
- 10.77. The Council's Environmental Health team have been consulted and do not raise objections to the submitted details, however observe that the café would require ventilation. The officer notes that the proposed 'chimney' is to be replaced by a standard cowl to make the system less visible. The officer does not object subject to the cooking fumes being adequately filtered to avoid cooking odours being evident in the vicinity of the café premises. A condition requiring the details of the extraction system can be reasonably applied.
- 10.39. The proposal is considered to comply with Local Plan Policy HP4 and the provisions of the NPPF in this regard.
- 10.40. Impact on Highways Safety
- 10.41. Paragraph 116 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 10.42. The proposal does not seek to alter the car parking provision or vehicular access within the application. While the proposal would increase the seating capacity of the tea rooms and improve the ticket gate system, the submitted documents outline that this is in response to

existing visitor numbers and does not encourage additional visitors, but to improve the experience of existing visitors.

- 10.43. As such, it is not considered that there would be a significant increase in traffic volume in relation to the proposed works.
- 10.44. While letters of representation raise concerns with regards to the proposal being a destination café and the increase of traffic, access to the proposed café facilities would be for those who pay for entry or hold membership only. The main visitor centre hosts a restaurant which is accessible to all members of the public and would naturally draw members of the public seeking refreshment without entry to the paid section of the site. Planning consent has been granted for the partial conversion of the toilet block within the Lakeside car park to provide a refreshment kiosk, however, this is without seating and at the time of writing has not been implemented. As such, it is not considered that the proposal would encourage significant additional traffic over and above those already seeking to visit the site.
- 10.45. The Highways department have been consulted and do not object to the proposal, subject to the inclusion of conditions relating to the submission of a construction management plans which restricts construction traffic movement on Abbey Road. An informative is additionally included for additional consent which may be required from the Highways Authority.
- 10.46. On consideration of the submitted amended information, subject to compliance with conditions, the proposal would not create unacceptable impacts on highways safety in line with NPPF paragraph 116 or demonstrably impact parking provision in line with Local Plan policy TI3.
- 10.47. Impact of the Public Right of Way
- 10.48. Policy HP5 of the Local Plan seeks to ensure development protects the amenity and recreational value of the public right of way.
- 10.49. Public footpath 15.78/9/1 commences to the north of the 'Canal Gates', adjacent to the tearooms entrance proceeds north/ north east around the edge of the Lake.
- 10.50. Whilst the development will be visible from public right of ways, the physical form of development would not alter the route and is not considered to be contrary to policy HP5.
- 10.51. Impact on Ecology and Biodiversity
- 10.52. Paragraph 193 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should apply several principles. One of these states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NE3 relates to protecting the natural environment.
- 10.53. The proposal is supported by an Ecology Assessment & bat survey compiled by John Drewett Ecology (dated 2022). The proposed works requires the demolition of extensions and removal of planting within the tea rooms grounds.
- 10.54. The Canal Gates tearoom is adjacent to trees within the wider site and on consideration of the rural nature of the site, is considered feasible for potential bat and bird roost.

10.55. The proposed extension does not comprise external lighting and the oversailing eaves design would reduce the potential for illumination spill from the building, further restricted by the hours of operation of the site. These can also be controlled by condition.

10.56. The Council's Ecology department have been consulted and comment as follows;

“Although there is a very high value placed on the historic landscape value of the park and gardens, there is little explicit recognition in the supporting contextual documentation provided by the National Trust of their biodiversity value. However, the deer park and gardens are recognised on the Natural England Habitat Inventory and DEFRA MAGIC Website as constituting 'Parkland and Wood Pasture' UK Priority Habitat (habitat of principal importance). This is recognised as a habitat of very high distinctiveness within the Statutory Biodiversity Metric and the ancient and veteran trees within it (which are the defining feature of the priority habitat) are considered to constitute 'irreplaceable habitat', as defined in the National Planning Policy Framework.

This means that, as with the landscape value of the park, it is important that any potential indirect effects of these proposal on these habitats must be taken into full consideration. In particular it is important that the provision of these facilities must form part of a wider visitor strategy that does not result in any expansion of hardstanding for car-parking or any expansion of overflow parking onto grassed areas, especially within the rooting zone of any trees.

I understand the National Trust does not envision a greater demand for car-parking within the deer park as a result of these proposals but consideration should be given to mitigate any potential unexpected consequences, e.g. further use of low 'guard rails' around vulnerable tree rooting zones and grassland and a control system to prevent cars accessing the site beyond its planned capacity to accommodate them.”

10.57. The officer therein recommends conditions for the removal of trees to take place outside of bird nesting season unless a survey is undertaken prior to works and for the mitigation measures set out within the submitted Ecology report are carried out in relation to the protection of bat habitats. These conditions can be reasonably applied to a decision notice.

10.58. The Environment Agency further comments to provide advice with regards to the cleaning of equipment to prevent contamination to the environment of native white-clawed crayfish, advice the submission of a licence in relation to the removal of bat habitat and encourage Biodiversity Net Gain. An informative can be included with this advice.

10.59. Planning permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.

10.60. The proposal application was submitted prior to the 2nd April 2024 commencement of the mandatory Biodiversity Net Gain requirements for small sites. As such, the proposal is exempt from this requirement.

10.61. Impact on Arboriculture

10.62. Policy NE7 states that 'Development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.'

- 10.63. A Tree Removal Works Plan (drwg no. 1823.RF.XX.XX.DR.L.004, Rev F, received 19.07.2024) and Arboricultural Impact Assessment (JCA ref. 19087/EW) has been submitted as part of the application. The Root Protection Areas of the trees are detailed within a Tree Protection and Constraints Plan (drwg 1823.RF.XX.XX.DR.L.006, Rev F)
- 10.64. The submitted plans indicate the loss of five individual trees (T107, T110, T112, T113, T144) within the site relating to the proposal, two additional trees would be removed (T135 and T137) not directly related to the proposal works.
- 10.65. The works further require the loss of three groups of trees (G106, G109 and G111) within the site and three hedges (H158, H159 and H160). The removal of two groups of trees and one individual tree is in relation to allowing further growth of retained tree T108.
- 10.66. Four individual trees and one group of trees would be removed directly in conjunction with the siting of the proposed extension.
- 10.67. The hedges are proposed to be removed to allow for the alterations to the internal pathway axis to the west of the building and additional entrance formed to the south of the extension. Replanting of trees and hedges is included within the submitted Landscaping Layout Plan (drwg no. 1823.RF.XX.XX.DR.L.001, Rev P, dated 19.07.2024) and Planting Plan (drwg no. 1823.RF.XX.XX.DR.L.003, Rev G, dated 19.07.2024), which demonstrated significant planting to the north, east and south of the extension and a Bosco garden to the south of the existing tree rooms, adjacent to the proposed axis and with further hedging around the oval installation.
- 10.68. The Council's Arboricultural Department have been consulted and confirm that there are no objections to the proposal, subject to the inclusion of conditions relating to the submission of an Arboricultural Construction Statement and monitoring of the Arboricultural Method Statement through the submission of a monthly report.
- 10.69. Subject to compliance with these conditions, the proposal is not considered to create unacceptable Arboricultural impacts in line with Local Plan policy NE7.
- 10.70. Flood Risk and Drainage
- 10.71. Policy CC1 of the Local Plan states development proposals will not be permitted where they would have an adverse effect on watercourses, or increase the risk of flooding elsewhere.
- 10.72. The Environmental Agency indicates that the site lies within Flood Zones 2 and 3, with a medium to high probability of flooding from rivers and/or the sea.
- 10.73. Policy CC1 continues to state that proposals within Flood Zone 3a(i) will be assessed in accordance with national policies relating to Flood Zone 3a but with all of the following additional restrictions:
- A. No new highly vulnerable or more vulnerable uses will be permitted;
 - B. Less vulnerable uses may only be permitted provided that the sequential test has been passed;
 - C. Where extensions are linked operationally to an existing business or, where redevelopment of a site provides buildings with the same or a smaller footprint;
 - D. All proposals will be expected to include flood mitigation measures to be identified through a site specific Flood Risk Assessment including consideration of the creation of additional sustainable flood storage areas;
 - E. Development will not be permitted on any part of the site identified through a site specific Flood Risk Assessment as performing a functional floodplain role.

Where required by national guidance, proposals for development should be accompanied by a site-specific flood risk assessment (FRA). The FRA should demonstrate that the development will be safe, including access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 10.74. The Environment Agency confirmed that the application is for remodelling of the interior and exterior of Canal Gates/Studley Tea-Room including Landscaping, which is considered to be a 'less vulnerable' land use in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and be supported by a site-specific flood risk assessment (FRA) in accordance with Local Plan policy CC1, which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.
- 10.75. The submitted information is supported by compiled by Hodel Consulting Engineers, referenced '19-023 RevC' and dated 12th June.
- 10.76. Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 10.77. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 10.78. Paragraph 174 and 175 of the NPPF indicates that Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and that a sequential test approach should be used in areas known to be at risk now or in the future from any form of flooding. Paragraph 177 continues to state that an exception test would be required where siting is not feasible outside of higher flood risk areas.
- 10.79. Paragraph 178 sets out that an exception test should be informed by a strategic or site specific Flood Risk assessment and should demonstrate that;
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.80. Paragraph 179 requires both elements of the exception test to be satisfied for development to be allocated or permitted.
- 10.81. Paragraph 181 requires development to only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 10.82. The site comprises the existing tea rooms and includes an external seating area. The boundary of the site within its existing use as a tea rooms and ticket gate would not be altered under the current application. However, the floor area of the café would be increased.
- 10.83. The submitted FRA acknowledges the sites location within Flood Zone 3 at risk of a 1 in 100 year risk of fluvial flooding. The report considers there to be a medium pluvial (surface water) risk of flooding and low risk of ground water, sewerage or reservoir flooding.
- 10.84. Flood levels on the site according to Environment Agency data at 1%AEP +20% for climate change would be 69.2m - 69.3m AOD.
- 10.85. The resultant use of the development as a tearoom is considered to be a 'less vulnerable use'; as acknowledged with the Environment Agency, where development may be supported subject to a sequential as outlines within the above paragraphs of the NPPF.
- 10.86. The proposal site comprises the existing tea room within the existing World Heritage Site and serves as an entrance way to the Water Gardens. The surrounding areas are additionally within Flood Risk Zone 3, as such, there is not a feasible location for an alternate siting of the development.
- 10.87. The Environment Agency confirmed that a Flood risk assessment is submitted and the Environment Agency confirm that this is acceptable subject to the inclusion of a condition raising the finished floor height to the extension and inclusion of flood resistant measures.
- 10.88. The submitted information indicates that the finished floor level would be in line with existing tea rooms at 69.28m AOD, with internal mitigation measures at 69.88m AOD. The mitigation measures include;
- Raising of sockets and appliances to above 69.88m AOD.
 - May utilise plastic or acrylic doors internally.
 - Internal waterproof wall rendering and coating.
 - Installation of a damp proof membrane.
 - Installation methods of plasterboard.
 - Extension will have a concrete base.
- 10.89. The external areas would retain soft landscaping to sections of the site with hardscaping around the building for the provision of external seating.
- 10.90. The submitted Flood Management Plan indicates that the applicants will sign up to the Flood Line Warnings Direct service which provides flood warnings. The submitted FRA also indicated that the submission of a Flood Management Plan, including a Flood Evacuation Plan can be submitted. It is considered that safe egress is feasible or entrance in the event of requiring assistance from the emergency services.
- 10.91. In summary, the proposal comprises external landscaping works and the erection of an extension to the existing tea rooms, and would not alter the use of the site. The internal floor levels above the minimum requirement for a 1% AEP +20% Climate Change flooding event. The sequential test is adequate to demonstrate that alternate sites are not available for this development within the locale and the site layout places the development further area from the river in the siting of existing build development. The mitigation measures in relation to the raising of internal floors and flood resistant design further increases the resilience of the development.

- 10.92. On consideration of the information received it is not considered that the proposal would create unacceptable risk of flooding within or off site and is considered to adequately accord with paragraph 170, 174-9 and paragraph 181, within Chapter 14 of the NPPF.
- 10.93. The extension would utilise the existing drainage system and would retain a significant section of the grassed seating area within a significantly larger site which allows surface water run-off.
- 10.94. The proposal is not considered to create unacceptable flood risk, or drainage concerns and the proposal is considered to accord with Local Plan policy CC1.
- 10.95. Land Contamination
- 10.96. The Environmental Health officer did not raise concerns with regards to land contamination and on consideration of the existing use of the site in association with the Canal gate house and tea rooms and its amenity area, it is considered to be at a low risk for land contamination. A condition can reasonably be applied for the reporting of unexpected land contamination.
- 10.97. The Environment Agency further comments to provide advice on the prevention of land contamination through the storage of materials. An informative can reasonably be included with this advice.
- 10.98. The proposal is not considered to create a materially increased risk of exposure to land contamination and concerns with regards to odour can be mitigated through the application of a conditions. The proposal is considered to comply with Local Plan Policy HP4, NE9 and provision of the NPPF in this regard.
- 10.99. Other matters
- 10.100. The comments made in the letters of representation have been addressed within this officer report. In addition, it is noted that comments are made with regards to the siting of the development in alternate locations and with regards to improving the appearance of the car park. The Planning Department is required to assess the application as submitted and has found the justification for the siting of the development acceptable and cannot require the submission of alternative sites or additional works outside the red edge boundary of development. Each application is assessed on a case by case basis, in line with Local and National policy.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal is set outside of the development limits of Studley Roger, as defined by Local Plan policies GS2 and GS3 and as such, requires the express support of Local, or National Policy. In this case, the proposal is considered to relate acceptably to the existing tourism facilities, is considered to be reasonably justified, improves the quality of the attraction, supports the local economy has an acceptable heritage, landscape, highways and amenity impact, subject to conditions. As such, the proposal accords with Local Plan policy EC7 for the creation or expansion of new tourism attractions and facilities. The development is supported in principle, however, remains subject to the assessment of any other material harm in line with Local and National Policy.
- 11.2 The submitted design of the proposal in conjunction with the scale, siting and appearance alongside the incorporated landscaping works are considered to be visible within views across the lake and within the Water Gardens, although would not be considered to create an unacceptable visual detractor within the wider context of the Nidderdale Nation Landscape,

subject to conditions, in line with Local Plan policies HP3, NE4 and GS6 with regards to the provisions of the NPPF.

- 11.3 The considered incorporation of sympathetic landscaping, re-instating of the lost oval pathway, neatening of visual detractors to the site alongside improvements to the understanding of the site is considered to support the site's contributing factors as a World Heritage Site. It is not considered that the proposed works, on consideration of the positive factors of the development and mitigating landscaping on a site already developed as a tea rooms, would detract from the Outstanding Universal Value of the World Heritage Site of Studley Park, including the Ruins of Fountains Abbey.
- 11.4 The works are considered to constitute less than substantial harm to the significance of the Grade II Listed Building host building and the setting of the Grade I Listed Registered Water Gardens, through the interventions to the lodge.
- 11.5 The harm to the significance of the Grade II Listed Building host building and the setting of the Grade I Listed Registered Water Gardens is considered on balance to be outweighed by the public benefits outlined above. The application would meet the requirement of the NPPF, Section 16, and would adequately comply with the advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.6 Matters of Highways impact, Arboricultural impact, Ecology, Drainage and Flood Risk, Environmental Health, Impact on the Public Right of Way are considered to be either acceptable, or acceptable subject to condition in accordance with Local Plan policies T13, NE7, NE3, CC1, NE9, HP5 and the provisions of the NPPF.

12.0 RECOMMENDATION

That planning permission be GRANTED subject to the conditions listed below.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before 3 years from consent.

Reason; To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 Approved Plans

The development hereby permitted shall be carried out in strict accordance with the application plan and the following details and plans, as amended by the conditions of this consent;

Location Plan; received 01.08.2023

Proposed Site Plan; drwg no. 101-FF-XX-00-DR-A-P01000, Rev S4-2, received 31.07.2024

Proposed Ground Floor Plan; drwg no 101-FF-XX-00-DR-A-P01100, Rev S4-2, received 31.07.2024

Proposed First Floor Plan; drwg no 101-FF-XX-01-DR-A-01101 Rev S4-2, received 31.07.2024

Proposed North Elevation; drwg no101-FF-XX-XX-DR-A-02100 Rev S4-2, received 31.07.2024

Proposed Site North Elevation; drwg no. 101-FF-XX-XX-DR-A-02000, Rev S4-2, received 31.07.2024

Proposed East Elevation; drwg no 101-FF-XX-XX-DR-A-02101 Rev S4-2, received 31.07.2024
 Proposed South Elevation; drwg no 101-FF-XX-XX-DR-A-02102 Rev S4-2, received 31.07.2024
 Proposed West Elevation; drwg no. 101-FF-XX-XX-DR-A-02103, Rev S4-2, received 31.07.2024
 Proposed Extension Elevations; drwg no. 101-FF-XX--DR-A-02104, Rev S4-2, received 31.07.2024
 Proposed Section AA and BB; drwg no. 101-FF-XX-XX-DR-A-03100, Rev S4-1, received 01.08.2023.
 Proposed Section CC and DD; drwg no. 101-FF-XX-XX-DR-A-03101, Rev S4-2, received 31.07.2024
 Proposed Roof Plan; drwg no. 101-FF-XX-RF-DR-A-01103, S4-2, received 31.07.2024
 Proposed Ground Floor Access Plan; drwg no. 101-FF-XX-DR-A-01110, Rev S4-2, received 31.07.2024
 Proposed Canal Gate Alterations; drwg no. 101-FF-XX-00-DR-A-07400 Rev S4-1, received 01.08.2023.
 Edging layout; drwg no. 1823.RF.XX.XX.DR.L.007, Rev E, received 31.07.2024
 External Levels and Drainage; drwg no. 1823.RF.XX.XX.DR.L.008, Rev F, received 31.07.2024
 Ground Preparation Plan; drwg no. 1823.RF.XX.XX.DR.L.009, Rev E, received 31.07.2024
 Proposed Railings and Yew Garden Access; drwg no. 1823.RF.XX.XX.DR.L.0070, Rev D, received 31.07.2024
 Tree Removal Works Plan; drwg no. 1823.RF.XX.XX.DR.L.004, Rev F, dated 19.07.2024.
 Tree Protection and Constraints Plan; drwg 1823.RF.XX.XX.DR.L.006, Rev F, dated 19.07.2024
 Landscaping Layout Plan; drwg no. 1823.RF.XX.XX.DR.L.001, Rev P, dated 19.07.2024.
 Planting Plan; drwg no. 1823.RF.XX.XX.DR.L.003, Rev G, dated 19.07.2024.
 LA09 Proposed North-South Landscape Sections; drwg no. 1823.RF.XX.XX.DR.L.0100, Rev D
 LA10 Proposed Balustrade Sections; drwg no. 1823.RF.XX.XX.DR.L.0101, Rev D
 LA11 Proposed Planting Sections; drwg no. 1823.RF.XX.XX.DR.L.0102, Rev D
 Travel Plan: Local Transport Projects, July 2023.

Reason: In order to ensure compliance with the approved drawings.

Condition 3 Materials

Prior to their first use in the external construction of the development hereby permitted, samples of the external walling materials, details of the proposed lime mortar to be used, roofing materials, window and door surrounds and hard landscaping samples shall be made available on site for inspection and the written approval of the Local Planning Authority. The walling and hard landscaping samples will be 1 metre squared showing the colour, texture of the materials. Thereafter, the development shall be constructed in accordance with the approved details.

Reason; In the interest of visual amenity of the Grade II Listed host building and adjacent gates, within the setting of Grade I Listed Water Gardens and within the World Heritage Site, in line with Local Plan policies HP2, HP3 and Chapter 16 of the NPPF.

Condition 4 Finished Floor Levels

The Finished Floor Levels of the extension within the development hereby permitted will be set no lower than 69.3MAOD as stated in the Flood Risk Assessment document 'Hodel Consulting Engineers, referenced '19-023 Rev C' and dated 12th June'.

Reason; To ensure the proposal will be kept dry for it's life time and to minimise the transference of flood risk to others in accordance with Chapter 14 of the NPPF.

Condition 5 Flood Risk Mitigation

Water exclusion Flood Resilient measures will be implemented to a depth of 600mm above the finished floor levels, as stated in the Flood Risk Assessment document 'Hodel Consulting Engineers, referenced '19-023 Rev C' and dated 12th June'.

Reason; To ensure the proposal will be kept dry for it's life time and to minimise the transference of flood risk to others, in accordance with Chapter 14 of the NPPF.

Condition 6 Arboricultural Method Statement

Prior to the commencement of any site clearance, demolition or development an Arboricultural Construction Method Statement (AMS) setting out how the site will be cleared, the site developed and dwelling(s) constructed, ensuring there is no encroachment on to the Root Protection Area(s) of the trees. The AMS shall consider the following:

- Tree root protection (distances, engineering specifications for fencing in line with point (d) in line with British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations)
- Changes in levels to include proposed location of stored excavated soils
- Changes in surfaces
- Installation and layout of services
- Detailed and specific tree protection detail where unavoidable incursions to RPA's are identified
- Construction site access
- Construction site layout (offices, parking)
- Construction site materials storage
- The above list is not exhaustive and additional detail may be requested depending on the submitted detail.

Thereafter site clearance and development shall be carried out in accordance with the approved AMS.

Reason: In the interest of safeguarding the amenity of trees within the site which forms the grounds of the Grade II Listed Tearooms and within the wider World Heritage Site, in accordance with Local Plan policies NE7 and HP2.

Condition 7 Monitoring of Tree Protection

Pursuant to condition 6, the applicant is to retain, throughout the development process as per the approved Arboricultural Construction Method Statement, the arboricultural consultant who is to forward a monthly progress report to the Local Planning Authority. The progress report is

required to demonstrate that the trees are being protected in accordance with the submitted detail, and any approved Method Statement or other documentation, during the course of the development.

Reason: In the interest of safeguarding the amenity of trees within the site which forms the grounds of the Grade II Listed Tearooms and within the wider World Heritage Site, in accordance with Local Plan policies NE7 and HP2.

Condition 8 Extractor Details

Prior to first use of the kitchen within the proposal hereby approved, details of the installation of odour filtration and/ or extraction shall be submitted for the written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans and maintained for the lifetime of the development.

Reason; In the interest of safeguarding the amenity of those utilising the site, in line with Local Plan policy HP4.

Condition 9 Construction Management Statement

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works
2. restriction on the use of Abbey Road access for construction purposes
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
4. the parking of contractors' site operatives and visitor's vehicles
5. areas for storage of plant and materials used in constructing the development clear of the highway
6. details of site working hours
7. details of the measures to be taken for the protection of trees
8. clarification that all proposed routes, red, yellow, and blue, in the Transport Statement provided by Local Transport Projects in July 2023 can be maintained and are fit for purpose
9. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue

Reason; In the interest of public safety and amenity.

Condition 10 Unexpected Land Contamination

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

Reason; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Local Plan Policy NE9 and provisions of the NPPF.

Condition 11 Removal of trees outside of nesting season

Works must be commenced outside the main birds nesting season (i.e. not March-August inclusively) unless a pre-commencement survey by a suitably experienced ecologist demonstrates to the local planning authority that no actively nesting birds would be adversely impacted by such works.

Reason; In the interest of safeguarding nesting birds during the course of works.

Condition 12 Bat Roost Mitigation

The works hereby permitted must take place strictly in accordance with the mitigation and compensation methods statement set out in chapter 9 of the submitted bat survey report (John Drewett Ecology, 2022), except where this may be modified by the requirements of any Natural England protected species licence. All compensatory roosting arrangements which are proposed for bats must be in place prior to the first use of the redeveloped buildings.

Reason; In the interest of safeguarding bats as a protected species during the course of works.

Condition 13 Landscaping Scheme

The submitted landscaping within the proposed Planting Plan, drwg no. 1823.RF.XX.XX.DR.L.003, Rev G, dated 19.07.2024, is to be implemented the planting season (October to March) after completion of the permitted development.

Reason; In the interest of visual amenity of the Grade II Listed host building and adjacent gates, within the setting of Grade I Listed Water Gardens and within the World Heritage Site; and further in the interest of safeguarding the special qualities of the Nidderdale National Landscape in line with Local Plan policies HP2, HP3, NE4, GS6 and Chapter 16 of the NPPF.

Condition 14 Planting Replacement

In the event of failure of any trees or shrubs, planted in accordance with any landscaping scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens to the satisfaction of the Local Planning Authority.

Reason; In the interest of visual amenity of the Grade II Listed host building and adjacent gates, within the setting of Grade I Listed Water Gardens and within the World Heritage Site; and further in the interest of safeguarding the special qualities of the Nidderdale National Landscape in line with Local Plan policies HP2, HP3, NE4, GS6 and Chapter 16 of the NPPF.

Condition 15 External furniture and parasol details

Prior to the installation or siting of new or additional external furniture within the site of the proposal hereby permitted, details of the external furniture, including; any seating, benches, tables or parasols, shall be submitted to and for the written approval of the Local Planning Authority. Thereafter, the proposal shall be carried out in accordance with the approved details.

Reason; In the interest of visual amenity of the Grade II Listed host building and adjacent gates, within the setting of Grade I Listed Water Gardens and within the World Heritage Site; and further in the interest of safeguarding the special qualities of the Nidderdale National Landscape in line with Local Plan policies HP2, HP3, NE4, GS6 and Chapter 16 of the NPPF.

Condition 16 Cycle details

Prior to their installation, details of the siting, number and specification of the bicycle storage, on Proposed Site Plan drwg no. 101-FF-XX-00-DR-A-01000, Rev S4 2, shall be submitted to and for the written approval of the Local Planning Authority. Thereafter, the proposal shall be carried out in accordance with the approved details.

Reason; In the interest of visual amenity of the Grade II Listed host building and adjacent gates, within the setting of Grade I Listed Water Gardens and within the World Heritage Site, in line with Local Plan policies HP2, HP3 and Chapter 16 of the NPPF.

INFORMATIVES

1 Native White-Clawed Crayfish are known to be present at this site area. All machinery, equipment and PPE that may have come into contact with river water on other sites, must follow the 'Check, Clean, Dry' biosecurity principles to prevent the spread of invasive non-native species and crayfish plague.

Any open, unattended excavations must either be covered or have a mammal ramp installed to provide a means of escape to any wildlife which may otherwise fall in and become trapped. License for bat roost removal should be sought from Natural England and appropriate mitigation measures put in place.

Finally, consideration of Biodiversity Net Gain would be greatly beneficial at this location.

2 During construction materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations.

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

- Refer to the contaminated land pages on gov.uk for more information

3 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Target Determination Date: 7 February 2025

Case Officer: Emma Walsh, emma.walsh@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

4th February 2025

ZC23/02884/LB - Listed Building consent for works associated with the remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures - retail hut, ticket office, LPG tank, fencing, hardstanding; Extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements; at Studley Royal Tea Rooms, Studley Park, Ripon, North Yorkshire, HG4 3DY on behalf of the National Trust

Report of the Assistant Director – Planning

1.0 Purpose of the Report

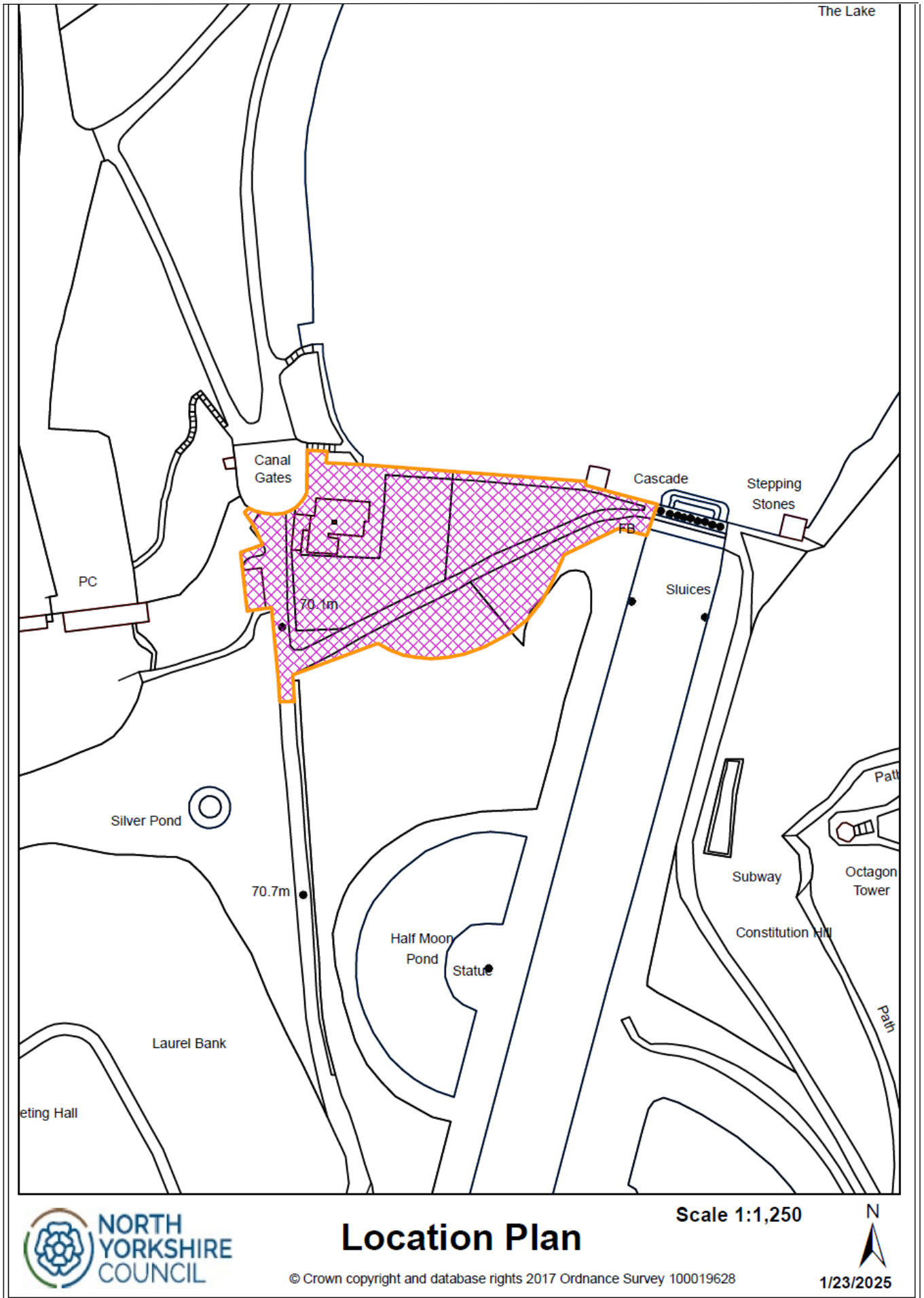
- 1.1. To determine an application for listed building consent for the remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures -retail hut, ticket office, LPG tank, fencing, hardstanding; Extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements; on land at Studley Royal Tea Rooms, Studley Park, Ripon.
- 1.2. This application is brought to the Planning Committee, following referral from planning officers, due to the sensitive nature of the site within the boundaries of the Studley Park UNESCO World Heritage Site, which includes the ruins of Fountains Abbey and Water Gardens.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That listed building consent be **GRANTED** subject to conditions listed below.

- 2.1. The proposal site comprises the existing Grade II Listed Studley tea-rooms and associated seating area, ticket office, kiosk and internal pathway to the gateway entrance of the Watergardens. The site is located to the south-west of the Lake which sits between the Studley Royal Deer Park and the Water Gardens, which form part of the UNESCO World Heritage Site. The site falls within the Nidderdale National Landscape.
- 2.2. The proposal seeks to demolish single storey additions to the building, kiosk, remove contemporary fencing and planting; and to erect a single storey flat roof extension of contemporary appearance to the tea rooms.
- 2.3. The proposal would allow additional seating for 60 people, reduced from 88 additional seats in the original proposal plans. The plans include a reconfiguration internally in order to provide interpretation space for the Water Gardens as well as rationalising the ticket gate entry system to the eastern access to the Fountains Abbey and Water Gardens, which forms part of the Studley Park UNESCO World Heritage Site. The application would further re-instate a historic pathway axis inside the gateway, which was lost to piece meal development following the opening of site to the public
- 2.4. Following concerns raised by ICOMOS International with regards to the proposal being viewed as having a negative impact on the Outstanding Universal Value of the World Heritage Site, amended plans have been received to reduce the scale of the extension and alter landscaping elements. Re-consultation has taken place.
- 2.5. The amended proposal is considered to present a limited degree of heritage harm as assessed within the Heritage sections of the officer's report. This is due to the siting and design of a contemporary extension with visibility within viewpoints both within the Water Gardens and across the Lake, which is mitigated in part by a planting scheme and through its single storey design with oversailing eaves to prevent light glare.
- 2.6. It is considered that by virtue of the siting of a flat roof single storey extension of moderate form to the side elevation of the C19th tearoom building, the proposal would result in less than substantial harm to the significance of the designated heritage asset as Grade I Listed Building and Registered Gardens contrary to paragraph 215 of the NPPF.

- 2.7. There are a significant number of public benefits of the proposal through the rationalisation of the ticket gate, provision of interpretation boards for the Studley Royal Water Garden, re-instating a Bosque view garden, and re-instating the historic form of the pathway axis within the gate, as well as the removal of existing modern extension and removal of modern fencing in more sympathetic materials. Cumulatively, the benefits are considered to outweigh the harm to heritage in line paragraph 215 of the NPPF.
- 2.8. The proposal on balance is considered to comply with Local Plan policies HP2 and provisions of Chapter 16 of the NPPF, advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are 7 relevant applications, which are detailed below.

ZC23/02883/FUL - Remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures -retail hut, ticket office, LPG tank, fencing, hardstanding; Extension to Studley tea-room with external alterations including replacement windows, re-rendering of building, alterations to entrance door; widening of visitor entrance to terrace in front of tea room (canal gates flanking wall) to accommodate access improvements. Pending Consideration.

ZC23/02061/SCREEN - Environmental Impact Assessment Screening Opinion for the extension and remodelling of Studley tea rooms and surrounding landscaping. Determined that EIA not required 15.06.2023.

90/02977/FUL - Constructing porch, replacing windows and external Alterations. Permitted 13.10.1990.

90/02665/LLB - Constructing porch, replacing windows and external alterations. Permitted 13.10.1990.

86/03057/LLB - internal alterations and improvements. Permitted 16.12.1986.

86/02388/FUL - erecting slate roofed porch and altering existing windows. Permitted 21.10.1986.

77/20101/FUL - Extension to ground floor premises to provide improved kitchen facilities and new snack bar. Permitted 03.05.1978.

4.0 Site and Surroundings

- 4.1. The Studley Royal tea-rooms is a C18th gatehouse, which has been adapted and amended for use as a café and as the entrance to the Water Gardens and south-eastern entrance to the tourist element of Fountains Abbey. The site is located to the southwest of the Lake, which sits between the Studley Royal Deer Park and the Water Gardens.
- 4.2. The existing alterations to the gatehouse building include the rending of the external walls, replacement of windows, unsympathetic modern extensions, and boundary treatment to the external seating area. The proposal site additionally includes the kiosk to the west of the gateway and the pathway itself within the gateway area, inside the ticketed entrance.

- 4.3. The proposal is set within the ground of the UNESCO World Heritage Site of ‘Studley Park and Ruins of Fountains Abbey’, which includes the Registered Water Gardens. The site is within land designated as Nidderdale National Landscape.

5.0 Description of Proposal

- 5.1. This is an application for Listed Building Consent for the works required in association with the demolition of single storey additions to the tearooms building, kiosk, removal of contemporary fencing and planting; and to erect a single storey flat roof extension of contemporary appearance to the tea rooms.
- 5.2. This application accompanies full planning application ZC23/02883/FUL.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 – 2035, adopted March 2020.

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2024
 - National Planning Practice Guidance
 - Supplementary Planning Document: Heritage Management

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Department of Culture, Media and Sport:** 21.12.2024 - Sets out facts of the application and assessment by Historic England. The letter additionally confirms that

the State did not consider a further Technical Review from ICOMOS (International) as Historic England indicates impact had been minimised whilst also achieving significant benefits, including for the Outstanding Universal Value of the World Heritage Site.

- 7.3. **Design and Conservation 16.01.2025** – No objections. Recognised the decreased scale of the proposal sits more comfortably to the east of the existing building. “The scheme involves significant intervention to the Lodge, a grade II listed building. This involves loss of the staircase and rear wall to provide access through to the extension, together with demolition of an historic rear extension to accommodate the extension and in the way in which it adjoins the Lodge at this point. The harm has been assessed as less than substantial due to the change to the appearance of the tea room building, its setting, the interventions to the layout and demolition of a rear element of the building which is not modern. The development will result in public benefits as outlined within the supporting documentation.”
- 7.4. **The Gardens Trust:** 12.09.2024 - “Having balanced the competing considerations considers that that the public benefit ultimately derived from this proposal outweighs the harm which will result to the Grade I-Listed Studley Royal Historic Designed Landscape. Accordingly, we do not object to the application and consider the level of impact on the Outstanding Universal Value of the WHS is acceptable.” 29.09.2023 – Recognises a high degree of detail in the submitted documents. There is a reasonable balance has been struck between the protection and conservation of a valuable historic landscape and the needs of future visitor management.
- 7.5. **Georgian Group:** 24.09.2024 - recognise improvements in design in amended scheme including reduction in furniture creep and planting, although remain to identify harm due to the prominent siting of the proposal and indicate a weight of harm versus public benefits are required in line with guidance of the NPPF. No objections to widening of the gateway. 14.09.2023 – Indicated that there is some harm to the Grade II Listed tearooms, and to the setting and special significance of the Studley Royal Water Gardens as a grade I registered park and garden and UNESCO World Heritage Site. Indicated that the heritage balance under of Chapter 16 of the NPPF in this regard.
- 7.6. **Historic England:** 21.09.2023 - Notwithstanding the small degree of harm that would be caused to the view from across the lake, we appreciate that wider heritage and public benefits that would be delivered by the proposal and therefore we support on heritage grounds. 13.09.2024 - No objection to the amended plans, summary of comments within heritage section of report.
- 7.7. **ICOMOS International:** March 2024 - Object. Conclusion (full comments on Public Access); A small tearoom and small nearby garden can be accommodated in this

area as has traditionally been the case but developing a 100-seater restaurant with ancillary buildings and a large open-air seating space will mean the area can no longer be seen as part of the grand Water Garden design. Visitors entering the Canal Gates expecting to see a water garden will be faced by a huge visitor centre complex. The project will impact adversely on the authenticity and integrity of the Water Gardens, on their link to the lake, and overall on Outstanding Universal Value of the property.

- 7.8. **ICOMOS UK:** 09.10.2023 – Object due to harm to the Outstanding Universal Value of the site, through the loss of ‘intactness’ of the gardens. A second visitor centre is not required and interferes with the attraction of the site. Improved pathways within the site would aid access for visitors to facilities. The balance of harm versus planning benefit should not apply to World Heritage Sites.
- 7.9. **Parish Council:** 30.09.2024 - No objections. 21.08.2023 – Does not support or object but notes the linear layout of Studley Roger, which is a cul-de-sac for traffic. Raises concerns of traffic congestion with increased visitor numbers and requests mitigation, including the directing of traffic and restricting on street parking with cones.
- 7.10. **Ripon Civic Society:** 22.04.2024 – Welcomes new facilities, however still raised concerns with lack or improvement to car park facilities and impact on traffic through Studley Roger. Also indicated the purchase of Studley Royal Hall would be an alternate site. 13.09.2024 – Welcomes reduction in scale of extension and the inclusion of amended planting. Raised concerns regarding siting of interpretation board with dividing wall which impedes flow and is within the ticket gate, concerns regarding visibility of an informal picnic area, concerns regarding lack of improvements to the car park appearance. 26.09.2023 - raised concerns with lack or improvement to car park facilities and impact on traffic through, limited access of tea rooms to the public, pedestrian route through to the Visitor centre could be improved.
- 7.11. **UK National Commission for UNESCO:** 14.11.2024 - Reduced scale and impact as assessed by Historic England is noted, although references ICOMOS internal comments with regards to any harm to the Outstanding Universal Value being avoided and extensions should be minimised to a level where it would not cause negative impacts. No further comments anticipated from ICOMOS (International).
- 7.12. **Victorian Society:** 15.01.2024 – No objections, however the committee is disappointed not to see the greater separation of the new extension, the majority of the scheme is of a good standard and mostly subservient to the rest of the heritage asset.
- 7.13. **Yorkshire Garden Trust:** 28.08.2024 – Welcomes improvements to proposal including sympathetic planting scheme, however, uphold objection due to concerns regarding the necessity and desirability of the proposal. Conservation benefits can be

achieved without proposal harm. 21.01.2024 – Floorspace and Floor area increase as set out by the National Trust contains errors as it includes the existing first floor and kiosk/hut.

Local Representations

7.14. 15 letters of representation have been received from 8 members of the public, objecting to the proposal and summarised as follows;

7.15. Objections:

- Proposal is of excessive scale.
- No in keeping with original landscape vision.
- Increased pollution.
- Impact of over-tourism to the site.
- Outdated approach to meeting visitor needs.
- Siting of development not justified; alternate locations possible.
- Environmental stress and damage with increased numbers through the Canal Gates.
- Concerns regarding traffic statistics and monitoring of traffic movements through the village, C17 gate, and deer park
- Mitigation measures required for damage to deer park wildlife.
- Concerns regarding the pheasant shoot held on the wider site.
- Proposal plans risk the WHS status.
- Unsightly carpark issues not addressed.
- Arguments in support of the development are unsupported.
- Focussing on customer expectation over site significance.
- Visitor numbers through the Canal Gates will increase.
- Insufficient car park capacity.
- Harm to the Studley Great Gate not discussed through additional traffic.
- Concerns that ICOMOS International do not support plans.
- Amended plans do not give sufficient priority to conserving and enhancing the historical and aesthetic character.
- Additional/alternate car park required, but should not be supported in the deer park.
- Suggestions of a shuttle bus between sites.
- Amended plans are an improvement but do not create an acceptable scheme.
- Historical attributes of Studley Royal are of primary importance.
- Impact on wider landscape.
- Proposal will become a destination café.
- No access to café for those not paying, kiosk without seating is a miserable alternative.
- Extension has no charm.
- Proposal should be open to all members of the public.
- Proposal is in the heart of the World Heritage Site.
- Traffic through Studley Roger is unchecked, increasing and harmful.
- Lakeside car parking has expanded on exposed hillside – it could be closed or screened.
- Concentration of visitors to the Canal Gates.
- Interpretation lacks depth.
- Re-routing of traffic should be considered to Lindrick Gate.
- National Trust should purchase Studley Royal House for visitor use.
- Demolish Stewards Lodge and create a single storey replacement entrance lodge.

- Biodiversity harm in deer park, harm to habitats.

8.0 **Main Issues**

8.1 The key considerations in the assessment of this application are:

- Impact on the special architectural and historic interest of the Listed Building

9.0 **ASSESSMENT**

Impact on the character and appearance of the World Heritage Site and host building

- 9.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.2 The revised National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 9.3 The NPPF sets out that there is a presumption in favour of sustainable development and advises that there are three dimensions to sustainable development: economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 9.4 Paragraph 139 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 9.5 Of particular reference to this application is section 16 of the NPPF, relating to Conserving and Enhancing the Historic Environment
- 9.6 Within section 16, paragraph 213 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and where substantial harm to a World Heritage site should be "wholly exceptional".

- 9.7 This application comprises the Canal Gates/ Studley tearooms, which is a Grade II Listed building set within the World Heritage Site. The World Heritage Designation was conferred on Studley Royal in 2012 in recognition of it being:
- (i) A masterpiece of human creative genius
 - (ii) An outstanding example of a type of building ensemble or landscape which illustrates significant stages in human history.
- 9.8 The proposal requires the removal of contemporary single storey elements of the host tea rooms, to retain the original two storey structure. The works further require the removal of modern fencing, LPG tank storage, kiosk and trees.
- 9.9 Paragraph 219 of the NPPF states that Local planning authorities should look for opportunities for new development Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 9.10 Paragraph 220 clarifies that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution. The UNESCO World Heritage Centre state that 'Outstanding Universal Value' means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.
- 9.11 These national considerations are further delivered at a local level through policies of the Harrogate District Local Plan.
- 9.11 Local Plan Policy HP2 requires that development in conservation areas or to listed buildings do not have an adverse effect on the character and appearance of the area or the building. This policy is in accordance with the advice contained within the National Planning Policy Framework. The Council's Heritage Management SPD is also relevant to this case.

- 9.12 The Harrogate District Heritage Management Guidance Supplementary Planning Document provides detailed guidance on how the Council will apply heritage and design policies, and is afforded considerable weight in the determination of applications and appeals.
- 9.12 The proposal site comprises a lodge building now operating as a tearooms and which was originally constructed in 18th century as a single storey building. The existing tearoom structure was built on its site in 19th Century constructed circa 1860 in place of the original tearoom, with unsympathetic 20th Century additions, with the submitted information indicating that this was due to touristic growth in visitor numbers to the site.
- 9.13 The host tearooms building is Grade II Listed and is adjoining the Canal gates and flanking walls to the west, which are registered under the same Listing. The stepped Weir and Fishing pavilions are Grade II* Listed to the east, set within the Aislabie Water Gardens, which are Grade I Registered Gardens. The development is relatively central to the UNESCO World Heritage Site of Studley Park and the Ruins of Fountains Abbey, which hosts a number of Grade I, II* and II Listed Buildings.
- 9.14 The proposal seeks to demolish or remove; The toilet block and ticket office extension to the west of the tearooms; Three single storey extensions to the south of tearooms; 10 concrete slabs within the external seating area; LPG tanks and enclosure; the gift shop kiosk to the west of the Canal Gates footpath and; unsympathetic boundary treatments.
- 9.14 The works include the erection of a single storey flat roof extension to the south and east of the tea rooms. Works would further require the widening of the pedestrian access gate to the tearooms forecourt, alteration of fenestration; resurfacing of external surfaces; replacement of boundary treatment; planting/ landscaping works, including the re-installation of an oval pathway to the south of the Canal gates.
- 9.14 The extension would extend to the east, south and west of the original buildings, approximately on the siting of the existing extensions and LPG tank enclosure, however, it would be of significantly greater footprint extending beyond the existing south and east building lines to create an additional pedestrian access point into the building from the south.
- 9.15 As described by the Garden Trust "The Canal Gates are located at the transition between the Water Gardens and the Deer Park and marked the Georgian entrance to the gardens. The 18th century vision of the garden creators was that this was the

starting point for visitors for experiencing a series of carefully orchestrated vistas and routes in the wider landscape leading to the ruins of Fountains Abbey.”

- 9.16 The submitted plans have been amended following significant concerns raised by ICOMOS (International Council on Monuments and Sites), a non-governmental international organisation who are self-described as being dedicated to the conservation of the world's monuments and sites; responsible for supporting UNESCO in the implementation of the World Heritage Convention.
- 9.17 ICOMOS International released a Technical Review of the proposal and describes the site as “one of the spectacular Georgian water gardens created by John Aislabie and his son William in the 18th century, where the vistas are particularly important in the general concept and design, as can be deduced from the owner’s purchase of the ruins of Fountains Abbey to be included in his famous perspective. Both the park and the abbey ruins and other prominent elements are intimately linked to produce an extraordinary ensemble. Both natural and cultural values merge in the site and as such the property was inscribed as a World Heritage property on the basis of criteria (i) and (iv).
- 9.18 The property has experienced several modifications throughout its history, being one of the most important, during the ownership of the Earl de Grey and the Marquess of Ripon, the addition of the Studley Lodge near the Canal Gates, a double-fronted cottage with elaborate bay windows and a shallow veranda that replaced the former east gate lodge, dedicated primarily since 1910 to welcome and refreshment for visitors. The restaurant was remodelled in 1930. The Canal Gates area suffered more remodelling in the 60s and some reversed interventions under the ownership of the National Trust. The area is a very sensitive place of the water gardens and is one of the key views from around the Lake.”
- 9.19 The report indicated that the lodge currently has views across the Lake, and this can be seen from across the lake and has an important aesthetic value. However, the different actions carried out mainly throughout the last century have degraded this area, both its built elements (the Lodge) and the landscape immediately around it related also to the circulation of visitors.
- 9.20 The Technical Review indicates harm through the siting and indicates that a modest extension would be more sympathetic to the building whereas the proposal is considered to risk the Outstanding Universal Value of the site, due an adverse impact on the authenticity and integrity of the site.

- 9.21 The submitted information includes a Heritage Statement and Landscape and Visual Impact Assessment. This acknowledges the visibility of the site within shorted range views from within the Water Gardens and the Studley Stepping stones and longer range views from approach across the lake.
- 9.22 While ICOMOS acknowledges the details of the LVIA which notes the landscape design and vistas as the main attributes of the site, it does not concur with the minor to beneficial impact on the development due to the scale of the development and visibility from the main vista across the lake.
- 9.23 The Technical review comments that “The new structure will impact adversely not only on, the key water features and main structures that have survived next to the lake and which provide a perfect appreciation of the beauty of the design and its views, as can be seen in the historical succession of images over the lake, but also importantly on the feeling and spirit of a sizable part of the Water Gardens and their circulation paths.” It continues to state that screening in the form of planting would be required for views from across the lake.
- 9.24 While the heritage statement is acknowledged, ICOMOS considers that the lodge could be restored without the proposed tea rooms extension and while improvement is considered to be required, the response indicates that it should be done without a large extension and where tree planting has been minimised in the plans. The comments encourage the minimisation of an extension which provides interpretation without compromising the Outstanding Universal Value of the property and where planting behind the balustrade highlights views from across the lake, reflective of the hide and reveal views of the Water Gardens.
- 9.25 The current site comprises contemporary extensions, although set to the rear (south) and west side elevation. The existing tea rooms hosts an external seating area with unsympathetic timber fencing to the east boundary, external furniture and without planted screening from views to the east from the stepping stones or from the north across the lake.
- 9.26 The extension would be of flat roof design set to the rear (south of the building and with the eastern projections set at angle inward to the building). The roof would be set under the first floor windows retaining the tearoom’s form and with full height sections of glazing to the north and east elevations, set under oversailing eaves to provide a covered seating area to the perimeter of the extension. A new ticket get system would be included on entry to the building to the north to an interpretation

area for the Water Gardens. The café, toilet / changing facilities and kitchen would be set beyond this. There would be additional building entrances to the east, into the external eating area and to the south and west onto the Water Garden pathways within the paid section of the site.

- 9.27 The proposal additionally includes the reinstating of an oval pathway, with hedged boundary to focus the views along the path way, which widen in the mid section. The development further includes Bosco hedge planting to the south of the existing building to create a glimpsed-view garden. This restores a lost narrative to this section of the site which links with the 'hide and reveal' views as a special characteristics of the Water Gardens which contributes to its value as a Registered Garden and criteria.
- 9.28 The above described planting would additionally screen much of the visibility of the building on approach from the southern pathway and visually improve the section to the west of the lodge immediately adjacent to the Canal Gate through the removal of the temporary kiosk to the west of the pathway and removal of the ticket office extension.
- 9.29 The plans have been amended following receipt of the comments from ICOMOS international to reduce the scale of the development and to include an amended landscaping scheme, which includes planting between the balustrade and tearooms.
- 9.30 The amended proposal reduced the scale of café to seat an additional 60 people, as opposed to 88 seats inside and decreases the external seating to 158 seats to 96. It would measure approximately 17.6m at its furthest edge from the east side of the original tea rooms building, extending 21.4m to the south and 3.2m to the west. The south and western projections are in place of existing projections, albeit of differing scale and form.
- 9.31 The finishing materials would be lime washed render to the walls, oak frames fenestration with roll seam lead flat roof and stone lintels and copings.
- 9.32 While of moderate scale, the single storey scale, siting to the rear of the building and use of materials, the development would appear visually subservient to the existing tea rooms.
- 9.33 The addition of planting to the immediate south of the balustrade significantly will in time, screen the development from long -views across the lake and frame views

along the canal and demonstrated in the 'year 1' and 'year 15' verified visualisations submitted.

- 9.34 The single storey scale design, set back position to the rear of the tea rooms, use of materials which can further be controlled by condition and overhanging eaves to avoid solar glare, further decreases visual prominence of the building. While it is considered that there would be short term visibility of the tea rooms from key receptor, visual indicators have been provided, which in consultation with the Landscape officer are considered to be reflective of the screening of the development in the mid to long term.
- 9.35 The amended plans with additional planting are considered to sufficiently mitigate against unacceptable impacts on key visual receptors and encourages vistas along the canal, which is more reflective of the historic painting 'The Cascade' (c1750, by Nebot) which shows the canal lined by trees, encouraging views along it and further into the Water Gardens.
- 9.36 The amended plans in this regard, redevelop an area of the site acknowledged by consultees, applicant and case officer as requiring improvement and which is degraded through the siting of unsympathetic extensions, loss of landscaping features reflective of the wider Water Garden and use of modern boundary treatment.
- 9.37 The concerns of the ICOMOS international Technical review have been considered in consultation with Historic England, the Council's Conservation Officer and Landscape Officer. It is not considered that the proposal would erode the authenticity and integrity of the Water Gardens, and re-instates lost horticultural narratives which contribute towards the Aislabie's genius of creation of the Water Gardens and supports the historic narrative of the landscape of the Water Garden through incorporation of hide and reveal views, glimpsed vista and which are recognised in this case as illustrating a significant stage in human history.
- 9.38 Historic England commented on the initial submitted plans to identify minor visual impact on important views from the north which contribute to attributes of Outstanding Universal Value as a result of the proposed extension to the Grade II Listed Lodge. It has advised that it considers the revised proposal will reduce the visual impact of the extension on important views from the north side of the lake. This will help to better maintain the spectrum of visual and aesthetic effects of this view both within and beyond the boundaries of the garden as an attribute of the Outstanding Universal Value of the World Heritage Site. Such views make an

important contribution to the appreciation of the design of the water gardens, its beauty, harmony with and manipulation of the natural landscape.

- 9.39 Historic England welcomed the amendments to the proposed extent and nature of the restorative planting which is now more closely based on historic precedent. This would better reflect the authenticity of the Water Gardens designed landscape and would offer enhancement of its attributes of Outstanding Universal Value in an area that was previously compromised. Similarly, further details have been provided regarding the scheme design for the interpretation spaces within the listed Lodge and how this will help to introduce the Water Garden and orientate visitors.
- 9.40 Historic England concluded that a small degree of harm would be caused to the view from across the lake, and that this has been further reduced by the amended scale and design. It also appreciated that wider heritage and public benefits would be delivered by the proposal and therefore its position remains that it supports the scheme on heritage grounds.”
- 9.41 The Council’s Conservation Officer has been consulted and raises the following comments;

“There is a need to improve and enhance the site around the lodge, both in terms of its appearance and in terms of the benefit to visitor services. There is a desirability in reinforcing the visitor experience of entering the water gardens from the North side of the lodge – the lodge having been created for the purpose as a point of access. The current main entrance to Fountains Abbey is to the south-west along with the Visitor Centre. However, it is important to note that the aim of the scheme is not to persuade more visitors to enter Fountains from this entrance as this would increase the amount of traffic to this end of the site and would cause other issues such as the need for more car parking and cars that would have a detrimental impact upon the appearance and setting of the WHS. Therefore, the improvements to the appearance of the tea rooms need to be the whole building and not just the front which faces towards the lake. Visitors will be experiencing the whole of the building so there should be no back end of the building or blank walls. Consideration should be given to the treatment of all sides of the building.

There are no objections to the principle of the development, removal of inappropriate fencing, removal of the modern rear extensions or the widening of the pedestrian access gate within the flank wall. Amendments have been made to the scheme following previous comments with the size of the extension being reduced.

In previous conservation comments there were concerns raised over the intervention to the grade II listed lodge and the impact of the extension upon key viewpoints within the World Heritage Site. The new extension would make the tea room building more prominent in views towards the water gardens and long distance views. The views are of high significance as per the WH status and the Grade I RPG. The extension will be visible in wider views - principally those experienced from the approach to the lodge from the north.

Another point previously raised by the Conservation Officer relates to the design details of the extension and the impact it has upon the listed lodge. With the reduction in the size of the café extension, the extension will sit more comfortably to the east of the existing listed tea room building.

The scheme involves significant intervention to the Lodge, a grade II listed building. This involves loss of the staircase and rear wall to provide access through to the extension, together with demolition of an historic rear extension to accommodate the extension and in the way in which it adjoins the Lodge at this point. The harm has been assessed as less than substantial due to the change to the appearance of the tea room building, its setting, the interventions to the layout and demolition of a rear element of the building which is not modern. The development will result in public benefits as outlined within the supporting documentation. This justification is required within the NPPF paragraph 215, *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

- 9.42 As such and while there is not considered to be wider harm to the Outstanding Universal Value of the World Heritage Site, the development through the siting of a contemporary extension, and loss of an internal staircase is considered to create less than substantial harm to the host building as a Grade II Listed Building and within the setting of the Grade I Listed Water Gardens as a Registered garden.
- 9.25 As such, less than substantial harm has been identified though the works within the proposal. In line with paragraph 215 of the NPPF, where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.26 There is a public benefit to the proposal which can be viewed from this development relating to social and economic objectives. Social and economic benefits of

development are identified within paragraph 8 of the NPPF as key dimensions to achieving sustainable development. The proposed development would provide social and economic benefits through;

- Providing an improved quality of tourist facilities, through the provision of interpretation boards for the Water Gardens, which aids in the understanding of the historic and landscaping significance of the site.
- An increased capacity for seating to improve accommodation of refreshment and convenience facilities for existing and projected number of visitors to the site.
- The re-siting of the ticket barrier which simplified and streamlines the entrance system to the paid part of the site.
- Improved accessibility and inclusivity to the tea rooms through the tea rooms access gate and around the site, provision of additional toilet and changing facilities to the ground floor.
- Economic benefits to the area through employment in association with the consultation and operation of the tearooms.
- Ensuring the ongoing viability of the tea rooms and management of the site, which is enjoyed by the public, through additional provision of capacity for the tea rooms.

9.27 The harm to the significance of the Grade II Listed Building is considered on balance to be outweighed by the public benefits outlined above. The application would meet the requirement of the NPPF, Section 16, and would adequately comply with the advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.0 PLANNING BALANCE AND CONCLUSION

10.1 The harm to the significance of the Grade II Listed Building host building and the setting of the Grade I Listed Registered Water Gardens is considered on balance to be outweighed by the public benefits outlined above. The application would meet the requirement of the NPPF, Section 16, and would adequately comply with the advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION

11.1 That listed building consent be GRANTED subject to the conditions listed below.

Recommended conditions:

Condition 1 Time Limit

The works hereby permitted shall be begun on or before 3 years from consent.

Reason; To ensure compliance with Section 18 of the Planning (Listed Building and Conservation Area) Act 1990.

Condition 2 Approved Plans

The works hereby permitted shall be carried out in strict accordance with the application plan and the following details and plans, as amended by the conditions of this consent;

Location Plan; received 01.08.2023

Proposed Site Plan; drwg no. 101-FF-XX-00-DR-A-P01000, Rev S4-2, received 31.07.2024

Proposed Ground Floor Plan; drwg no 101-FF-XX-00-DR-A-P01100, Rev S4-2, received 31.07.2024

Proposed First Floor Plan; drwg no 101-FF-XX-01-DR-A-01101 Rev S4-2, received 31.07.2024

Proposed North Elevation; drwg no101-FF-XX-XX-DR-A-02100 Rev S4-2, received 31.07.2024

Proposed Site North Elevation; drwg no. 101-FF-XX-XX-DR-A-02000, Rev S4-2, received 31.07.2024

Proposed East Elevation; drwg no 101-FF-XX-XX-DR-A-02101 Rev S4-2, received 31.07.2024

Proposed South Elevation; drwg no 101-FF-XX-XX-DR-A-02102 Rev S4-2, received 31.07.2024

Proposed West Elevation; drwg no. 101-FF-XX-XX-DR-A-02103, Rev S4-2, received 31.07.2024

Proposed Extension Elevations; drwg no. 101-FF-XX--DR-A-02104, Rev S4-2, received 31.07.2024

Proposed Section AA and BB; drwg no. 101-FF-XX-XX-DR-A-03100, Rev S4-1, received 01.08.2023.

Proposed Section CC and DD; drwg no. 101-FF-XX-XX-DR-A-03101, Rev S4-2, received 31.07.2024

Proposed Roof Plan; drwg no. 101-FF-XX-RF-DR-A-01103, S4-2, received 31.07.2024

Proposed Ground Floor Access Plan; drwg no. 101-FF-XX-DR-A-01110, Rev S4-2, received 31.07.2024

Proposed Canal Gate Alterations; drwg no. 101-FF-XX-00-DR-A-07400 Rev S4-1, received 01.08.2023.

Edging layout; drwg no. 1823.RF.XX.XX.DR.L.007, Rev E, received 31.07.2024

External Levels and Drainage; drwg no. 1823.RF.XX.XX.DR.L.008, Rev F, received 31.07.2024

Ground Preparation Plan; drwg no. 1823.RF.XX.XX.DR.L.009, Rev E, received 31.07.2024

Proposed Railings and Yew Garden Access; drwg no. 1823.RF.XX.XX.DR.L.0070, Rev D, received 31.07.2024

Tree Removal Works Plan; drwg no. 1823.RF.XX.XX.DR.L.004, Rev F, dated 19.07.2024.

Tree Protection and Constraints Plan; drwg 1823.RF.XX.XX.DR.L.006, Rev F, dated 19.07.2024

Landscaping Layout Plan; drwg no. 1823.RF.XX.XX.DR.L.001, Rev P, dated 19.07.2024. Planting Plan; drwg no. 1823.RF.XX.XX.DR.L.003, Rev G, dated 19.07.2024.

LA09 Proposed North-South Landscape Sections; drwg no. 1823.RF.XX.XX.DR.L.0100, Rev D

LA10 Proposed Balustrade Sections; drwg no. 1823.RF.XX.XX.DR.L.0101, Rev D

LA11 Proposed Planting Sections; drwg no. 1823.RF.XX.XX.DR.L.0102, Rev D

Reason: In order to ensure compliance with the approved drawings.

Condition 3 Window details

Prior to the installation of fenestration in relation to the works hereby permitted, details of windows to be installed shall be submitted to and for the written approval of the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Reason; In the interest of visual amenity of the Grade II Listed Building within the World Heritage Site, in line with Local Plan policies HP2, HP3 and Chapter 16 of the NPPF.

Condition 4 Protection of Discovered Historic Features

During the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately.

Reason; In the interest of visual amenity of the Grade II Listed Building within the World Heritage Site, in line with Local Plan policies HP2, HP3 and Chapter 16 of the NPPF.

INFORMATIVES

1. In support of condition 3, the Conservation Officer indicates that standard double glazed units and timber beading would not be appropriate in this location. Slim double glazed units should be fixed using putty and a whole building assessment of thermal efficiency would be required for installation of double glazing.

Target Determination Date: 7 February 2025

Case Officer: Emma Walsh
emma.walsh@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

04 February 2025

2020/22109/FUL - CONSTRUCTION OF ELEVEN DWELLINGS WITH LANDSCAPING, INFRASTRUCTURE, ASSOCIATED WORKS AND OFF-STREET PARKING ON ALLOCATED SITE ON LAND AT RICHARD THORNTON'S SCHOOL, BURTON IN LONSDALE, ON BEHALF OF PERMAHOME LIMITED

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a full planning application for the development set out above. The application is brought back to planning committee because: a) planning permission is sought in revised terms to those which members have previously resolved to grant; and b) to give further advice following deferral at the 3 December 2024 meeting of the committee, at which it was resolved members were minded to refuse planning permission pending further consideration by planning officers for the reasons for refusal put forward by the members.

2.0 EXECUTIVE SUMMARY

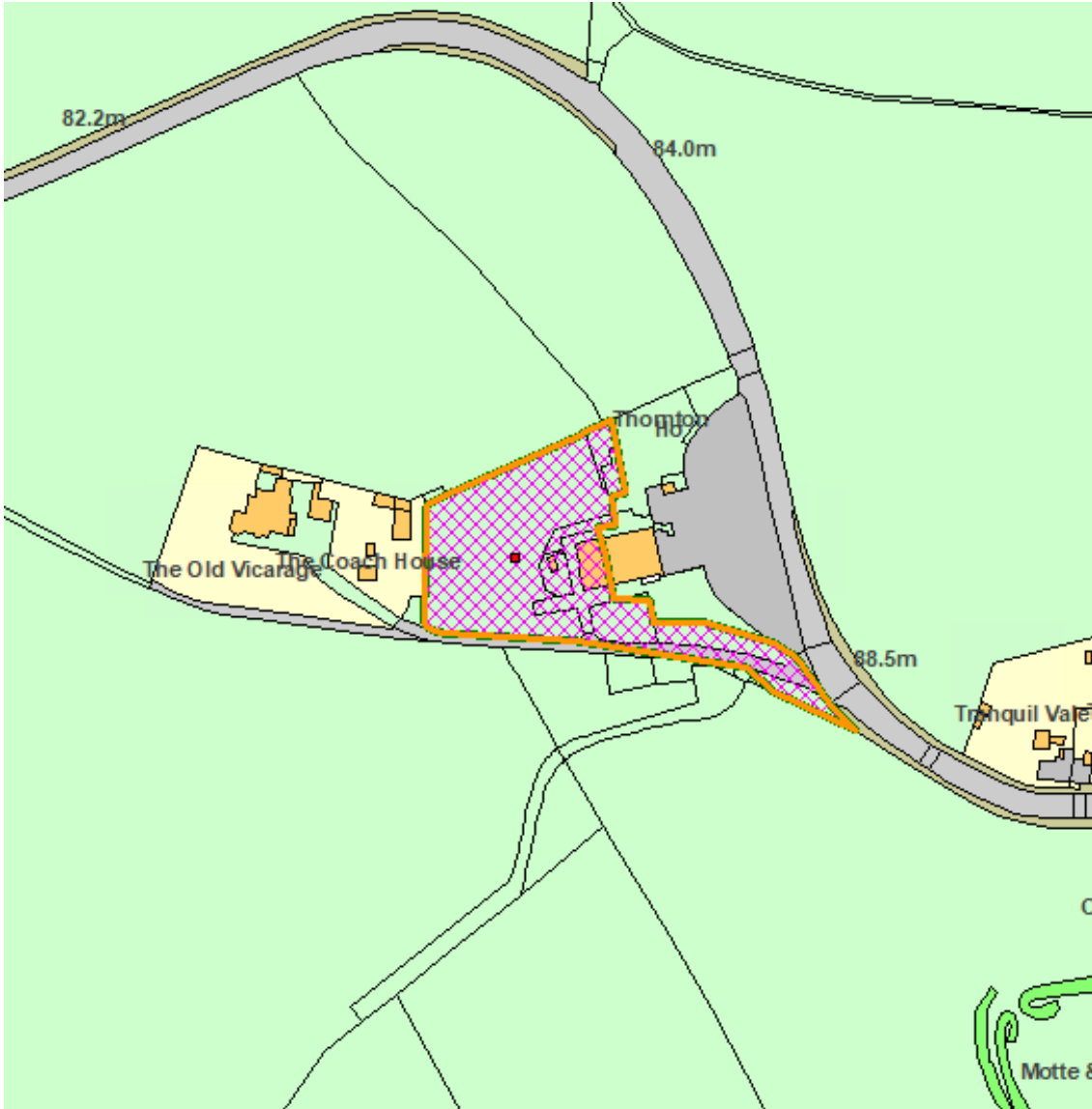
RECOMMENDATION: That planning permission be GRANTED subject to conditions as listed below and prior completion of a s106 agreement with terms as detailed in paragraph 10.55 below

- 2.1. Planning permission is sought for 11 two-storey dwellings on part of an allocated housing site previously in educational use at the former Richard Thornton's Primary School, west of Burton-in-Lonsdale, now in the ownership of the applicant. The proposal accords with the spatial strategy for the area and is acceptable in principle. The main issues are the effect of the proposal on the character and appearance of the area and designated heritage assets, highways considerations, living conditions of existing and future occupants, and viability.
- 2.2. The proposal would result in low-level less than substantial harm to designated heritage assets. As a result, there would be a degree of conflict with Local Plan Policy ENV2. However, in accordance with the policy and the National Planning Policy Framework the public benefits of the scheme are considered to outweigh the harm. Limited weight should be given to housing mix. The proposal would be acceptable in all other regards.
- 2.3. Evidence of viability has been independently appraised on behalf of the Council, concluding that the scheme would not be viable with affordable housing or off-site public open space obligations. The necessary **exceptional** circumstance required under Local Plan Policy H2, and the affordable housing SPD are considered to have been demonstrated. Whilst there would be conflict with Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD in the absence of full off-site public open space contributions required, a contribution has been agreed.

- 2.4. The report has been updated to reflect the recent changes to the NPPF (December 2024) and the financial contribution (£4,038.00) by the applicant towards open space.
- 2.5. In the overall planning balance, the adverse impacts would not significantly and demonstrably outweigh the benefits when considered against the Framework as a whole, subject to conditions a s106 viability review mechanism.



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3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found at <https://publicaccess.cravenc.gov.uk/online-applications/>
- 3.2. The following applications [adjacent to the site] are relevant.

2020/22036/LBC - Installation of traditional sash windows in the uncovered openings of the western elevation; blocking up of adjacent ground floor door. Replacement of skylight and ventilator with four conservation-style roof lights. Approved with conditions 7 January 2021.

2020/21669/CND - Application to discharge condition no. 3 (Tree Protection Measures) and no. 4 (Window and Door Details) of planning permission referenced 2019/20873/FUL granted 14 February 2020. Approved 10 July 2020.

2019/20873/FUL – Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. – Approved subject to conditions. Approved with conditions 14 February 2020.

2019/20874/LBC - Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. Approved with conditions 14 February 2020.

Deferral Update

- 3.3. The application was deferred by the planning committee on 3 December 2024 to allow officers the opportunity to provide further advice on the planning reasons for the deferral. For ease of reference a copy of the printed draft minutes is appended (Appendix 1 – minute 133).
- 3.4. In summary, the committee felt that the planning balance fell against the proposal, due to
- a) concerns relating to the lack of affordable housing or off-site public open space contributions required in Local Plan policy terms,
 - b) concern over the proposed housing mix, and
 - c) the effect of the proposal on designated heritage assets. Advice is given on these grounds under the respective main issues below.
- 3.5. On 12 December 2024, the Government published their revised version of the Framework. Therefore, this report reflects the changes and implication for Members determination of the application. Most significantly, in relation to the revised method of calculating housing need and the implications for the former Craven area in terms of housing land supply, and the need to exercise the presumption in favour of sustainable development (what is often termed the 'tilted balance').

4.0 Site and Surroundings

- 4.1. The site measures approximately 0.43 hectares and comprises land formerly occupied by the now demolished modern extensions of Richard Thornton's School (the school) and its playground. The brownfield site forms part of Local Plan housing allocation site reference BU012.
- 4.2. The site is located within the Burton-in-Lonsdale Conservation Area, with the setting of the Castle Hill scheduled monument, the listed school, and a number of other listed buildings.
- 4.3. Access would be from an unadopted lane leading from an adopted junction with the A687, along which a footpath links the site with the village and the local services and facilities which it contains.

5.0 Description of Proposal

- 5.1. Full planning permission is sought for eleven two-storey dwellings with landscaping, infrastructure, and associated works. The dwellings would be constructed in a mixture of stone and render forming a crescent around an area of onsite open space.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan as far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Craven Local Plan 2012 to 2032, adopted 12 November 2019
 - Minerals & Waste Joint Plan 2015 – 2030, adopted 2022

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for the area. However, it is at an early stage of preparation and has not yet been consulted upon. Therefore, it attracts no weight in this case.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework (the Framework)
 - National Planning Practice Guidance (the PPG)
 - Burton-in-Lonsdale Conservation Area Appraisal (the BiLCA)
 - Craven Landscape Appraisal 2002 (the CLA)
 - Craven Good Design SPD 2022 (the Design SPD)
 - Craven Flood Risk and Water Management SPD 2022 (the FRWM SPD)
 - Craven Affordable Housing SPD 2022 (the Affordable Housing SPD)
 - Craven Green Infrastructure and Biodiversity SPD 2022 (the GIB SPD)

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and summarised below.
- 7.2. **Parish Council:** The matter was discussed at a Parish Council meeting and the Councillors agreed with what is proposed [in relation to the revised access arrangements it was resolved to approve at the 13 March 2023 meeting of the former Council's planning committee].
- 7.3. **Historic England:** No comment.
- 7.4. **Lead Local Flood Authority (LLFA):** The site has incorporated the use of SuDS. We confirm the proposal meets the minimum required operational standards and confirm that we have no objections on the hydraulic design of the system. We recommend that a pre-commencement condition is applied to any permission granted, requiring the details of maintenance to be submitted and approved. The applicant should be made aware of the risk if the requirements of the LLFA in relation to long term maintenance cannot be met at the discharge of condition stage.
- 7.5. **NYC Environmental Health:** There are no known contaminated land implications. Conditions recommended to cover hours of operation, control of dust, contaminant free importation of any topsoil, and to require electric vehicle charging points to each dwelling.
- 7.6. **NYC Highways:** [Former NYCC as Local Highway Authority] Following an onsite meeting and ongoing discussions, the County Council's development management highway engineer has confirmed that there are no objections to the proposed deletion of the junction widening works, subject to revised conditions to require a simple priority junction within the

site and the completion of an s278 agreement to require improvements to the existing junction.

- 7.7. **NYC Public Rights of Way:** There is a Public Right of Way (PROW) adjoining the application site boundary. Advice given in relation to the need to keep the PROW free of obstruction and for a Temporary Closure Order if required.
- 7.8. **NYC Sports Development:** In accordance with Local Plan Policy INF3, the proposal for 11 dwellings calls for an off-site contribution of £39,006 towards projects identified in consultation with ward members and the Parish Council.
- 7.9. **NYC Housing:** The applicant has submitted a viability appraisal which shows no affordable homes are viable on this part of the allocated site. Strategic Housing accept these findings. However, NYC Housing would like to see a mechanism included in any permission that will allow them to revisit the issue of viability at a later date. NYC Housing can then re-evaluate the finances on the scheme, which may allow for affordable housing to be delivered on-site.
- 7.10. **United Utilities:** Outfalls of the cellular soakaway and treated foul water should be shown. The LLFA should be consulted, and maintenance and management of drainage should be required. Recommend conditions to require separate foul and surface water drainage systems in accordance with national standards.

Local Representations

- 7.11. During consideration of the application, 14 local representations have been received in objection to the proposal. A summary of the comments is provided below. Please see the website for full comments.
- 7.12. Objections:
- Harm to highway safety, inadequate parking provision and congestion.
 - Harm to nearby heritage assets.
 - Harm to living conditions of neighbours.
 - Harm to ecology.
 - Lack of drainage details.
 - Reduction in affordable housing units.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 of the Environmental Impact Assessment Regulations 2017 (as amended), but it falls within Schedule 2 Category 10(b) Urban Development Projects. However, it does not exceed applicable thresholds (ii) or (iii) because the proposal is for less than 150 dwellings and the site is less than 5 hectares, respectively. Therefore, no screening or Environmental Statement is required.

9.0 Main Issues

- 9.1. The main issues are:
- Principle of development
 - Highways considerations
 - Landscape and character and appearance
 - Heritage considerations
 - Living conditions of neighbours and future occupants
 - Planning obligations and viability
 - S106 Agreement

- Other Matters

10.0 ASSESSMENT

Principle of development

- 10.1. The proposal is for housing on a site allocated for housing (Local Plan Site Ref: BU012), under Local Plan Policies SP4 D) Spatial Strategy and Housing Growth and SP11 Strategy for Tier 4A and 4B Villages with Basic Services and Bisected Villages with Basic Services. The proposal is therefore acceptable in principle in accordance with the spatial strategy.
- 10.2. By way of background, the former Craven District Council (the former Council) resolved to grant planning permission on 25 October 2021, subject to conditions and an s106 legal agreement to address off-site highway mitigation works (junction improvements), affordable housing (2 units), and off-site public open space contributions (£39,005). However, due to land ownership uncertainties in relation to the junction improvements the legal agreement could not be completed, and the development therefore stalled.
- 10.3. Following negotiations to remove this blockage to delivery revised plans were submitted, deleting the junction improvements in lieu of amended access arrangements. The former Council again resolved to grant planning permission on 13 March 2023, subject to conditions and an s106 legal agreement (2 affordable units and £39,005 public open space contributions). The s106 agreement was drafted, but due to viability concerns was not signed.
- 10.4. The development of this allocated site and the delivery of these dwellings is afforded positive weight within the decision-making process.

Highways considerations

- 10.5. Local Plan policies ENV3, ENV7, INF4, and INF7, together and amongst other things, require new development provides safe and convenient access for all and adequate parking provision. Framework Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.6. Following discussions with the local highway authority (LHA) and the Parish Council, revised access arrangements were submitted deleting the off-site highway improvements works in lieu of a simple priority access from the unadopted lane. Officers acknowledge the concerns of objectors in relation to two-way passing of traffic on the unadopted lane. Nevertheless, widening of the junction would not have led to the dualling of the unadopted road which would remain single-track beyond the site entrance. Recommended conditions include that the existing School access from the unadopted lane should be gated. With this condition, vehicular movements on the vast majority of the unadopted lane would not be increased to any unacceptable degree. In determining whether the proposal is acceptable having regard to vehicular and pedestrian safety and the potential for queuing on the A687, there are a number of factors officers and the local Highway Authority have considered.
- 10.7. Firstly, the existing footway does not extend any further west along public right of way No 05.9/8/1 and there is therefore little to be gained by widening the junction in this regard, nor is it necessary to make the development acceptable in terms of accommodating pedestrian flows. Furthermore, widening the junction would increase the distance for pedestrians crossing to access the footway beyond at the front of the school.
- 10.8. Secondly, due to the curve of the A687 forward visibility in both directions is good and widening of the junction is not necessary to further improve it.

- 10.9. Thirdly, the junction is located within an existing 20mph restriction and so traffic speeds are low, and traffic flows are not significant.
- 10.10. Fourthly, some queuing distance is available for traffic entering the unadopted lane from the east and the A687 carriageway is wide, thus allowing for right turning traffic entering to wait off the live running eastbound lane.
- 10.11. Finally, the use of planning conditions could require a simple priority junction road lining scheme within the application site, so as to ensure that traffic exiting the development would give way to vehicles entering the site, thus reducing the potential for queuing.
- 10.12. Officers have met with the LHA's development management highways officers and have examined the existing junction, the site history, and the revised proposal, all in detail. The LHA confirms that having regard to the above considerations and circumstances there are no highway safety objections subject to the recommended planning conditions.
- 10.13. In addition to a priority junction road lining scheme within the site, the LHA recommend the use of a Grampian condition to require a scheme for improvements to the existing junction (under an s278 agreement). Because these improvement works would be within the adopted highway, there is no foreseeable reason this would not be achievable. The LHA have advised that the scheme should include resurfacing and relining of the junction, which is pitted and worn, and ensure adequate drainage. A condition is recommended to address maintenance and management of the proposed unadopted internal access road.
- 10.14. Taking all the above factors into account and having regard to the relatively small scale of the scheme and the former F1(a) lawful Education use, even during AM and PM peak flows from the development it is not considered that the proposal would result in queueing that would lead to severe residual cumulative impacts on the highway network.
- 10.15. Having regard to the existing junction width, geometry, and forward visibility, the proposal would not result in unacceptable highway safety impacts. Parking provision would be satisfactory, and the LHA have no objection in this regard. Officers therefore consider that the proposed junction widening works initially proposed are not necessary to make the development acceptable in planning terms, and that the proposal to improve the existing junction would not lead to conflict with the above policies or the Framework. The former Council accepted this position and resolved to grant planning permission for the amended access arrangements in 2023.

Landscape and character and appearance.

- 10.16. Local Plan Policy ENV1 Countryside and Landscape expects new development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area. Proposals should also have regard to the relevant Landscape Character Appraisal/Assessment, and specifically to the different landscape character types that are present in the plan area. According to the Craven Landscape Appraisal (the CLA), the main built-up area of Burton-in-Lonsdale is excluded. The site is located to the west of it, within the Rolling Drumlin Field Pasture Landscape Character type identified in the CLA.
- 10.17. The site is well visually contained with strong existing boundaries and landscaping defining the curtilage of the school. As such, the proposal would not be harmful in the wider landscape. The proposal is for two storey dwellings that would be appropriate to their context, reflecting the broad principles of Local Plan Policy ENV3 Good Design and the Design SPD. The precise details of all external materials and finishes are matters capable of being address by a suitably worded planning condition, to include roofing material and a sample panel of stonework. Conditions would also be capable of addressing tree protection, and to require a landscaping scheme.

Heritage considerations

- 10.18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when considering whether to grant planning permission for development which affects the setting of a listed building, that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
- 10.19. The site is located within the Burton-in-Lonsdale Conservation Area (the Conservation Area) and within the setting of the Grade II listed Richard Thorntons School (the school), to the northwest of the Castle Hill motte and bailey castle scheduled monument (the Castle). All of these heritage assets derive their significance, in part, from their countryside setting within which the development would be located.
- 10.20. In the local area opposite the Castle are the Grade II listed Thornton Cottage and Tranquil Vale, both two storey cottages, and the Grade II listed Barn to Castle Hill Farm (formerly listed as Barn and Stable to Hill House). Whilst there are also other listed buildings to the southeast, including the Grade II listed Hill House and the Grade II* listed Church of All Saints, these listed buildings are some distance away from the site and/or on the opposite side of the site and castle. As a result, there is limited intervisibility between them. Therefore, it is not considered there would be any undue harm to their setting.
- 10.21. Having regard to the listing description, the significance of the school is derived from its architectural interest and historic importance, having been erected and endowed by Richard Thornton Esq. The list description for the Castle states that it is a fine example, originating from the 12th or 13th century, going out of use in the period 1322-1369. Therefore, its significance also derives from its historic importance. From the Conservation Appraisal, its significance derives from the village being a planned medieval settlement with a considerable number of surviving historic buildings and the Castle.
- 10.22. The site is visually contained and, as it is situated behind the school, the site is well screened in views from the A687. Modern later additions to the listed school have already been demolished under application references 2019/20873/FUL and 2019/20874/LBC, resulting in improvements to its immediate setting. The omission of road widening works as set out above would have the benefit of reducing the urbanising effect of the highway aspects of the proposal on this part of the Conservation Area on approach to the village and prevent harm to mature trees at the junction which make a positive contribution.
- 10.23. Nine of the proposed dwellings would be sited in a crescent around a central green and two would be sited on the site of the former modern extensions following the design principles of the site allocation. The proposal would not result in the loss of or substantial harm to any designated heritage asset. However, the dwellings would be clearly visible from the adjacent unadopted lane and public right of way, and the addition of 11 dwellings in the curtilage of the school would inevitably have an urbanising effect. Furthermore, removal of a section of historic boundary walling to create the access would be required, albeit this would be limited in accordance with the site allocation design principles for the site. Together, this would result in harm to the significance of the school by way of harm to its setting and to the character and appearance of the Conservation Area. The proposal would also be visible in views from the Castle and its wider countryside setting, resulting in harm to its significance by way of harm to its setting. Both individually and cumulatively, this harm is considered to be at the *lower end of the less than substantial scale*.
- 10.24. Nevertheless, as Framework paragraph 212 makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation (and the more important the asset, the greater

the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. As a result, there would be degree of conflict between the proposed development and both the Local Plan Policy ENV2 and the Framework which, together and among other things, seeks to conserve the setting of heritage assets. However, Framework paragraph 215 requires this harm is weighed against the public benefits of the proposal, and under paragraph b) of Policy ENV2 harm to designated heritage assets will only be permitted where this is outweighed by the public benefits of the proposal. These considerations are returned to below.

Members' resolution on heritage

- 10.25. Notwithstanding officers' assessment (that permission should not be refused on heritage grounds), in resolving that planning permission ought to be refused (due to a lack of affordable housing and off-site public open space contributions), members resolved to include the identified lower end on the nominal scale of less than substantial heritage harm as a further reason for refusal. However, the resolution did not record the specific harm that would arise following any objective analysis of the proposal. Nor was the harm explicitly weighed against the public benefits of the proposal, as required by Policy ENV2 b) and Framework paragraph 215 (the 'heritage balance').
- 10.26. Officers would wish to emphasise that the 'Report on the Examination of the Craven Local Plan'¹ makes clear that potential sites put forward for allocation were screened and considered against a set of criteria to determine site suitability, including with input from Historic England (paragraph 77). To protect the setting of heritage assets in the area 0.3ha of onsite green infrastructure was required to be provided, and that is what the proposal provides. Furthermore, and significantly as they are the government's statutory adviser on the historic environment, Historic England have no objection to the proposal.
- 10.27. All of this raises concern in relation to defending any appeal against refusal and the potential to leave the Council open to a substantive award of costs; examples of behaviour that may give rise to a substantive award of costs include where a local planning authority has made 'vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis'². The costs consequences of the decision is not a material planning consideration and it should not be relied on as a factor in making the decision itself. However, there is nothing improper in members considering the difficulty the local authority may face in opposing an appeal against refusal. It is a reminder of the importance of having reasons for refusal that can stand up to scrutiny on the planning merits, supported by robust evidence. Therefore, members are entitled to consider any potential costs award on appeal provided that the actual decision to grant or refuse permission is taken in accordance with the planning merits of the proposal.
- 10.28. Moreover, two prior resolutions to grant planning permission for the scheme by the former Council did not raise heritage as a concern. Whilst there is no extant permission or therefore any fall-back position, the applicant might have a legitimate expectation that heritage shortcomings would not now be raised and be concerned that the same proposal is not being considered in a similar manner.
- 10.29. The Committee is not required to accept officers' professional advice and it is entitled to exercise its own planning judgement and reach a different conclusion. Matters in relation to the effect of the proposal on the significance of heritage assets by way of harm to their setting involves planning judgement. However, if a different conclusion is reached to the recommendation, the Council must demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence substantiating that reasoning, including the exercise of the 'heritage balance' and the tilted balance (which are returned to below).

¹ Matthew Birkinshaw BA (Hons) MSc MRTPI, 9 October 2019

² PPG - Appeals - Paragraph: 049 Reference ID: 16-049-20140306

Members are therefore respectfully invited to consider their position in relation to refusal on the basis of the heritage main issue.

Living conditions of neighbours and future occupants

- 10.30. Local Plan Policy ENV3 e) and ENV3 f) require that development should protect the amenity of existing residents and create an acceptable level of amenity for future occupants. Framework paragraph 135 f) states that decisions should ensure development creates places with a high standard of amenity for existing and future users.
- 10.31. All dwellings would have an acceptable level of private outdoor amenity space with front and rear gardens and enjoy satisfactory levels of natural light and daylight and have a good outlook. Whilst the concerns of neighbours in relation to the potential for overlooking, loss of privacy, and noise and disturbance during construction are recognised, it is not considered that the proposal would result in any unacceptable loss of privacy. The dwellings would not have an overbearing impact in view of the good degree of separation between them and the site boundary with neighbouring dwellings to the west.
- 10.32. Conditions to require prior approval of boundary treatment and landscaping would together satisfactorily serve to mitigate to an acceptable level the potential for loss of privacy. Disturbance is inevitable during construction of a housing scheme. However, the recommended condition to require a Construction Management Plan to include, among other things, hours of construction would be capable of ensuring that the proposal would not create unacceptable impacts during construction. Overall, the proposal would not unduly harm the living conditions of existing or future occupants, or therefore conflict with Local Plan Policy ENV3 or the Framework in this regard.

Planning obligations and viability

- 10.33. The former Council resolved to grant planning permission for the proposal on 13 March 2023, subject to conditions and an s106 legal agreement to address affordable housing (2 units) and off-site public open space (a contribution of £39,005) policy requirements. The s106 agreement was drafted but it was not signed due to viability concerns. Subsequently, the applicant submitted a viability report, asserting that the scheme would not be viable with these obligations.
- 10.34. Local Plan Policy H2 d) states that development proposals which seek to provide a lower level of affordable housing contributions, either on or off site, will not be acceptable unless it can be clearly demonstrated that exceptional circumstances exist which justify it. The Affordable Housing SPD reaffirms this approach.
- 10.35. Framework Paragraph 59 states [emphasis added]:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

- 10.36. The PPG further advises (Paragraph: 007 Reference ID: 10-007-20190509):

“Such circumstances could include, for examplewhere a recession or similar significant economic changes have occurred since the plan was brought into force.”

10.37. Paragraph: 008 Reference ID: 10-008-20190509 includes:

“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then....”

10.38. The PPG further advises that complexity and variance is inherent in viability assessment. To improve clarity and accountability it is an expectation that any viability assessment is prepared with professional integrity by a suitably qualified practitioner and presented in accordance with national planning guidance.

10.39. The applicant’s evidence was prepared by an MRICS Senior Surveyor. In accordance with Policy H2 d) and the Affordable Housing SPD, the submitted report has been appraised on behalf of the Council by a Senior Associate Director of BNP Paribas Real Estate (BNPRE), who is also MRICS, and specialises in UK development viability and affordable housing. In addition, the Council sought independent advice from Daniel Connal Partnership (Construction Costs) in relation to the submitted financial information from the applicants.

10.40. The application was submitted and initially considered during the outbreak of the Novel Coronavirus (Covid-19) declared by the World Health Organisation as a “Global Pandemic” on 1 March 2020, and the emergence of new strains of the virus. More recently, war in Ukraine and the Middle East and global commodities inflation, interest rate rises, and supply chain issues may all have impacted on viability. The applicant and their Viability Assessment state that since submission, construction and labour costs have risen at a rate which ‘far exceeds any rise in Gross Development Value’ (GDV), and a costs plan is provided in support of this case (Appendix 2 of the Viability Assessment).

10.41. The Framework confirms the basic principle that in order to ensure viability and deliverability, it is necessary to ensure a competitive return to a willing developer and a willing landowner. The Council’s independent BNPRE appraisal (Appendix 3) incorporates a costs review and confirms (within 0.1%) the figures within the applicant’s costs plan. The appraisal finds that the proposed scheme would deliver a profit of circa 5.9% as a percentage of GDV.

10.42. The normally accepted competitive return is at least a level 17.5%, which the proposal would deliver significantly below. Therefore, BNPRE conclude that the proposal would not be economically viable with any affordable housing or open space contributions. In the absence of evidence to the contrary, officers would advise that members should attach significant weight to these findings. As such, officers are of the view that in so doing, the exceptional circumstances required under Local Plan Policy H2 d) and the Affordable Housing SPD to justify a lower level of contributions have been demonstrated. The Council’s Strategic Housing consultee agrees with these findings.

10.43. However, the proposal is for development of only part of the allocated housing site. Application reference 2019/20873/FUL (in the history above) for a residential care and education facility (Use Class C2) was approved on 14 February 2020 on the remainder of the allocated housing site. Details required under the sole pre-commencement condition were subsequently approved on 10 July 2020 (under 2020/21669/CND above - tree

protection measures) and the modern part of the former school was demolished (under 2019/20874/LBC above). Therefore, the permission remains extant. If implemented, it would be likely to deliver a profit for the land promoter. Furthermore, the site is understood to be in the ownership of the applicant.

- 10.44. However, it would be wrong to conflate a proposal for development falling within Use Class C2 with the current proposal for housing (Use Class C3), in terms of affordable housing or public open space obligations. Moreover, planning permission 2019/20873/FUL for the residential care and education facility, on which any such obligations required ought to have fallen if applicable, was not subject to any s106 legal agreement.
- 10.45. Nevertheless, paragraph 2.5.23 of the Affordable Housing SPD states that the Council may consider, as a means of maximising affordable housing provision, whether overage mechanisms and/or phase-by-phase viability reviews would be warranted, as recommended by PPG Paragraph: 009 Reference ID: 10-009-20190509. The potential remains for the applicant to come forward with alternative proposals for housing on the balance of the allocated housing site. In that event, at a future point in time, the outcome of the viability appraisal might be different, and a larger housing development might become viable with some affordable housing and/or public open space contributions. The Council's Strategic Housing Consultee therefore asks for a review mechanism to be considered.
- 10.46. In view of the above, it would not be unreasonable to consider a requirement for a review mechanism. The applicant has agreed to the inclusion of a review mechanism, and it is therefore recommended that a review mechanism be required by way of an s106 legal agreement to address any future phases of housing delivery. Such an agreement would be binding on any successor(s) in title and would require assessment across the allocated site as a whole, not just future phases.
- 10.47. Whilst the concerns of objectors in relation to affordable housing are recognised, for the above reasons it is considered that the proposal would not be economically viable with affordable housing and/or public open space obligations. The evidence of viability is a material consideration to which officers would advise members should give significant weight, in the absence of evidence to the contrary. Because exceptional circumstances have been demonstrated, and subject to a review mechanism, the proposal would not conflict with the requirements of Local Plan Policy HC2 or the Affordable Housing SPD.
- 10.48. During the deferral period, notwithstanding the viability position and low profitability of the scheme, the applicant has confirmed they would be willing to agree to an off-site public open space contribution of £4,038.00 being the sum identified by the Council's consultee as required for the Burton in Lonsdale play area, or general open spaces in the Parish. Table 1 below reflects this agreement.
- 10.49. Whilst there would remain conflict with Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD because the proposal would not deliver the full off-site open space amount requested, the proposal would not be economically viable with the full contribution. Attaching weight to the submitted evidence and viability appraisal, in the opinion of officers the full contribution should not therefore be required.

Members' resolution on viability

- 10.50. Notwithstanding the above officer advice on the main issue of viability members resolved to refuse planning permission as contrary to affordable housing and public open space local plan policy and guidance. This raises further concerns in relation to any subsequent appeal where there may be the potential for a substantive award of costs. However, as explained in paragraph 10.27 above, the issue of potential costs is not a material consideration.
- 10.51. The applicant has submitted the necessary evidence of viability to demonstrate the **exceptional** circumstances set out under Local Plan Policy HC2 d) and the Affordable Housing SPD. The Council has commissioned its own independent appraisal which incorporates a costs review, and which finds the proposal would not be viable with any planning obligations. There is no evidence to the contrary. As such, there is no policy conflict in this regard.
- 10.52. Members disappointment that the proposal cannot stand to deliver affordable housing contributions or the full off-site public open space planning obligations is clearly understood. However, in an appeal situation, your officers will not be able to produce any evidence to defend a reason for refusal on this basis.
- 10.53. Furthermore, as the PPG makes clear³, failure to produce evidence to substantiate each reason for refusal on appeal is an example of unreasonable behaviour that may put the local planning authority at risk of substantive award of costs against it. However, as explained in paragraph 10.27 above, the issue of potential costs is not a material consideration. In view of this and in light of the offer to make an off-site public open space contribution, members are therefore respectfully invited to reconsider their position on the main issue of viability.
- 10.54. The policy conflict with Local Plan Policy INF3 is returned to below, under other matters (housing land supply and the 'tilted balance'), and the planning balance under Section 11.

S106 Legal Agreement

- 10.55. The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Amount & Trigger
Off-site public open space improvement: Park and Garden Quality Improvement (Burton in Lonsdale play area, or general open spaces in the Parish).	£4,038	Prior to occupation of the 6 th dwelling (and subject to viability review).
Viability review mechanism in the event that housing is brought forward and delivered	Affordable housing and/or off-site public open space contributions.	Subject to viability review.

³ PPG -Appeals -Paragraph: 049 Reference ID: 16-049-20140306

on the balance of the allocated housing site.		
Monitoring	S106 Monitoring	£500 index linked, prior to commencement of development, subject to viability review.

10.56. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

10.57. Other matters

Housing land supply and the presumption in favour of sustainable development

10.58. The Local Plan is now more than 5 years old. Based on the revised Framework and the method for calculating housing need, the annual housing requirement for the area has increased. The implications of this are that the Craven area of North Yorkshire Council can now no longer demonstrate a 5-year housing land supply, and the policies for the supply of housing are therefore out of date.

10.59. In these circumstances the presumption in favour of sustainable development under paragraph 11d) of the Framework is engaged. It is often termed the ‘tilted’ balance, because the planning balance shifts from being neutral to one that is tilted in favour of approval. Members must exercise the ‘tilted’ balance in determining the application.

10.60. Framework paragraph 11 d) states:

*For **decision-taking** this means:*

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed [emphasis added]; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹. [emphasis added]

10.61. It should be acknowledged that the presumption in favour of sustainable development does not alter the status of the development plan. However, it can affect the weight that should be given to policies relevant for the supply of housing. It also means that there must be significant and demonstrable harm to refuse planning permission; something that is less than ideal or has some shortcomings is unlikely to ‘significantly and demonstrably’ outweigh the benefits. Further advice is provided below.

Housing mix and density (and Members’ resolution)

10.62. Local Plan Policy SP3 Housing Mix and Density seeks to ensure that land is used in an effective manner to address local housing need and provide an appropriate housing mix. Housing density should be approximately 32 dwellings per hectare.

- 10.63. The proposal is for 11 dwellings on a site measuring approximately 0.43 hectares, with a resultant density of approximately 26 dwellings per hectare. This is a reasonable design response in view of the sensitive location of the site and having regard to local character, and the policy makes provision for other local plan policy requirements (such as heritage concerns).
- 10.64. Whilst members did not have objection to the density of the proposed scheme, they resolved to include within the reasons for refusal a failure to meet the required housing mix. The mix referred to in the associated text to Local Plan Policy SP3 is as follows:

SHMA Update 2017			
Suggested dwelling mix by market and affordable dwellings (Page 89, Table 7.3)			
Overall dwelling size mix	Market (%)	Affordable (%)	Overall (%)
1/2 Beds	18.9	87.4	39.4
3 Beds	57.3	11.8	43.7
4 Beds	23.8	0.8	16.9

- 10.65. Discounting the inclusion of home office/study space in some of the units, which is not unreasonable or to be unexpected given the recent pandemic and shift in working patterns, the proposal is for 6 x 2 bed (54.5%) and 5 x 3 bed market units (45.5%). Whilst overproviding smaller units, this would be desirable having regard to the latest evidence of housing need and would provide units less likely to be unaffordable to first time buyers.
- 10.66. Furthermore, paragraph c) of the policy states that the Council will be flexible where viability is a concern, as it is in this case. It is therefore recommended limited weight should be given to conflict with Local Plan Policy SP3 in relation to housing mix. In isolation, a refusal on the basis of housing mix is very unlikely to succeed at appeal.

Biodiversity

- 10.67. The application is supported by a Preliminary Ecological Appraisal (PEA). Following ecological survey work and an impact assessment, the PEA found no conclusive evidence of protected species on or around the site that would be negatively affected by the proposal. Conditions are recommended in accordance with the mitigation measures set out in the PEA, including the provision of bird and bat roost features and tree protection measures. Although submission of the proposal predates implementation of the statutory framework requiring a 10% Biodiversity Net Gain (BNG) and is therefore exempt from mandatory BNG, subject to the recommended landscaping conditions the proposal would deliver a net gain in biodiversity and therefore meet the requirements of Local Plan Policy ENV4 and the Framework in this regard.

Drainage

- 10.68. Local Plan Policy ENV6 states that growth in the Craven area will help to avoid and alleviate flood risk by development taking place in areas of low flood risk, wherever possible with the lowest flood risk, taking account of the development's vulnerability to flooding and by applying the necessary sequential and exception tests. Amongst other things, the policy also requires that development incorporates sustainable drainage systems (SUDS) or other appropriate means of water management, and adequate provision for foul and surface water disposal.

- 10.69. The proposal is located in Flood Zone 1 with a low probability of flooding and so would not be at undue flood risk. The development would be served by private SUDS drainage systems and the Lead Local Flood Authority has no objection to the hydraulic design. The proposal would not unduly increase flood risk elsewhere. However, should planning permission be forthcoming, planning conditions would be required to require precise details, including management and maintenance measures.

Sustainable design and construction

- 10.70. In accordance with Local Plan Policy ENV3 t), the proposal would be capable of incorporating solar photovoltaic panels as a viable option, and the applicant is agreeable to a planning condition in this regard to agree their precise details. A condition previously resolved to be imposed requiring carbon emissions be below that set under Building Regulations Approved Document L would not be reasonable, in the absence of a specific policy basis.

EV Charging and broadband infrastructure

- 10.71. The Councils Environmental Health consultee recommends the use of planning conditions to require EV charging points for each dwelling. However, conditions of earlier resolutions to grant permission for the scheme requiring 2 EV charging points and super-fast broadband to all dwellings are no longer necessary. Building Regulations Approved Document S requires all dwellings with an allocated parking space to be equipped with EV charging points (not 2 as was previously resolved). Approved document R requires gigabit-ready/connected physical Infrastructure. Respectively, the regulations address these requirements.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is for housing on an allocated site, in accordance with the spatial strategy for the area, as set out under Local Plan Policies SP4 and SP11. The proposal is therefore acceptable in principle.
- 11.2. However, the proposal would result in low-level less than substantial harm to the character and appearance of the Conservation Area, and the school and the Castle by way of harm to their setting. In accordance with Framework paragraph 212, great weight should be given to the conservation of these assets irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to their significance. The Castle is a scheduled monument and therefore an asset of the highest national significance. In accordance with Framework, greater weight should be given to its conservation. The proposal would therefore conflict with Local Plan Policy ENV2, unless the public benefits would outweigh the harm (ENV 2 b)).
- 11.3. Framework paragraph 215 (containing the 'heritage balance') requires that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The proposal would deliver social and economic benefits by providing 11 new homes in an accessible location on the edge of Burton-in-Lonsdale. The development would make a modest contribution to meeting housing requirements and choice in the Craven area on an allocated site, whilst supporting local services and businesses. Furthermore, the allocation within the Local Plan weighs in favour of the proposal as it forms an integral part of the Council's housing supply for the Craven area, which is highly significant in view of the housing land supply position.

Further still, there would be environmental benefits through the redevelopment of a derelict brownfield site.

- 11.4. In terms of the heritage balance required by Framework paragraph 215 and Local Plan Policy ENV 2 b), officers consider that very considerable weight should be attached to these social, environmental, and economic benefits, such that the public benefits of the scheme should be considered to outweigh the less than substantial harm to the Conservation Area and the significance of designated heritage assets by way of harm to their setting. Having regard to the above, refusal on heritage grounds is therefore unlikely to provide a 'strong' reason for refusal in the terms of Framework paragraph 11 d) i).
- 11.5. The Council's independent appraisal of the submitted viability evidence concludes that the proposal would not be viable with affordable housing obligations. In the absence of evidence to the contrary, officers advise that significant weight should be attached to these independent conclusions with which the Council's housing consultee concurs.
- 11.6. If members were to agree and find that the required exceptional circumstances have been demonstrated, approval of the application without affordable housing contributions would not conflict with Local Plan Policy H2 d) or the Affordable Housing SPD. However, officers would advise that any approval should be subject to an s106 agreement to review viability, should housing proposals be brought forward on a phased basis on the remainder of the housing allocation at a future date. Such an agreement would be binding on any successor(s) in title and would require assessment across the allocated site as a whole, not just future phases.
- 11.7. Notwithstanding the applicant's offer to contribute towards off-site public open space improvements, there would be conflict with Local Plan Policy INF3 and the GIB SPD due to a lack of the full policy required contribution, there being no caveat for exceptional circumstances to be demonstrated within them. However, an area of green space would be provided and the site benefits from direct access to a public right of way. Together, in officers' opinion, these factors reduce the weight that might be given to this policy conflict. Furthermore, the evidence of viability suggests that the proposal would not be economically viable with the full contribution requested. Officers therefore advise that in the absence of evidence to the contrary, significant weight should be given to the evidence of viability and the conclusions of the Council's independent appraisal in this regard, and that the full offsite public open space obligation should not be sought.
- 11.8. The proposal would not result in unacceptable harm to the character and appearance of the area or landscape, highway or pedestrian safety, the living conditions of existing or future occupants, ecology or flood risk and drainage considerations, and it would deliver a net gain in biodiversity subject to the recommended conditions. Subject to conditions, the proposal would also make provision for sustainable construction. These are all ordinary planning requirements of development plan policy and the Framework and are therefore neutral factors in the planning balance.
- 11.9. As set out above, in its favour the proposal would deliver social, environmental, and economic benefits, in the delivery of housing on an allocated brownfield site which forms part of the Craven area's housing land supply. These benefits are considered to clearly outweigh the weight that should be attached to the identified conflict with Local Plan Policies ENV2, SP3 and INF3.
- 11.10. In the situation where the Council cannot demonstrate a five-year supply of housing land and in exercising the presumption in favour of development (the tilted balance) required by Framework paragraph 11 d) ii), in the overall planning balance the adverse impacts would not significantly and demonstrably outweigh the benefits when considered against the Framework as a whole. Approval is therefore recommended subject to the conditions listed below and the contribution and review mechanism as set out in Table 1 above.

12.0 RECOMMENDATION

12.1. That planning permission be GRANTED subject to the conditions listed below and prior completion of a s106 agreement with terms as detailed in paragraph 10.55

12.2. Recommended conditions:

Time condition

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved plans condition

2. This permission relates to the following plans and documents:

Location Plan, Drawing No 022004 05 Rev J
Site layout, Drawing No 02 Rev K
Elevations, Drawing No 03 Rev A
First Floor Plan, Drawing No 04 Rev A Roof Plan
Design and Access Statement
Heritage Statement
Tree Report (except as it may relate to junction widening works)
Public Right of Way Statement

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District Local Plan 2012 - 2032 and the National Planning Policy Framework.

Pre-Commencement

3. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the development hereby approved must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- 1) details of any temporary construction access to the site including measures for removal/any reinstatement following completion of construction works;
- 2) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- 3) the parking of contractors' site operatives and visitor's vehicles;
- 4) areas for storage of plant and materials used in constructing the development clear of the highway;

- 5) details of site working hours; and
- 6) details of the measures to be taken for the protection of trees; and contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

4. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - iii) A timetable for its implementation

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. No development shall commence until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained, and managed in accordance with the approved plan. Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

During building works conditions

7. No development above ground level shall take place until details of existing and finished site levels, including the finished floor and ridge levels of the buildings to be erected, and finished external site surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement of above ground works for the avoidance of doubt and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

8. No development above ground level shall take place until full details of the materials to be used on the external surfaces of the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:
 - a) A sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the buildings. The sample panel shall demonstrate the type, texture, size, colour, bond, and method of pointing for the stonework.
 - b) The type, texture, size, and colour of the slates to be used on the external surfaces of the building's roof.
 - c) The type, texture, finish, colour treatment and extent of the external rendering of the approved houses.
 - d) Details of all windows casements and external doors including materials and colouring, which notwithstanding the details shown in the application hereby approval shall be timber, unless otherwise agreed.

The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

Pre-occupation conditions

9. Prior to occupation of any dwelling hereby approved details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

10. Prior to occupation of any dwelling hereby approved, a scheme for the improvement of the existing junction with the A687 shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include resurfacing and re-lining works, and measures to ensure that the junction is adequately drained. Thereafter, the scheme shall have been implemented prior to first occupation.

Reason: In the interests of highway safety, in accordance with Policy INF7 and the National Planning Policy Framework.

11. Prior to occupation of any dwelling hereby approved, a scheme for the provision of a simple priority junction within the housing site where it meets the unadopted lane shall first have been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall have been completed prior to first occupation.

Reason: In the interests of highway safety, in accordance with Policy INF7 and the National Planning Policy Framework.

12. Prior to occupation of any dwelling hereby approved, the existing school access shall be gated in accordance with details which shall first have been agreed in writing by the Local Planning Authority. Thereafter, the gate shall be kept locked at all times, other than when required to provide emergency access to the site.

Reason: In order to ensure that the access is not used other than for emergencies in the interests of highway safety.

13. Prior to occupation of any dwelling hereby approved, the access, parking, manoeuvring, and turning areas for all users at Land at Richard Thornton's School, Burton In Lonsdale, Carnforth, Lancaster, LA6 3JZ shall have been constructed in accordance with details which shall have been approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

14. Prior to occupation of any dwelling hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

- 2) location, type, and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs)
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments
- 6) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed, or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

15. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site, including tree protection measures, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

16. Prior to occupation of any dwelling hereby approved, a site plan showing the proposed locations of Solar PV Panels and samples of the materials to be used in the construction of

the solar panel array shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter.

Reason: To promote sustainability through renewable energy in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

17. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting, details of which shall first have been agreed in writing by the Local Planning Authority, installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

18. None of the dwellings hereby permitted shall be occupied until works for the treatment and disposal of sewage, including any outfall, have been provided to serve the development hereby permitted, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The details shall include full management and maintenance arrangements which shall thereafter be adhered to for the lifetime of the development.

Reason: In order to prevent pollution and protect the water environment in accordance with Local Plan Policy ENV8.

19. None of the dwellings hereby permitted shall be occupied until details for the management and maintenance of the internal access road have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the management and maintenance arrangements shall be adhered to for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Local Plan Policy INF7.

Ongoing Conditions

20. In the event of the solar PV equipment hereby approved or as may be approved under the above conditions ceasing to produce electricity, they shall be permanently removed from the relevant building within 3 months of the date they become redundant, and the roof covering shall be restored to match the remainder of the roof.

Reason: In the interest of the visual amenity in accordance with Policy ENV3 and ENV9 of the Craven Local Plan and the National Planning Policy Framework.

21. Foul and surface water shall be drained on separate systems.

Reason: To ensure satisfactory drainage in the interests of protecting the water environment and to manage the risk of flooding and pollution.

Target Determination Date: 28.02.2025

Case Officer: Daniel Child, planning.cra@northyorks.gov.uk

Appendix A - Minutes of SKAR planning committee meeting of 3 December 2024

Appendix B - Viability assessment

Appendix C - Review of viability assessment

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North Yorkshire Council

Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Tuesday, 3 December 2024 commencing at 1.00 pm.

Councillor Nathan Hull in the Chair. Plus Councillors Barbara Brodigan, Andy Brown, Robert Heseltine, David Ireton, David Noland and Andrew Williams.

Officers Present: Andrea Muscroft, Development Management Team Manager; Stuart Mills, Development Management Team Manager; Kate Lavelle, Solicitor; Daniel Child, Principal Planning Officer; Daniel Herbert, Highways Officer, Mike Parkes, Senior Planning Officer; Vicky Davies, Senior Democratic Services Officer and David Smith, Senior Democratic Services Officer.

Councillor Williams left the meeting at 3.29pm.
The Committee took a short comfort break at 2.40pm.

Copies of all documents considered are in the Minute Book

127 Apologies for Absence

There were no apologies for absence.

128 Minutes for the Meeting held on 5th November 2024

The minutes of the meeting held on Tuesday 5th November 2024 were confirmed and signed as an accurate record.

129 Declarations of Interests

There were no declarations of interests.

However, Councillor Heseltine in referring to item ZA24/25923/FUL on the agenda, informed the meeting that complaints had been made against him in relation to a previous application ZA23/25403/FUL on land off Marton Road, Gargrave. He stated that the complaints had been investigated and dismissed and there had been no bias or pre-determination. He had never lived on Marton Road and, only for a short while, several years ago, had lived on the High Street, Gargrave. Councillor Heseltine stated that the unfounded allegations had been stressful to him, his family and friends.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permissions and variations of conditions. During the meeting, officers referred to additional information by way of a late information report and representations that had been received.

The conditions as set out in the reports, late information reports and the appropriate time conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act.

In considering the reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plans, the National Planning Policy Framework and all other material planning considerations.

In granting permission in accordance with the recommendations of the reports this was because the proposals were in accordance with the development plans, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee deferred consideration the reasons for that decision are as set out below.

- 130 ZC24/03113/DVCMAJ - Section 73 application for the variation of condition 1 of S73 permission ZC24/01066/DVCMAJ to allow changes to proposed window frames, door frames, garage door frames, front doors of dwellings and garage doors to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ at Brierley Homes Laverton Oaks development at land comprising field at 422819 474158, Back Lane, Kirkby Malzeard, North Yorkshire on behalf of Brierley Homes Ltd.**

Considered –

The Assistant Director Planning – Community Development Services sought determination of a Section 73 application for the variation of condition 1 of Section 73 permission ZC24/01066/DVCMAJ to allow for changes to proposed window frames, door frames, garage door frames, front doors of the dwellings and garage door to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ on land at Back Lane, Kirkby Malzeard. The application is brought to the Planning Committee because the applicant, Brierley Homes, is owned by the Council.

Having listened to the officer's presentation and being no public speakers, Members were content with the proposed variations as they did not materially affect the reserved matters of the development.

The Decision:

That the Section 73 variation be GRANTED subject to the conditions as set out in the report.

Record of Voting:

A vote was taken and the motion was declared carried unanimously.

- 131 ZA24/25923/FUL- Proposed construction of a covered steel portal frame agricultural building at Souber Dairy, Bank Newton, Skipton, North Yorkshire BD23 3NT on behalf of Mr Tom Dodgson.**

Considered –

The Assistant Director Planning – Community Development Services sought determination of a full planning application for a steel framed agricultural building at Souber Dairy, Bank Newton, Skipton. The application had been called-in to be determined by the Planning Committee due to concerns over the impacts upon the highway.

Updating the report the planning officer referred the Committee to a late information report

and photographs submitted by Rachel Berry, Bank Newton Parish Meeting and Gargrave Parish Council. The late information report also set out an additional condition regarding a scheme for the provision of solar panels, to be attached to the permission, if granted.

Following the report and questions to the Planning Officer by Members, the Chair invited the following members of the public to make representations to the Committee:

- Ms Rachael Berry spoke on behalf of the objectors.
- Ms Catherine Downes spoke on behalf of Bank Newton Parish Meeting.
- Mr Geoffrey Butt, spoke on behalf of Gargrave Parish Council.
- Local Division Member Councillor Simon Myers spoke and explained that whilst he was on the side of farm businesses and their expansion he wanted to raise residents' concerns regarding highway safety and damage caused to the canal bridge.
- Mr Tom Dodgson, the applicant, spoke supporting his application.

During consideration of the application, the Committee discussed the following issues:

- The potential increase in farm traffic movements, particularly during harvesting would add to the existing concerns regarding highway safety issues for pedestrians, hikers and cyclists.
- The collision history of the surrounding area. The planning officer had noticed the traffic concerns but stated it was an existing farm in a rural area and the Highways Authority's survey resulted in them being satisfied there was no impact on highway safety.
- Concern that the proposal only included one passing place on a narrow road which was thought insufficient. It was noted that the provision of further passing places was not feasible as all the land was not in the applicant's ownership.
- Damage to the canal bridge, drystone walls and ditches by large agricultural vehicles was concerning.
- The Highways Officer stated that the bridge was owned by the Canal and Rivers Trust and a scheme was being developed to repair and strengthen the bridge. The costs would be shared between the Council and the Canal and Rivers Trust.
- Members questioned whether covering the hardstanding with a steel portal frame would enable it to be used for cattle. The planning officer reassured Members that any change of use would require a separate application.
- In relation to the 7.5 tonne weight restriction, Members were advised it was still in force over the full length of Church Street between the A59 and A65 to stop the route being used a short cut by HGVs. It was not related to traffic movements on Marton Road.
- Members debated whether a deferral would be feasible to allow for an independent assessment of any additional traffic at peak season next Year. The planning officer confirmed that there was already an existing lawful use on the development site to transport grain and that an additional traffic survey was unlikely to demonstrate any additional movement in this respect. The Legal Officer reminded Members that a deferral until next Autumn would carry a risk of non-determination of the application.

The Committee voted to defer the decision to allow for an independent assessment of any additional traffic at peak season. A vote was taken and the motion was defeated with 4 votes against and 3 for.

Given that the above motion was lost, Members debated the original recommendation as set out in the Assistant Director's report and the decision of the Committee is set out below:

The Decision:

That, the application is GRANTED subject to the conditions detailed in the report and an additional condition as set out in the late information report.

Record of Voting:

A vote was taken and the motion was declared carried with 4 for, 2 against and 1 abstention.

Additional Condition:

A scheme for the provision of solar panels including details of appearance shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To help mitigate against climate change and to accord with Policy ENV3 (t) of the Craven Local Plan 2012-2032.

132 ZA24/26255/FUL - Residential development with associated parking provision, public open space, soft and hard landscaping and associated infrastructure, on land to the north of Airedale Avenue, Skipton, on behalf of Skipton Properties Ltd.

Considered –

The Assistant Director Planning – Community Development Services submitted a report and a late information report seeking determination of a planning application for the construction of 53 dwellings with off-street parking and associated infrastructure. The application had previously been reviewed by the former Craven District Council Planning Committee in September 2020 and was to be developed in partnership with a developer. Members resolved to approve the scheme, subject to a legal agreement, however, no legal agreement was signed, thus the resolution to approve fell away.

The application is brought to Committee because it is Council owned land which is currently being transferred to the applicant and is considered to raise issues appropriate for consideration. The site is an allocated site in the Local Plan and therefore the principle of housing on this site is acceptable.

Mr Eric Jaquin spoke as an objector.

Ms Sarah Barraclough representing the applicant, Skipton Properties, spoke in support of the application.

During consideration of the application, the Committee discussed the following issues:

- Concerns over the amount of construction traffic using town centre roads to access the site as this could have an impact on residents.
- Car parking for construction workers could be an issue. The Planning Officer stated that this would be controlled by a condition.
- In response to the question about why had the Yorkshire Dales National Park been consulted, the Planning Officer stated that it was part of the policy on design principals and out of courtesy it was normal practice to consult them.
- The poor visibility at the junction with Hurrs Road, Airedale Avenue and Shortbank Road.

The Decision:

That planning permission is GRANTED subject to conditions as set out in the report and late information report and a draft Section 106 agreement being agreed with terms as detailed in Table 1 of the report to secure the affordable housing provision, off site highway works, off site open space provision, biodiversity net gain enhancements and long term monitoring.

Record of Voting

A vote was taken and the motion was declared carried unanimously.

133 2020/22109/FUL - Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on an allocated site on land at Richard Thornton School, Burton-in-Lonsdale, on behalf of Permahome Ltd.

The Assistant Director Planning – Community Development Services submitted a report seeking determination of a planning application in respect of the construction of eleven two-storey dwellings on part of an allocated housing site previously in educational use at the former Richard Thornton 's Primary School, Burton in Lonsdale.

The application was brought back to Committee because planning permission was sought in revised terms to those which Members had previously resolved to grant, following the submission of a viability report and independent appraisal.

During consideration of the application, the Committee discussed the following issues:

- Dissatisfaction that the evidence of viability, independently assessed on behalf of the Council, concluded that the scheme would not be viable with affordable housing or off-site public open space obligations.
- The piecemeal development of the site instead of the whole site coming forward as one application, thereby avoiding the obligation to provide affordable housing.
- The planning officer informed Members that as this proposal was for only part of the site should a further application come forward for the remainder of the site then viability would be re-visited at that time. Additionally, if the undeveloped part of the site was sold it would still attract the re-consideration of another viability appraisal.
- The mix of dwellings did not meet the housing mix as required by the Local Plan policies.
- The site was in a Conservation Area and near heritage assets.

The Decision:

1. That, the application is DEFERRED as the Committee is minded to conclude that the overall balance of planning gain and loss is negative in circumstances where:
 - a. The site cannot deliver any affordable housing and contribute to that important need.
 - b. The proposal would not meet Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD.
 - c. The proposal would not meet the required housing mix.
 - d. The proposal would have a negative impact on local heritage assets.
2. That officers are allowed the opportunity to consider the above planning reasons for the deferral and a report is brought back to Committee for a decision.

Record of Voting

A vote was taken and the motion was declared carried with 5 voting for and 1 abstention.

134 Any other items

There were no urgent items of business.

135 Date of Next Meeting

Tuesday 7th January 2025 at 1pm.

The meeting concluded at 4.05 pm.



Viability Assessment

Client:

Permahome Limited

Land at Richard Thornton School

Carnforth, Lancaster, LA6 3JZ

*Viability Assessment to support planning application number 2020/22109/
FUL for the construction of eleven dwellings with landscaping,
infrastructure, associated works and off-street parking on allocated site.*

Paul Westcott BSc (Hons)

Derek Clarke MRICS MRTPI

www.etplanning.co.uk

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1. Disclaimer

- 1.1 The following does not provide formal valuation advice. This assessment and its findings are intended purely for the purposes of providing North Yorkshire Council with an opinion on, the viable level of affordable housing provision that can be funded from the proposed development at the subject site.
- 1.2 This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of ET Planning; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.
- 1.3 We have been commissioned on a fixed-fee basis, quoted and agreed in advance. We can confirm that there is no performance-based incentive associated with our viability work.
- 1.4 The appraisal has been carried out using Argus Developer, a proprietary valuation software programme, widely used in the planning and development real estate sector. Where information is not available any assumptions made are in line with industry norms.

2. Executive Summary

- 2.1 This Financial Viability Assessment has been produced in relation to the proposed development of land at Richard Thornton's School, Burton in Lonsdale, Carnforth, Lancaster, LA6 3JZ (the site). The subject land is approximately 0.43 Ha (1.04 acres) in size and was used to accommodate ancillary classroom space (now demolished) and school playing fields.
- 2.2 The applicant, Permahome Limited, submitted a planning application to North Yorkshire Council dated February 2021, which has been registered under planning application number 2020/22109/FUL. The proposed development is described as the '*Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.*'
- 2.3 Following submission of the planning application, the applicant instructed ET Planning to conduct a Financial Viability Assessment to assess the quantum of Affordable Housing and Section 106 costs (Public Open Space) that may be viably deliverable.
- 2.4 As such, we acknowledge the council's requirements as outlined in paragraphs 1 & 2, appendix 4 on page 47 of the council's document '*Affordable Housing Supplementary Planning Document - Approved by Craven District Council 6th August 2021*', by claiming since 2021, construction costs have risen at a rate which far exceeds any rise in Gross Development Value (GDV). This is supported by evidence outlined in the cost plan provided to complete our assessment. A copy of the cost plan can be found in appendix 2 of this report.

- 2.5 To determine the viability of the provision of Affordable Housing and Public Open Space requirements, the total land and development costs (£4,314,069) are deducted from the Gross Development Value (£3,773,500), based on a 100% open market sale approach.
- 2.6 If there is an identified surplus (after accounting for a suitable level of developer's profit), then this is the financial contribution which can be afforded towards affordable housing and Section 106 costs in the administrative area. If the result is negative, as it is in this case (negative £540,569), then the proposed development cannot be expected to contribute towards Affordable Housing and Public Open Space costs.

3. Policy Background

- 3.1 **National Planning Policy** National Planning Guidance sets out the government's recommended approach to viability assessment for planning. The approach supports accountability for communities by enabling them to understand the key inputs to and outcomes of viability assessment.
- 3.2 This National Planning Guidance states that any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability and be proportionate, simple, transparent and publicly available.
- 3.3 In accordance with the above, this assessment follows the key principles for carrying out a viability assessment as outlined in MHCLG guidance on Viability (as updated September 2019).
- 3.4 **Local Planning Policy (Affordable Housing)** The Affordable Housing Plan Policies are outlined in the Craven Local Plan (2012-2032) under policy H2. The policy states that sites of greater than 10 dwellings or 1,000 Sqm, then not less than 25% of the units built on a brownfield/previously developed land to be affordable housing.
- 3.5 During the consultation phase of the planning application, the council have applied a vacant building credit calculator, as set out in the Draft Affordable Housing SPD (dated February 2021) and accepted an initial offer from the applicant to deliver 2 affordable units on-site. The council raised no objection to the offer and deem the provision to be acceptable.

3.6 Local Planning Policy (Section 106)

The council derive a public open space contribution following consultation with ward members and Lonsdale Parish Council. As such, the sports development officer at the council, in conjunction with ward members and the Parish Council, have identified several projects to which the contribution which have been proposed by local residents outlined in the planning officer's report to committee dated 25th October 2021, as follows.

- £788 Settle Swimming Pool.
- £5,200 Burton in Lonsdale Parish Sports Pavilion
- £10,485 Burton in Lonsdale Parish Children's play equipment.
- £11,385 Burton in Lonsdale Parish Sports pitches and MUGA
- £11,147 General amenity space in the Parish of Burton in Lonsdale
- **£39,005 Total**

4. Site Description and Proposal

- 4.1 According to the description outlined in the planning officer's report to the North Yorkshire planning committee, the site is described as follows.
- 4.2 *The proposed development site is located to the west of the village of Burton in Lonsdale. Burton in Lonsdale is a village and civil parish in the Craven District of North Yorkshire close to the border with Lancashire and Cumbria. The site is approximately 4383 square metres (0.43 Ha) in size and is partially previously developed land, currently occupied by part of the former school buildings and its curtilage.*
- 4.3 *The site shares a boundary with Richard Thornton School, a Grade II Listed Building - (as the Former Burton in Lonsdale Endowed First School: Schoolmaster's House and garden wall and gate piers) erected in 1853. The former school building occupies a prominent position, set back on elevated ground, to the west of the A687 from which it takes access.*
- 4.4 *The curtilage boundaries comprise stone walling to the road frontage and to the south along a track serving two properties located further to the west. Areas of hardstanding are located to the north of the building which provide former playground space and, to the south, car parking. The site area was formerly used as a play area and is currently unmanaged and overgrown. It rises gently to the north bounded by a continuous stone wall with agricultural pastureland beyond. There are a number of mature trees and hedgerows across the site.*

- 4.5 *The former school building is a Grade II listed building (list entry number 1301402), and the site falls within the Burton in Lonsdale Conservation Area. Several other designated heritage assets fall within proximity to the site, most notably the Castle Hill motte and bailey castle to the east and a Scheduled Monument (1009319).*
- 4.6 The site has been allocated for residential development under Policies SP4, SP5 and SP11 of the adopted Local Plan (Site Ref: BU012).
- 4.7 Furthermore, we understand the land is currently lying fallow and may be suitable for several uses, including agricultural.
- 4.8 As for the proposal, the applicant, Permahome Limited, submitted a planning application, to North Yorkshire Council dated 3rd February 2021, which has been registered under planning application number 2020/22109/FUL. The proposed development is described as the *'Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.*
- 4.9 In summary, the proposed scheme seeks to provide 6 x 2-bedroom houses and 5 x 3-bedroom houses with ancillary private outside space and dedicated car parking for each unit.
- 4.10 The planning application was determined at the council's planning committee by way of a resolution to grant following the signing of a Section 106 agreement. Since then, the applicant has been negotiating with the council and securing the necessary permissions and agreements to affect the Section 106.

5. Appraisal Inputs

- 5.1 **Benchmark Land Value** The latest MHCLG viability guidance (updated September 2019) requires that Benchmark Land Value (BLV) should be based upon Existing Use Value (EUV) or in certain circumstances Alternative Use Value (AUV), allow for a premium to landowners (including equity resulting from those building their own homes) and reflect the implications of abnormal costs; site specific infrastructure costs; and professional site fees.
- 5.2 The MHCLG guidance denotes that *"existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value."*
- 5.3 This is reaffirmed within the RICS Professional Statement, titled; *'Assessing viability in planning under the National Planning Policy Framework 2019 for England'*. This is also supported within the BLV valuation framework which states that *"the primary approach is EUV+ (or AUV where appropriate)"*.
- 5.4 **Existing/Alternative Use Value** The site comprises of the former playing fields at Richard Thornton School and includes a proportion set aside on the western side of the adjoining main buildings complex, to accommodate classrooms built in the 1960s, now demolished and described by the local authority as previously developed land.
- 5.5 The land has fallen fallow and despite the opportunity to assess the land on alternative uses under paragraph 017 of PPG: Viability, we elect, for reasons of expediency and pragmatism, to apply a nominal value of £100.00.

- 5.6 We do however, reserve the right to re-visit the question of value in concert with BLV methodology at some point in the future and if we deem it necessary to do so.
- 5.7 **Premium** The premium (or the 'plus' in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a landowner to bring forward land for development.
- 5.8 Ministry of Housing, Communities & Local Government (MHCLG) guidance. states that the premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. There is no definitive guidance on the level of premium to apply and this is often an arbitrary percentage. In our experience of similar schemes this level of premium can range from 10% - 40%.
- 5.9 Again, for reasons of expediency and pragmatism, we have not applied a landowner's premium, but reserve the right to do in the future if we deem it necessary to do so.
- 5.10 **Site Acquisition Costs (Stamp Duty and Legal)** In addition to the BLV assumption, acquisition costs have also been included with a consideration of £2,500, for surveys and reports normally undertaken in such circumstances.
- 5.11 **Gross Development Value** Gross Development Value (GDV) is an assessment of the value of development. For residential development,

this is the total sales and/or capitalised net rental income from developments.

5.12 During our investigations, it became evident that direct comparable evidence has been difficult to acquire. As such, we have obtained a copy of a market assessment of the proposed resale values attributable to the scheme from Richard Harkness MRICS at Hackney & Leigh Limited.

5.13 Mr Harkness is a chartered surveyor and advises clients on real estate asset values out of the Kirkby Lonsdale office at Hackneigh Leigh. He has been a chartered surveyor since 1993 and sells a wide variety of village and country properties We therefore acknowledge Mr Harkness's opinion on the proposed sales values attributable to the scheme and report his findings as follows.

Plot	Type	Accommodation	Floor Area	Sale Price	£/Sqft
1	Detached	3 Beds, 2 Baths	1,300	£425,000	£327
2	Link	2 Beds, 2 Baths	900	£292,500	£325
3	Link	2 Beds, 2 Baths	900	£292,500	£325
4	Semi	3 Beds, 2 Baths	1,100	£368,500	£335
5	End	2 Beds, 2 Baths	1,000	£335,000	£335
6	Mid	3 Beds, 2 Baths	1,300	£410,000	£315
7	Mid	3 Beds, 2 Baths	1,300	£410,000	£315
8	End	2 Beds, 2 Baths	1,060	£345,000	£325
9	Detached	3 Beds, 3 Baths	1,300	£445,000	£342
10	Semi	2 Beds, 1 Bath	750	£225,000	£300
11	Semi	2 Beds, 1 Bath	750	£225,000	£300
Total			11,660	£3,773,500	£324

- 5.14 A copy of the letter provide by Mr Harkness MRICS can be found in **Appendix 1**.
- 5.15 **Build Costs Assessment** The Build Costs of the scheme should be based on evidence which is reflective of local market conditions.
- 5.16 For the purpose of this assessment, we have sourced an independent cost plan from Thornton Firkin LLP, a professional construction cost consultancy. A copy of the cost plan, dated March 2024, can be found in **Appendix 2**.
- 5.17 **Base Build Costs** Thornton Firkin LLP have appraised the proposed scheme and provide an elemental build cost analysis in conjunction with competitive tender pricing, based on Q2, 2024.
- 5.18 In summary, the cost of building the proposed scheme is calculated at £3,147,345. This represents an average cost per dwelling at £286,122 and an average of £2,904 per square metre or £270 per square foot.
- 5.19 The cost plan also includes a provision for site clearance, contractors overhead and profit and preliminaries and whilst it is customary to separately list these inputs in the residual land value calculation, we input an inclusive single figure.
- 5.20 **Contingency** A contingency of 5% has been included within the development appraisal. This is a market norm assumption and considered reasonable here.

- 5.21 **Professional Fees** Professional fees of 10% of the base build cost have been assumed. This is a market-norm assumption given the work proposed as part of this development.
- 5.22 **Sales & Marketing (including Legal Fees)** An allowance of 1.0% has been included for marketing and 1.5% sales cost allowance to cover costs associated for any future sale. This low-level fee assumption has been applied to assess the.
- 5.23 Additionally, we have incorporated £1,000 per unit for legal fees.
- 5.24 **Developer Contributions** PPG Viability recommends assessments should be predicated on a policy compliant basis and report any surplus or deficit that may be delivered. Nevertheless, during our investigations, we maximum financial contribution which can be paid to the Council. If this was increased the deficit figure would increase drew an early conclusion that the scheme is likely to generate a negative land value and a significant deficit position. We therefore carried out a 100% open market sale appraisal and should there be a surplus, feed the amount back into the appraisal system, by way of iteration, to deliver a viable quantum of Affordable Housing and a Public Open Space contribution.
- 5.25 As outline in paragraphs 3.4 to 3.7. These are namely, 2 x 2-bedroom houses to form an on-site Affordable Housing contribution and a Public Open Space contribution of £39,005, by way of a commuted sum.
- 5.26 For clarity, we have excluded these provisions from our appraisal and report the outcome and conclusions accordingly.

- 5.27 **Development Timings & Finance Costs** The interest rate is the cost of funds to the scheme developer; it is applied to the net cumulative negative cash balance each month on the scheme. According to the HCA 'The rate applied will depend on the developer, the perceived scheme risk, and the state of the financial markets. We also track the Bank of England base rate, currently 5.25%, long term government Bond yields. They currently sit at circa 4.7%, based on a 20-year maturity, which is an increase from 4.55% just 1 month before.
- 5.28 We have therefore applied a modest bank lending rate of 8% which is 2.75% over base and predicated on 100% debt financing modelling. This approach is consistent with viability assessment methodology and whilst the Argus Developer valuation software will feedback a credit input into the residual valuation, the sum is relatively modest and for reasons of expediency, we have ignored the credit input accordingly.
- 5.29 Construction is projected to proceed over a 14-month period with sales expected within 4 months of the completion of the construction phase. We ignore the period prior to the commencement of construction to be as fair as possible to the viability of the scheme. A copy of the indicative build programme, provided by Thornton Firkin LLP is shown below.

ET Planning
Burton in Lonsdale



Indicative Build Programme

Item	Months														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Enabling Works															
Site strip, roads, drainage & services	█	█	█	█											
Drainage & Roads		█	█	█											
Incoming Services				█	█										
Buildings															
Plot 1				█	█	█	█	█	█	█	█	█	█	█	█
Plots 2 to 4				█	█	█	█	█	█	█	█	█	█	█	█
Plots 5 to 8					█	█	█	█	█	█	█	█	█	█	█
Plot 9							█	█	█	█	█	█	█	█	█
Plots 10 & 11				█	█	█	█	█	█	█	█	█	█	█	█
Externals															
Hard landscaping										█	█	█	█	█	█
Garden Walls										█	█	█	█	█	█
Roads/drives										█	█	█	█	█	█
Soft landscaping										█	█	█	█	█	█

Source: Thornton Firkin LLP

- 5.30 Applying a 'market-norm' interest rate figure of 8% over a period of 18 months results in a total construction finance cost of £125,685.
- 5.31 **Profit** National Planning Policy Guidance states that for the purpose of viability, a developer's profit consideration of 15-20% of the gross development value (GDV) is deemed to be a suitable return (paragraph 018, Planning Practice Guidance: Viability).
- 5.32 We therefore assume a developer's profit consideration of 17.5% which reflects the scale, complexity and risks associated with this proposed development. As such, this is the level of profit deemed acceptable for the purposes of decision making.
- 5.33 We therefore calculate a developer's profit of £660,362 which is 17.5% on a GDV of £3, 773,500.

6. Public Open Space – Proposed Contribution

6.1 In accordance with the provisions set out in paragraph 010 PPG: Planning Obligations, this viability assessment seeks to test the proposed Section 106 requirement against the ability to viably contribute to Affordable Housing and Public Open Space as set out by the council.

6.2 We report on the scale of the surplus/deficit scenario later in this report. However, we hold the view that if the proposed scheme generates a deficit, to the extent where imposing the Public Open Space would render the scheme, unviable, then such a contribution should not be applied.

6.3 Furthermore, paragraph 57 of the NPPF (December 2023) requires charging authorities to qualify any contributions they wish to impose by applying the 3-part test.

Planning obligations must only be sought where they meet the following tests:

- a). *necessary to make the development acceptable in planning terms.*
- b). *directly related to the development; and*
- c). *fairly and reasonably related in scale and kind to the development.*

6.4 As such, we draw attention to the rationale stated in the planning officer's report to committee which says.

'Following consultation with ward members and Lonsdale Parish Council the SDO has identified a number of projects to which the contribution is to be distributed. In particular the Parish

Council have several projects which have been proposed by residents and which Sn106 contributions are sought’.

- 6.5 The planning officer’s report also goes on to say the identified projects have been cross referenced with the evidence base (PPS Open Spaces a Built Facilities Strategies). However, we consider this to be contrary to the provisions set out in paragraph 004 PPG: Planning Obligations where it is stated that.

‘It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in [regulation 122](#). This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development’.

- 6.6 We are therefore of the view that the imposition of a Public Open Space contribution request should be examined against the viability assessment process and fails to meet the 3-part test outlined in paragraph 57 of the NPPF (December 2023).

7. Sensitivity Testing

- 7.1. As per the requirements of RICS professional standards and guidance: Financial viability in planning: conduct and reporting we have carried out further sensitivity analysis of the results to allow the applicant, decision- and plan-maker to consider how changes in inputs to a financial appraisal affect viability.
- 7.2. In conclusion, we found that if construction costs reduce by 5% and the Gross Development Value increases by 5%, the deficit reduces to (negative) £229, 502. This optimistic assessment, based on a best-case scenario, we still find the scheme is in substantial deficit, albeit at a reduced amount.
- 7.3. A copy of our sensitivity analysis is shown below.

SENSITIVITY ANALYSIS REPORT **ET PLANNING LIMITED**

Client: Permahome Limited
 Planning Application: 2020/22109/FUL
 North Yorkshire Council

Table of Land Cost and Gross Sales

Sales: Gross Sales	Construction: Gross Cost				
	-5.000%	-2.500%	0.000%	+2.500%	+5.000%
-5.000%	£514,053	£598,894	£683,735	£768,576	£853,417
	£3,584,825	£3,584,825	£3,584,825	£3,584,825	£3,584,825
-2.500%	£442,771	£527,309	£612,150	£696,991	£781,832
	£3,679,163	£3,679,163	£3,679,163	£3,679,163	£3,679,163
0.000%	£371,654	£456,024	£540,565	£625,406	£710,247
	£3,773,500	£3,773,500	£3,773,500	£3,773,500	£3,773,500
+2.500%	£300,537	£384,907	£469,277	£553,821	£638,662
	£3,867,838	£3,867,838	£3,867,838	£3,867,838	£3,867,838
+5.000%	£229,502	£313,790	£398,160	£482,530	£567,077
	£3,962,175	£3,962,175	£3,962,175	£3,962,175	£3,962,175

8. Conclusion

- 8.1 The development appraisal results in a negative land value of £540,565. This is set against a developer's profit consideration of £660,362 which forms part of the development costs and reflects the substantial increase in construction costs during the lifetime of the planning application and strong inflationary pressure exerted in the last 3 years. A copy of our Argus Appraisal can be found in **Appendix 3**.
- 8.2 Having applied a nominal sum to the BLV at £100.00, we derive a scheme deficit of £540,565 which renders the proposal unviable and unable to contribute towards an Affordable Housing provision and Public Open Space.

Paul Westcott BSc (Hons)

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26th April 2024

Appendix 1: PROPOSED SALE VALUES

Appendix 2: COST PLAN

Appendix 3: ARGUS APPRAISAL

APPENDIX 1: PROPOSED SALE VALUES

Caring about you and your property



Hackney & Leigh Ltd
3 Market Square
Kirkby Lonsdale
Lancashire
LA6 2AN

Friday 03rd December 2021

Dear Mr Morgan,

Re: Development in Burton in Lonsdale

Thank you for inviting me to the above site and giving me the guided tour together with an explanation of what you are looking to achieve and the appearances the properties will have once completed.

The site itself is attractive being in a quiet position behind the former school and will have an approach that will foster a community atmosphere. Clearly most houses will have an outlook with lots of clear space which will help in creating the idea of an exclusive development. The proposed layout gives each property reasonable outside space and they don't overlook each other and from the proposed site plan the density looks right and not cramped.

Burton in Lonsdale is an attractive community with local shop/post office and park with housing mix dominated by two/three-bedroom stone built terraced housing, and so this development should provide an improvement to the housing mix and I would expect some demand from locals as well as those looking for a more village style living experience.

It has been widely reported that the demand for housing in the smaller rural communities has risen as people look to relocate and I can confirm that this is our experience on the ground and in this sought of locality.

I've set out below a schedule of the proposed development with plot numbers, type of accommodation, floor area, anticipated price and price per square foot.

Plot	Type	Accommodation	Floor Area	Sale price	£/ft ²
1	Detached	3 Beds, 2 Bath	1300	425,000	327
2	Link	2 Beds, 2 Bath	900	292,500	325
3	Link	2 Beds, 2 Bath	900	292,500	325
4	Semi	3 Beds, 2 Bath	1100	368,500	335
5	End	2 Beds, 2 Bath	1000	335,000	335
6	Mid	3 Beds, 2 Bath	1300	410,000	315

7	Mid	3 Beds, 2 Bath	1300	410,000	315
8	End	2 Beds, 2 Bath	1060	345,000	325
9	Detached	3 Beds, 3 Bath	1300	445,000	342
10	Semi	2 Beds, 1 Bath	750	225,000	300
11	Semi	2 Beds, 1 Bath	750	225,000	300

I have based these figures on nearby sites and adjusted to take into account the differences in the relative value of the different locations.

I have also made adjustments on the site itself to take into account the position of each plot.

The values are cautious as no new development has taken place in Burton in Lonsdale for many years and so it is difficult to be sure how strong the demand will be.

I hope this is satisfactory for your current needs.

Yours sincerely,



Richard Harkness M.R.I.C.S.
For and on behalf of Hackney & Leigh Ltd

015242 72111
kirkbysales@hackney-leigh.co.uk
www.hackney-leigh.co.uk

APPENDIX 2: COST PLAN

FEASIBILITY ESTIMATE

**11 Dwellings
Land at Richard Thornton's School
Burton in Lonsdale
Carnforth, Lancaster LA6 3JZ**

Mar-24

T-F Ref: GC BUD EST

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1 Cost Plan Notes

- 1.1 Introduction
- 1.2 Basis of Information
- 1.3 Assumptions
- 1.4 Exclusions

2 Feasibility Summary

- 2.1 Feasibility Estimate 1

DOCUMENT CONTROL

Revision	T-F Ref: GC BUD EST	Reviewed By:	Approved for Issue By:	Date:
Or	Germaine Maynard	Anders Jones	Anders Jones	15/03/2023

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1 COST PLAN NOTES

1.1 INTRODUCTION

Thornton-Firkin LLP have been approached to prepare a feasibility estimate for the proposed development consisting of 11nr new build dwellings including all associated external works on land in the grounds of Richard Thornton's School in Burton in Lonsdale. The estimate is based on the drawings noted below. For further specific detail, the architects drawings should be consulted.

At present, there is no structural or civil design or services information available for review and therefore allowances for such works have been included based on the information noted under section 1.2 below.

The estimated cost of the construction works have been benchmarked against similar projects within Thornton-Firkin LLP in-house cost database. The information used to produce this estimate, as well as assumptions and exclusions have been included below.

1.2 BASIS OF INFORMATION

The following information has been used in the preparation of this Cost Plan:

Architect's Information (Peter Harrison Architects)

022004-02F - Site layout and ground floor plans

022004-03A - Proposed Elevations

022004-04A - First Floor Plans

022004-06A - Proposed Roof Plan

Additional Information

Google Earth

1.3 ASSUMPTIONS

All dwelling areas provided by the architect. However the site area is scaled from the available drawings.

Incoming services assumed located near site with sufficient capacity

Assume the works will be competitively tendered.

Our costs are based on 2Q24 rates.

1.4 EXCLUSIONS

VAT

Fees including Building Control / Planning / Agents / Marketing / Legal / Survey / Party Walls etc.

Design team professional fees (except Contractor's Design & Build fees).

Infrastructure upgrades, i.e. Section 38, 104, 106, 278, Local Authority contributions (CIL), etc.

Land costs.

Inflation and market fluctuations.

Client contingency.

CCTV.

Any works outside of the site boundary.

Ground contamination and remediation works.

Invasive species treatment and removal.

Public Highway works (inc. off site highway works).

Bin provision

Ecological works.

Archaeological works.

Extensive arboricultural works.

Allowance for associated works for Tree Preservation Zones/ Tree Protection Orders.

Third Party Works.

Gas and vapour protection measures.

Party Wall Awards, Rights to light issues.

Acceleration works.

Phasing.

Flood defence.

Performance Bonds and construction schemes (i.e. Considerate Constructors).

UXO survey and removal.

Obstructions in the ground.

Planning permission and fees

Show house fit out works.

Modern methods of construction.

Floor finishes to non wet areas

No gas - assumed all electric M&E solution

2 FEASIBILITY SUMMARY

2.1 FEASIBILITY ESTIMATE 1

Element	Quantity	Unit	Rate	Total (£)	1,084 £/m2	11,667 £/ft2
GIFA Nr of Units	1,084 11	m2 Nr				
1 Unit Type						
2B4P House: 70.0m2: 2nr units - Affordable	140	m2	1,050	147,000	135.63	12.60
2B4P House: 83.61m2: 2nr units	167.22	m2	1,100	183,942	169.71	15.77
2B4P House: 92.90m2: 1nr units	92.9	m2	1,100	102,190	94.28	8.76
2B4P House: 98.48m2: 1nr units	98.48	m2	1,100	108,328	99.95	9.29
3B5P House: 102.19m2: 1nr units	102.19	m2	1,100	112,409	103.71	9.63
3B5P House: 120.77m2: 4nr units	483.08	m2	1,100	531,388	490.27	45.55
Garages - detached	17	m2	800	13,600	12.55	1.17
Garages - Integral	136	m2	1,000	136,000	125.48	11.66
EO steps in construction	6	No	1,000	6,000	5.54	0.51
EO for MVHR units - assumed electric M&E	11	No	4,000	44,000	40.60	3.77
EO for EV chargers (7KW)	11	no	1,250	13,750	12.69	1.18
EO for PV panels (each house)	11	nr	3,000	33,000	30.45	2.83
EO for Stone elevations	1,300	m2	50	65,000	59.97	5.57
EO for slate roof tiles	542	m2	25	13,550	12.50	1.16
EO non upvc windows and external doors	9	no	2,000	18,000	16.61	1.54
EO for enhanced kitchens to private plots	9	no	3,500	31,500	29.06	2.70
EO for built in wardrobes to private plots	9	no	1,000	9,000	8.30	0.77
EO for Ensuites	14	no	3,500	49,000	45.21	4.20
			Sub-Total (1)	1,617,657	1492.48	138.66
2 External Works						
Site clearance	4,383	m2	5	21,915	20.22	1.88
Tarmac access road and drives	1,740	m2	90	156,600	144.48	13.42
Street lighting - columns	8	nr	2,500	20,000	18.45	1.71
New crossover to existing highway	1	nr	10,000	10,000	9.23	0.86
Forming pedestrian access in existing stone wall	1	Item	4,000	4,000	3.69	0.34
Block paving service strip	78	m2	90	7,020	6.48	0.60
Paving slabs to patio areas	435	m2	70	30,450	28.09	2.61
Forming steps to affordable units	1	nr	2,000	2,000	1.85	0.17
Soft landscaping; 150mm topsoil and turf to gardens/communal gardens/POS	1,588	m2	25	39,700	36.63	3.40
Soft Landscaping; allowance for low level planting to front gardens and communals		Item		20,000	18.45	1.71
EO for mature trees	10	no	250	2,500	2.31	0.21
Stone walls to front gardens	132	m	300	39,600	36.54	3.39
EO for curved wall	8	m	50	400	0.37	0.03
EO for gates	9	no	250	2,250	2.08	0.19
Retaining walls to Rear gardens	74	m	350	25,900	23.90	2.22
Fencing to perimeter and rear gardens	273	m	90	24,570	22.67	2.11
EO for gates	11	no	250	2,750	2.54	0.24
			Sub-Total (2)	409,655	377.96	35.11
3 Drainage						
Foul water drainage	1,084	m2	25	27,097	25.00	2.32
Surface water drainage	2,795	m2	23	62,888	58.02	5.39
EO Attenuation		Item		50,000	46.13	4.29
Connections	2	nr	5,000	10,000	9.23	0.86
			Sub-Total (3)	149,984	138.38	12.86
4 Services						
New external services (water & electric)	11	nr	3,000	33,000	30.45	2.83
BT	11	nr	1,250	13,750	12.69	1.18
Allowance for BWIC, trenching etc		item		25,000	23.07	2.14
			Sub-Total (4)	71,750	66.20	6.15
Main Contractors Preliminaries	60.00	wks	10,000	600,000	553.57	51.43
Main Contractors Design Fees			3.5%	78,717	72.63	6.75
Main Contractor's OH&P			7.5%	219,582	202.59	18.82
Total Construction Cost (excluding VAT) £				3,147,345	2,904	270
Average Cost Per Dwelling £				286,122		

APPENDIX 3: ARGUS APPRAISAL

Client: Permahome Limited
Planning Application: 2020/22109/FUL
North Yorkshire Council

100% Open market sale appraisal
Land at Richard Thornton School
Burton in Lonsdale
LA6 3JZ

Development Pro Forma
ET Planning Limited
April 19, 2024

Client: Permahome Limited
Planning Application: 2020/22109/FUL
North Yorkshire Council

Project Pro Forma for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Plot 1 - 3 Bed Detached	1	1,300	326.92	425,000	425,000
Plot 2 - 2 Bed Semi Detached	1	900	325.00	292,500	292,500
Plot 3 - 2 Bed Semi Detached	1	900	325.00	292,500	292,500
Plot 4 - 3 Bed Link Detached	1	1,100	335.00	368,500	368,500
Plot 5 - 2 Bed Semi Detached	1	1,000	335.00	335,000	335,000
Plot 6 - 3 Bed Semi Detached	1	1,300	315.38	410,000	410,000
Plot 7 - 3 Bed Link Detached	1	1,300	315.38	410,000	410,000
Plot 8 - 2 Bed Link Detached	1	1,060	325.47	345,000	345,000
Plot 9 - 3 Bed Link Detached	1	1,300	342.31	445,000	445,000
Plot 10 - 2 Bed Semi Detached	1	750	300.00	225,000	225,000
Plot 11 - 2 Bed Semi Detached	<u>1</u>	<u>750</u>	300.00	225,000	<u>225,000</u>
Totals	11	11,660			3,773,500

NEGATIVE LAND ALLOWANCE

Residualized Price	540,565	540,565
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TOTAL PROJECT REVENUE **4,314,065**

DEVELOPMENT COSTS

ACQUISITION COSTS

Negative Land Allowance	(540,565)	
Land aquisition fees & reports		2,500
		2,500

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Plot 1 - 3 Bed Detached	1,300	269.92	350,896
Plot 2 - 2 Bed Semi Detached	900	269.92	242,928
Plot 3 - 2 Bed Semi Detached	900	269.92	242,928
Plot 4 - 3 Bed Link Detached	1,100	269.92	296,912
Plot 5 - 2 Bed Semi Detached	1,000	269.92	269,920
Plot 6 - 3 Bed Semi Detached	1,300	269.92	350,896
Plot 7 - 3 Bed Link Detached	1,300	269.92	350,896
Plot 8 - 2 Bed Link Detached	1,060	269.92	286,115
Plot 9 - 3 Bed Link Detached	1,300	269.92	350,896
Plot 10 - 2 Bed Semi Detached	750	269.92	202,440
Plot 11 - 2 Bed Semi Detached	<u>750</u>	269.92	<u>202,440</u>
Totals	11,660 ft²		3,147,267

PROFESSIONAL FEES

Professional fees	10.00%	314,727	314,727
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MARKETING & LEASING

Marketing	1.00%	37,735	37,735
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DISPOSAL FEES

Sales Agent Fee		1.50%	56,602
Sales Legal Fee	11 un	750.00 /un	8,250
			64,852

TOTAL COSTS BEFORE FINANCE **3,567,081**

Client: Permahome Limited
Planning Application: 2020/22109/FUL
North Yorkshire Council

FINANCE

Debit Rate 8.000%, Credit Rate 0.000% (Nominal)

Land	(35,063)	
Construction	121,685	
Total Finance Cost		86,622

TOTAL COSTS**3,653,703****PROFIT****660,362****Performance Measures**

Profit on Cost%	18.07%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
IRR% (without Interest)	88.70%
Profit Erosion (finance rate 8.000)	2 yrs 1 mth



| CIL
| Enforcement
| Land Promotion
| Planning
| Sequential Tests
| Viability

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Review of 'Viability Assessment'

**Land at Richard Thornton School, Carnforth,
Lancaster, LA6 3JZ**

DRAFT REPORT

Prepared for
North Yorkshire Council

July 2024

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Appendices

- Appendix 1 - Construction Cost Review
- Appendix 2 - Proposed Scheme Appraisal
- Appendix 3 - Proposed Scheme Appraisal (Final)

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1 Introduction and Terms of Reference

North Yorkshire Council (“the Council”) has commissioned BNP Paribas Real Estate to advise on a ‘Viability Assessment’ dated 26 April 2024 submitted by ET Planning on behalf of Permahome Limited (“the Applicant”) in relation to development proposals at Land at Richard Thornton School, Carnforth, Lancaster, LA6 3JZ.

The development comprises the redevelopment of the site to provide 11 dwellings.

This report provides an objective review of the Applicant’s viability assessment in order to advise the Council whether the Applicant’s contention that the scheme cannot support any affordable housing is correct.

1.1 BNP Paribas Real Estate

BNP Paribas Real Estate is a leading firm of chartered surveyors, town planning and international property consultants. The practice offers an integrated service from nine offices in eight cities within the United Kingdom and over 180 offices, across 37 countries in Europe, Middle East, India and the United States of America, including 16 wholly owned and 21 alliances. In 2005, the firm expanded through the acquisition of eight offices of Chesterton and in 2007, the firm acquired the business of Fuller Peiser. We are a wholly owned subsidiary of BNP Paribas, which is the number one bank in France, the second largest bank in the Euro Zone and one of only six top rated banks worldwide.

BNP Paribas Real Estate has a wide-ranging client base, acting for international companies and individuals, banks and financial institutions, private companies, public sector corporations, government departments, local authorities and registered providers (“RPs”).

The full range of property services includes:

- Planning and development consultancy;
- Affordable housing consultancy;
- Valuation and real estate appraisal;
- Property investment;
- Agency and Brokerage;
- Property management;
- Building and project consultancy; and
- Corporate real estate consultancy.

This report has been prepared by Jamie Purvis MRICS, RICS Registered Valuer and reviewed by Anthony Lee MRTPI, MRICS, RICS Registered Valuer.

The UK Development Viability and Affordable Housing Consultancy of BNP Paribas Real Estate advises landowners, developers, local authorities and RPs on the viability of developments and the provision of affordable housing.

Anthony Lee was a member of the working group which drafted guidance for planning authorities on viability, which was published by the Local Housing Delivery Group in June 2012 as ‘*Viability Testing Local Plans: Advice to Planning Practitioners*’. He was a member of MHCLG’s ‘Developer contributions expert panel’ which assisted in the drafting of the viability section of the 2019 Planning Practice Guidance. He is also a member of the Mayor of London’s Housing Delivery Taskforce expert panel.

In addition, we were retained by Homes England (‘HE’) advise on better management of procurement of affordable housing through planning obligations.

The firm has extensive experience of advising landowners, developers, local authorities and RPs on the value of affordable housing and economically and socially sustainable residential developments.

1.2 Report Structure

This report is structured as follows:

Section two provides a brief description of the Development;

Section three describes the methodology that has been adopted;

Section four reviews the assumptions adopted by the Applicant, and where necessary, explains why alternative assumptions have been adopted in our appraisals;

Section five sets out the results of the appraisals;

Section six, we draw conclusions from the analysis;

Finally, in **section seven**, we set out our final conclusions.

1.3 The Status of our advice

In preparing this report and the supporting appraisals, we have given full regard to the RICS Professional Standard ('PS') 'Assessing viability in planning under the National Planning Policy Framework for England 2019' (first edition, March 2021). However, paragraph 2.2.3 of the PS acknowledges that statutory planning guidance takes precedence over RICS guidance. Conflicts may emerge between the PS and the PPG and/or other adopted development plan documents. In such circumstances, we have given more weight to the PPG and development plan documents.

In carrying out this assessment, we have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

We are not aware of any conflicts of interest in relation to this assessment.

In preparing this report, no 'performance-related' or 'contingent' fees have been agreed.

This report is addressed to North Yorkshire Council only. No liability to any other party is accepted.

2 Development Description

2.1 Site Location and Description

The site extends to approximately 0.43 hectares comprising partially developed land which was occupied by former school buildings. The site is located to the west of the village of Burton in Lonsdale. The site is located adjacent to the A687 and is situated c. 2.3 miles to the north east of Wennington Railway Station which provides services into Lancaster in approximately 29 minutes, Morecambe in 57 minutes and Leeds in 1 hour and 30 minutes.

2.2 Planning History

We have reviewed the Council's planning website and the site has not been subject to any redevelopment proposals that are relevant to this viability assessment.

2.3 The Proposed Development

The Applicant is seeking planning permission for the following:

“Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site”.

We summarise in the tables below the proposed scheme accommodation.

Table 2.3.1: Proposed Accommodation

Plot	Type	Accommodation	Floor Area (sq/ft)
1	Detached	3 Bed, 2 Baths	1,300
2	Link	2 Beds, 2 Baths	900
3	Link	2 Beds, 2 Baths	900
4	Semi	3 Beds, 2 Baths	1,100
5	End	2 Beds, 2 Baths	1,000
6	Mid	3 Beds, 2 Baths	1,300
7	Mid	3 Beds, 2 Baths	1,300
8	End	2 Beds, 2 Baths	1,060
9	Detached	3 Beds, 3 Baths	1,300
10	Semi	2 Beds, 1 Bath	750
11	Semi	2 Beds, 1 Bath	750
Total/Avg	-	-	11,660

3 Methodology

The Applicant has submitted their appraisal using Argus Developer ('Argus').

We have also used Argus to appraise the development proposals. Argus is a commercially available development appraisal package in widespread use throughout the industry. It has been accepted by a number of local planning authorities for the purpose of viability assessments and has also been accepted at planning appeals. Banks also consider Argus to be a reliable tool for secured lending valuations. Further details can be accessed at www.argussoftware.com.

Argus is a cashflow-backed appraisal model, allowing the finance charges to be accurately calculated over the development/sales period. The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value. The model is normally set up to run over a development period from the date of the commencement of the project and is allowed to run until the project completion, when the development has been constructed and is occupied.

Essentially, such models all work on a similar basis:

- Firstly, the value of the completed development is assessed;
- Secondly, the development costs are calculated, using either the profit margin required or land costs (if, indeed, the land has already been purchased).

The difference between the total development value and total costs equates to either the profit (if the land cost has already been established) or the residual value.

The output of the appraisal is a Residual Land Value ('RLV'), which is then compared to an appropriate benchmark, typically the Existing Use Value ('EUUV') of the site plus a site-specific landowner's premium, in line with the Planning Practice Guidance.

An Alternative Use Value ('AUV') may also constitute a reasonable benchmark figure where it is considered to be feasible in planning and commercial terms. Development convention and GLA guidance suggests that where a development proposal generates a RLV that is higher than the benchmark, it can be assessed as financially viable and likely to proceed. If the RLV generated by a development is lower than the benchmark, clearly a landowner would sell the site for existing or alternative use or might delay development until the RLV improves.

4 Review of Assumptions

In this section, we review the assumptions adopted by the Applicant in their viability assessment.

4.1 Market Housing Revenue

The proposed market housing units generate revenue of c. £3.77m equating to a blended capital value per sq/ft of c. £324 per sq/ft. In support of this revenue the Applicant has provided a letter prepared by Hackney & Leigh dated 3 December 2001. We summarise the proposed scheme sales values in Table 4.1.1.

Table 4.1.1: Proposed Scheme Sales Values

Plot	Type	Accommodation	Floor Area (sq/ft)	Sale Price	£PSF
1	Detached	3 Bed, 2 Baths	1,300	£425,000	£327
2	Link	2 Beds, 2 Baths	900	£292,500	£325
3	Link	2 Beds, 2 Baths	900	£292,500	£325
4	Semi	3 Beds, 2 Baths	1,100	£368,500	£335
5	End	2 Beds, 2 Baths	1,000	£335,000	£335
6	Mid	3 Beds, 2 Baths	1,300	£410,000	£315
7	Mid	3 Beds, 2 Baths	1,300	£410,000	£315
8	End	2 Beds, 2 Baths	1,060	£345,000	£325
9	Detached	3 Beds, 3 Baths	1,300	£445,000	£342
10	Semi	2 Beds, 1 Bath	750	£225,000	£300
11	Semi	2 Beds, 1 Bath	750	£225,000	£300
Total/Avg	-	-	11,660	£3,773,500	£324

We highlight that the valuation advice provided by Hackney & Leigh is historic and we request that an updated letter is provided together with supporting comparable evidence and valuation rationale.

Pending receipt of this information, we have had regard to the Land Registry House Price Index which shows that sales values have increased by c. 9% since December 2021 generating a current day sales revenue of £4,118,941. We have subsequently adopted this revenue in our appraisal.

4.2 Additional Revenue

The Applicant's appraisal generates a negative residual land value of c. £0.54m, however, the negative land value has also been added into the revenue section of the appraisal in order to generate a total scheme revenue of c. £4.31m. It is unclear why the Applicant has adopted this approach as it is incorrect and we have disregarded this in our appraisal.

4.3 Construction Costs

The proposed scheme construction costs are c. £3.15m equating to a cost rate of c. £270 per sq/ft. In support of the costs the Applicant has submitted a cost plan prepared by Thornton Firkin dated March 2024. The Council has instructed Daniel Connal Partnership to review the costs and they have assessed the scheme costs at c. £3.14m (c. £233 per sq/ft). We attach as Appendix 1 a copy of the cost review.

We highlight that whilst the cost review adopts costs that are similar to the Applicant's costs the cost rates per sq/ft vary significantly as Thornton Firkin appear to have used the net internal floor area whilst Daniel Connal have used the gross internal floor area (plans measured).

4.4 Professional Fees

The Applicant has adopted a professional fees allowance of 10% and we consider that this allowance is reasonable for a scheme of this scale.

4.5 Finance

The Applicant's appraisal adopts an 8% finance rate and we consider that this finance rate falls outside of the typical range adopted in viability assessments and secured lending valuations (the latter of which banks rely upon for secured lending purposes). We have therefore adopted a finance rate of 7%. Although a bank would not provide 100% of the funding required for the proposed Development, it is conventional to assume finance on all costs in order to reflect the opportunity cost (or in some cases the actual cost) of committing equity to the project.

4.6 Sales, Marketing, Letting & Legal Fees

The Applicant has adopted a 1% marketing fee in addition to a 1.5% sales agent fee and £1,000 per unit legal fees. We do not consider that the Applicant's fees are unreasonable.

4.7 S106 Obligations

The Applicant has not adopted any S106 obligations as their appraisal based on 100% market housing generates a deficit.

4.8 Developer's Profit

The Applicant's viability assessment adopts a profit return of 17.5% on value for the market housing units.

We have taken into account the residual impacts of the United Kingdom's departure from the European Union and the potential risks associated with our future trading relationships with other countries now that the transition period has expired, in addition to the risks associated with this specific development. We have also taken into account the residual impacts of the Coronavirus pandemic including the supply chain and cost inflation issues that have emerged in addition to the project programme.

Our assessment of profit is based upon the perceived risks associated with the proposed development. In reaching a conclusion on the profit level, we have taken into account the price point of the units and we consider that there will be sufficient demand for the units in the locality. We therefore consider that a profit level of 17.5% of GDV is reasonable reflecting the risk associated with the market housing units.

4.9 Project Programme

The Applicant has adopted a 14 month construction duration in addition to a 4 month sales programme and we do not consider that the project programme is unreasonable.

5 Appraisal Outputs

In this section, we consider the outputs of the appraisals and the implications for the provision of affordable housing at the proposed development and review the benchmark land value.

5.1 Viability Benchmark Site Value

The Applicant has adopted a site value of £100 and in support of this site value the Applicant has provided the following statement:

“The site comprises of [sic] the former playing fields at Richard Thornton School and includes a proportion set aside on the western side of the adjoining main buildings complex, to accommodate classrooms built in the 1960s, now demolished and described by the local authority as previously developed land.

The land has fallen fallow and despite the opportunity to assess the land on alternative uses under paragraph 017 of PPG: Viability, we elect, for reasons of expediency and pragmatism, to apply a nominal value of £100.00”.

We have reviewed the Applicant’s statement and for the purpose of this assessment we do not consider the site value is unreasonable.

5.2 Appraisal Results

We tabulate below the results of the Applicant’s viability assessment.

Table 5.2.1: Applicant’s Appraisal Results

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. - £0.54m	£100	c. - £0.54m

In summary, the Applicant’s proposed scheme generates a deficit of c. £0.54m and therefore the Applicant’s concludes that the scheme cannot support any affordable housing.

We summarise in the table below our appraisal results.

Table 5.2.2: BNPPRE Appraisal Results

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. - £0.30m	£100	c. - £0.30m

In summary, our proposed scheme appraisal generates a residual land value a negative residual land value of c. £0.30m and when benchmarked against a site value of £100 the scheme generates a deficit of c. £0.30m.

However, we have requested that the Applicant provides updated market housing values that reflect current values and consequently our initial conclusions may be subject to revision.

5.3 Sensitivity Analysis

We have also undertaken a sensitivity analysis which demonstrates scheme performance in the event that market housing sales values increases/decrease and construction costs increase/decrease. We summarise this analysis in Table 5.3.1.

Table 5.3.1: Sensitivity Analysis (residual land value)

Construction Costs	Sales Values				
	-10%	-5%	0.00%	+5%	+10%
-10%	- £270,513	- £117,251	£32,530	£173,859	£315,187
- 5%	- £438,946	- £284,976	£131,686	£19,155	£160,484
0%	- £607,850	- £453,379	- £299,438	- £146,120	£5,780
+5%	- £777,345	- £622,283	- £467,812	- £313,901	- £160,555
+10%	- £947,047	- £791,675	- £636,716	- £482,245	- £328,363

In the event that sales values increased by 10% and costs reduced by 10% the scheme would generate a surplus of £315,187 when benchmarked against a site value of £100.

6 Draft Conclusion

We have reviewed the Applicant's viability assessment, which seeks to demonstrate that the scheme cannot support a payment towards affordable housing as the scheme generates a deficit of c. £0.54m.

We have undertaken our own assessment of the scheme and our assessment generates a deficit of c. £0.30m and consequently the proposed scheme cannot support any affordable housing. However, we have requested additional information from the Applicant to support their market housing values, consequently, our initial conclusions may be subject to revision.

7 Final Conclusion

Since issuing our draft report the Applicant has provided a response and we set out our comments below.

7.1 Market Housing Revenue

The Applicant has provided a letter prepared by Hackney & Leigh dated 17 July 2024 which provides updated values for the proposed units which we summarise in Table 7.1.1.

Table 7.1.1: Updated Proposed Scheme Sales Values

Plot	Type	Accommodation	Floor Area (sq/ft)	Sale Price	£PSF
1	Detached	3 Bed, 2 Baths	1,300	£440,000	£338
2	Link	2 Beds, 2 Baths	900	£305,000	£339
3	Link	2 Beds, 2 Baths	900	£305,000	£339
4	Semi	3 Beds, 2 Baths	1,100	£387,500	£352
5	End	2 Beds, 2 Baths	1,000	£350,000	£350
6	Mid	3 Beds, 2 Baths	1,300	£425,000	£327
7	Mid	3 Beds, 2 Baths	1,300	£425,000	£327
8	End	2 Beds, 2 Baths	1,060	£360,000	£340
9	Detached	3 Beds, 3 Baths	1,300	£465,000	£358
10	Semi	2 Beds, 1 Bath	750	£245,000	£327
11	Semi	2 Beds, 1 Bath	750	£245,000	£327
Total/Avg	-	-	11,660	£3,952,500	£339

In support of the updated values the letter provides the following statement:

"I believe the market has changed as we know there were times of great uncertainty with covid very much in people [SIC] minds in 2021/2022.

It would be easy to say that there was a blanket % increase across the board, but for instance values now are returning to 2022 levels having fallen/flattened out during 2023.

Burton in Lonsdale as you know, is a relatively small village and since 2021 a number of properties have sold, mostly however are the older, traditional terraced cottage which doesn't provide useful comparable evidence, however these property [SIC] on Manor close have sold.

No.34, 4 bed detached, 100m² Sold for £405,001 n [SIC] march 2022

No 25, semi-detached, 115m² sold for £346,000 in July 2022

N [SIC] 33, 3 bed semi-detached, 120m² sold for £390,000 in June 024 [SIC]"

We highlight that there are a limited number of sales in Burton in Lonsdale over the past 2.5 years with 22 sales occurring since January 2022 on the Land Registry Database. However, on the basis of the sales at Manor Close we do not consider that the Applicant's updated sales values are unreasonable.

7.2 Final Appraisal Results

We summarise in the table below our appraisal results.

Table 7.2.2: BNPPRE Final Appraisal Results

Proposed Scheme Residual Land Value	Benchmark Site Value	Surplus/Deficit
c. - £0.42m	£100	c. - £0.42m

In summary, our proposed scheme appraisal generates a residual land value a negative residual land value of c. £42m and when benchmarked against a site value of £100 the scheme generates a deficit of c. £0.42m. Consequently, the scheme cannot support any affordable housing or Section 106 contributions.

The Council has requested what the profit would be if the scheme provided a payment of £39,005 towards public open space contributions. In the event that this was paid, the scheme profit once the deficit of c. £0.42m was taken into account would be c. 5.9% on gross development value which is c. 11.6% lower than the scheme profit of 17.5%.

Appendix 1 - Construction Cost Review

Land at Richard Thornton's School

Construction Cost Estimate Review

19th June 2024





CONTENTS

1.0 EXECUTIVE SUMMARY

2.0 INTRODUCTION

3.0 COST PLAN COMMENTARY

4.0 COMPARISON WITH BENCHMARK DATA

5.0 CONCLUSION

Appendix One Cost Comparison Summary

1.0 EXECUTIVE SUMMARY

- 1.1 This report has been carried out to provide an independent review of the Feasibility Estimate prepared by Thornton-Firkin LLP dated March 2024 (TF Cost Estimate).
- 1.2 The project comprises the construction of a new residential development to provide 11 no. dwellings including associated external works.
- 1.3 The TF Cost Estimate identifies an estimated construction cost of £3,147,345 (excluding VAT) based on the submitted planning drawings.
- 1.4 Following our review of the TF Cost Estimate, we recommend the construction cost should be in the region of £3,143,000 based on a Design & Build procurement route including a 5% contingency allowance (excluding VAT), as detailed within Section 3.0 of this report.
- 1.5 Based on the Gross Internal Area (GIA) of the proposed dwellings of 1,251m², we summarise as follows: -
- TF Cost Estimate = £2,516/m² or £234/ft²
 - DCP Estimated Construction Cost = £2,513/m² or £233/ft²
- 1.6 In conclusion, we recommend that the TF Cost Estimate should be reduced by approx. £4,345 or 0.1% to reflect current market rates for the proposed works. Note that this is based on a Design & Build Procurement route and includes a 5% contingency allowance.
- 1.7 This report has been prepared for BNP Paribas Real Estate to support their review of the applicant's viability assessment for this project. The contents of this report are confidential and may not be relied upon by any third party or be used for any other purposes than stated here.

2.0 INTRODUCTION

- 2.1 Daniel Connal Partnership has been appointed by BNP Paribas Real Estate UK to carry out a review of the Feasibility Estimate prepared by Thornton-Firkin LLP dated March 2024 (TF Cost Estimate) in relation to the proposed new build residential development at the Land at Richard Thornton's School, Burton in Lonsdale, Carnforth, Lancaster LA6 3JZ.
- 2.2 The works comprises the construction of a new residential development to provide 11 no. dwellings including associated external works.
- 2.3 The TF Cost Estimate has been prepared in support of a viability assessment for planning purposes with an estimated construction cost of £3,147,345.00 (excluding VAT & professional fees).
- 2.4 We confirm that the TF Cost Estimate and our review is based on planning drawings, and we have not been provided with a specification or detailed construction designs.
- 2.5 This review is subject to assumptions, notes, exclusions, and clarifications as listed within TF Cost Estimate. Refer to section 3.0 for our commentary.
- 2.6 We confirm this is a desk top exercise and we have not carried out a site visit / inspection.

3.0 COST ESTIMATE COMMENTARY

3.1 We have reviewed the TF Estimate against benchmark data and provide commentary under the following headings.

3.2 Cost Plan Notes

3.2.1 Introduction. No comments.

3.2.2 Basis of Information. Our review is based on the planning drawings, which we understand are reflected in the TF Cost Estimate.

3.2.3 Assumptions. We have no comments on the assumptions and agree they are reasonable for the level of design information available.

3.2.4 Exclusions. We agree that the listed exclusions are reasonable for a project at this stage of the design process. We confirm the inclusion of Contractors Design & Build fees and therefore base our review on a Design & Build procurement route.

3.3 Feasibility Estimate Summary (including Unit types (dwellings), External Works, Drainage, Services, Preliminaries, Design Fees, OH&P and Contingency). Note all proposed adjustments are subject to the addition of preliminaries, design fees, OH&P and contingency.

3.3.1 Unit types (dwellings). We note that the TF Cost Estimate is based on the NIA of 1,084m² for unit types plus allowances for garages and relevant extra over cost for design features, etc. We calculate this to be equal to £1,293/m² based on the GIA, which we measure at 1,251m². However, based on our own project data and BCIS £/m² studies, plus extra over costs for design enhancement required to comply with planning and building regulations (such as EV chargers, MVHR, PV Panels, stone elevations and slate roof tiles) that we do not consider would have been required for historic projects, we recommend applying an all-in rate for dwellings of £1,370/m² (excluding Preliminaries). Therefore, we recommend the dwelling cost should increase by £96,343.

3.3.2 External works. Further to the completion of a measurement check, we consider the quantities and rates to be adequate and reasonable for the proposed works.

3.3.3 Drainage. Based on our own project data, we recommend an allowance equal to £12,500 per dwelling for foul and surface water installations for a project of this size and nature, in the absence of detailed design information. We therefore recommend TF Cost Estimate is reduced by £11,984.

- 3.3.4 Services. Based on our own project data, we recommend an allowance equal to £7,500 per dwelling for incoming services for a project of this size and nature, in the absence of quotations from the utility's companies. We therefore recommend an increase of £10,250 to TF Cost Estimate.
- 3.3.5 Preliminaries. TF Cost Estimates includes an allowance for Preliminary based on a sum of £10,000 per week for 60 weeks. We recommend it is more common and appropriate to base the Preliminaries on a percentage of the build cost at stage of the project and with this level of design information. We recommend an allowance equal to 17% of the build cost.
- 3.3.6 Main Contractor Design Fees. TF include an allowance for design fees that calculates to 3.5% of construction cost. We consider this reasonable based on the assumption that this project is to be procured using a Design & Build form of Contract.
- 3.3.7 Main Contractor Overheads & Profit (OH&P). The TF Cost Estimate includes an allowance equal to 7.5% of construction cost. We recommend that this is reduced to 6% to reflect market rates.
- 3.6.3 Contingency. TF have not included an allowance for contingency. However, we recommend that a contingency allowance equal to 5% of construction cost be added to reflect the level of design information and remaining project risks.

3.4 In summary, we recommend the following adjustments to TF Cost Estimate: -

1. Unit Types (Dwellings)	= £96,343
2. External works	= £345
3. Drainage	= (£11,984)
4. Services	= £10,250
Subtotal	= £94,954
5. Preliminaries; rebased on @ 17% build cost	= (£202,000)
6. Adjust Design Fees @ 3.5%	= £3,283
7. Adjust Main Contractor OH&P @ 6%	= (£50,582)
8. Add Contingency @ 5% of construction cost	= £150,000
TOTAL Adjustments to TF Cost Estimate	= (£4,345)

3.5 Based on our recommended adjustments above, we confirm an estimated construction cost of **£3,143,000 based on a Design & Build procurement route including a 5% contingency allowance (excluding VAT)**. This equals £2,513/m² or £233/ft² based on GIA of 1,251m².

4.0 COMPARISON WITH BENCHMARK DATA

4.1 The Building Cost Information Service (BCIS) £/m2 study for new build estate housing, rebased to 2Q 2024 (391) and a location of Lancaster (95), suggest a rate per m2 based on Gross Internal Floor Area for building costs including preliminaries of £1,445/m2. Please note this excludes 'abnormal' costs, external works, OH&P and contingency.

4.2 We consider the following 'abnormal' or site-specific cost to be applicable for this project in the sum of c£199,000. These relate to design details that we assume are required to meet planning requirements or building regulations that would not have been included for historic projects. Please note we have adopted TF Cost Estimate figures (rounded to nearest £'000) for these items for the purpose of this analysis: -

- | | |
|--|-----------|
| a. E/O for EV Chargers, MVHR & PV panels | = £91,000 |
| b. E/O for stone elevations & slate roof | = £79,000 |
| c. Preliminaries on above @ 17% | = £29,000 |

4.3 We therefore summarise as follows: -

- | | |
|--|---------------------|
| • Building cost; £1,445m2 (GIA) x 1,251/m2 | = £1,806,000 |
| • Extra over 'abnormal' or site-specific costs | = £199,000 |
| • External works, drainage and services including prelims | = £737,000 |
| • Subtotal | = £2,742,000 |
| • Design Fees @ 3.5% | = £82,000 |
| • Main Contractors OH&P @ 6% | = £169,000 |
| • Contingency @ 5% | = £150,000 |
| • Estimated Construction Costs | = £3,143,000 |
| • This equals £2,513/m2 or £233/ft2 based on GIA of 1,251m2. | |

5.0 CONCLUSION

- 5.1 In conclusion, we recommend an estimated construction cost of **£3,143,000 based on a Design & Build procurement route including a 5% contingency allowance (excluding VAT)**, which is £4,345 or 0.1% lower than TF estimated construction cost of £3,147,345, to reflect current market rates for the proposed works. Refer to Appendix One for a Cost Comparison summary.
- 5.2 We consider the Building Cost Information Service (BCIS) £/m2 study plus 'abnormal' or site-specific costs, external works, design fees, OH&P and contingency, provides support / substantiation to our findings.
- 5.3 Please note that the construction estimate is based on a Design & Build procurement route and therefore design fees required for the construction phase of the works are deemed to be included.
- 5.4 Our estimated construction costs include a contingency allowance equal to 5% of construction cost. We do not deem any further construction contingency to be required in the project viability assessment. Please note that TF Cost Estimate excluded client contingency.



Appendix One

Comparison

Land at Richard Thornton's School
 Cost Comparison Summary 17.06.24

GIA (m2) 1,251
 GIA (ft2) 13,463

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		Thornton-Firkin Cost Estimate			Daniel Connal Partnership			Comments 17.06.24
		TOTAL cost (£)	Cost per m2	Cost per ft2	TOTAL cost (£)	Cost per m2	Cost per ft2	
1.1	Unit Types (Dwellings)	£ 1,448,357	£ 1,158	£ 108	£ 1,544,000	£ 1,234	£ 115	Adjusted to BCIS £/m2 excl prelims
1.2	EO for EV chargers, MVHR & PV	£ 90,750	£ 73	£ 7	£ 91,000	£ 73	£ 7	
1.3	E/O for stone elevations & slate roof	£ 78,550	£ 63	£ 6	£ 79,000	£ 63	£ 6	
2.0	External Works	£ 409,655	£ 328	£ 30	£ 410,000	£ 328	£ 30	Rounded to nearest '000
3.0	Drainage	£ 149,984	£ 120	£ 11	£ 138,000	£ 110	£ 10	Based £12,500 per plot
4.0	Services	£ 71,750	£ 57	£ 5	£ 82,000	£ 66	£ 6	Based £7,500 per plot
	BUILDING SUB-TOTAL	£ 2,249,046	£ 1,798	£ 167	£ 2,344,000	£ 1,874	£ 174	
5.0	Preliminaries (17%)	£ 600,000	£ 480	£ 45	£ 398,000	£ 318	£ 30	Adjusted to 17.5% of build cost
6.0	Main Contractor Design Fees @ 3.5%	£ 78,717	£ 63	£ 6	£ 82,000	£ 66	£ 6	Included at 3.5% of build costs
7.0	Main Contractor OH&P @ 7.5% (6%)	£ 219,582	£ 176	£ 16	£ 169,000	£ 135	£ 13	Reduced to 6.5% of build costs
8.0	Contingency (5%)	£ -	£ -	£ -	£ 150,000	£ 120	£ 11	Added at 5% of construction costs
	TOTAL CONSTRUCTION COST	£ 3,147,345	£ 2,516	£ 234	£ 3,143,000	£ 2,513	£ 233	

Appendix 2 - Proposed Scheme Appraisal

Licensed Copy

Development Appraisal

Land at Richard Thornton School

11 Dwellings

Report Date: July 24, 2024

APPRAISAL SUMMARY**LICENSED COPY****Land at Richard Thornton School
11 Dwellings**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Market Housing Units	11	11,660	353.25	374,449	4,118,941

NET REALISATION**4,118,941****OUTLAY****ACQUISITION COSTS**

Residualised Price (Negative land)			(299,438)		(299,438)
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CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost		
Market Housing Units	13,463 ft ²	233.45 pft ²	3,143,000	3,143,000	

PROFESSIONAL FEES

Architect		10.00%	314,300		314,300
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MARKETING & LETTING

Marketing		1.00%	41,189		41,189
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DISPOSAL FEES

Sales Agent Fee		1.50%	61,784		
Sales Legal Fee	11 un	1,000.00 /un	11,000		72,784

FINANCE

Debit Rate 7.000% Credit Rate 0.000% (Nominal)					
Land			(21,214)		
Construction			125,951		
Other			21,553		
Total Finance Cost					126,291

TOTAL COSTS**3,398,126****PROFIT****720,815****Performance Measures**

Profit on Cost%	21.21%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
IRR	43.02%
Profit Erosion (finance rate 7.000%)	2 yrs 9 mths

Appendix 3 - Proposed Scheme Appraisal (Final)

Licensed Copy

Development Appraisal

Land at Richard Thornton School

11 Dwellings

Report Date: July 24, 2024

APPRAISAL SUMMARY**LICENSED COPY****Land at Richard Thornton School
11 Dwellings**

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Market Housing Units	11	11,660	338.98	359,318	3,952,500

NET REALISATION**3,952,500****OUTLAY****ACQUISITION COSTS**

Residualised Price (Negative land)			(423,747)	(423,747)	
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CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost	
Market Housing Units	13,463 ft ²	233.45 pft ²	3,143,000	3,143,000

PROFESSIONAL FEES

Architect		10.00%	314,300	314,300
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MARKETING & LETTING

Marketing		1.00%	39,525	39,525
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DISPOSAL FEES

Sales Agent Fee		1.50%	59,288	
Sales Legal Fee	11 un	1,000.00 /un	11,000	70,288

FINANCE

Debit Rate 7.000% Credit Rate 0.000% (Nominal)				
Land			(29,181)	
Construction			125,951	
Other			20,677	
Total Finance Cost				117,447

TOTAL COSTS**3,260,813****PROFIT****691,687****Performance Measures**

Profit on Cost%	21.21%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
IRR	45.46%
Profit Erosion (finance rate 7.000%)	2 yrs 9 mths