

**Meeting:** Skipton and Ripon Area Planning Committee

**Members:** Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.

**Date:** Monday, 2nd September, 2024

**Time:** 1.00 pm

**Venue:** Ripon Town Hall

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 forward their case. If you wish to register to speak through this scheme, then please notify David Smith, Democratic Services Officer, and Vicky Davies, Senior Democratic Services Officer, by midday on Wednesday 28<sup>th</sup> August 2024.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

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## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 6th August 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. **ZC23/03403/FUL - Conversion Of Ripon Spa Baths And Boiler Tower To Form Two Commercial Units And Offices, Including Demolition Of Swimming Pool Building And Replacement With Single Storey Extension To Spa Building, And Alterations To Existing Buildings. Erection Of New Building To Accommodate Four Residential Apartments. Alterations To Landscaping To Link New Courtyard To Spa Gardens At Ripon Spa Baths, Park Street, Ripon, North Yorkshire, HG4 2BD On Behalf Of Sterne Properties.** (Pages 11 - 56)  
Report of the Assistant Director – Planning.
5. **ZC23/03404/LB - Listed Building Consent Application For Conversion Of Ripon Spa Baths And Boiler Tower To Form Two Commercial Units And Offices, Including Demolition Of Swimming Pool Building And Replacement With Single Storey Extension To Spa Building, And Internal And External Alterations To Existing Buildings. Erection Of New Building To Accommodate Four Residential Apartments. Alterations To Landscaping To Link New Courtyard To Spa Gardens At Ripon Spa Baths, Park Street, Ripon, North Yorkshire, HG4 2BD On Behalf Of Sterne Properties.** (Pages 57 - 80)  
Report of the Assistant Director – Planning.
6. **ZC24/02055/FUL - Replacement Of Gate Posts, Gates And Installation Of Fence To South Entrance. Removal Of Timber Fencing And Replacement With Iron Fencing To West Boundary. Removal Of Broken Benches And Broken Bench Supports. Removal Of Six Trees And Installation Of Two Cctv Cameras At Temple Gardens, Ripon On Behalf Of North Yorkshire Council.** (Pages 81 - 90)  
Report of the Assistant Director – Planning.
7. **ZC24/00578/DVCMAJ - Variation Of Condition Numbers: 2, 8, 23 And Deletion Of Conditions 34 And 36 To Allow The Consideration Of Revised Plans To Reflect The 'As Built' Development Within Phase 1 (Main Mill, Mechanics Shop And Pugmill) And To Amend The Proposals For Phase 2 (Warehouse, Stables, Barn And Proposed New Build Units) Of Planning Permission 17/02093/DVCMAJ For Application To Vary Condition 2 (Approved Plans) Of Planning Permission 17/00922/DVCMAJ To Allow Alteration To Approved Mix And Layout Of Residential Units Within Principal Mill Building From 15 Dwellings, 11 Apartments And A Restaurant, To 19 Dwellings, 12 Apartments And 2** (Pages 91 - 120)

**Commercial Units (A1/A3). Revised Site Layout To Remove The Mechanics Store (Unit 28), Introduce A Sub-Station And Bin Store, Provide Additional Amenity Space And Reconfigure Car Parking Arrangement. Alterations To The Internal Layout Of The Pugmill And Mechanics Shop And Changes To The External Detailing. - Amended Scheme At Glasshouses Mill Glasshouses North Yorkshire HG3 5QH on behalf of Glasshouses 123 Ltd.**

Report of the Assistant Director – Planning.

8. **ZC24/01356/FUL - Creation Of Wildlife Ponds Within Agricultural Pasture, At Brim House Farm, Eavestone, Ripon, North Yorkshire, HG4 3HB On Behalf Of Mr Alex Wibberley.** (Pages 121 - 130)

Report of the Assistant Director – Planning.

9. **Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

10. **Date of Next Meeting**

Monday, 30 September 2024 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:**

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Thursday, 22 August 2024

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## North Yorkshire Council

### Skipton & Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday 6<sup>th</sup> August at 1.00pm at Belle Vue Square Offices, Skipton.

Councillor Nathan Hull in the Chair plus Councillors Andy Brown, Robert Heseltine, David Ireton, and Andy Solloway (substitute for David Noland).

Officers present: Kate Lavelle, Solicitor; Stuart Mills, Development Management Team Manager; Andrea Muscroft, Development Management Team Manager; Emma Howson, Principal Development Management Officer – Development Management; Sam Binney, Senior Planning Officer – Development Management; Vicky Davies, Senior Democratic Services Officer; and David Smith, Democratic Services Officer.

Apologies: Councillor David Noland and Andrew Williams.

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**Copies of all documents considered are in the Minute Book**

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#### **10 Apologies for Absence**

Apologies were received from Councillor Noland (substitute Councillor Solloway) and Councillor Williams.

#### **11 Minutes for the Meeting held on 3<sup>rd</sup> June 2024**

The minutes of the meeting held on 3<sup>rd</sup> June 2024 were, subject to a minor amendment, confirmed and signed as an accurate record.

#### **12 Declarations of Interests**

There were no declarations of interests.

Councillor Brown declared that he had been lobbied in respect of application ZA23/25043/FUL.

### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

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

Where the Committee granted planning permissions in accordance with the recommendations in the reports this was because the proposals were in accordance with the development plan, the

National Planning Policy Framework or other material considerations as set out in the reports unless otherwise specified below.

**13 Application ZA23/25403/FUL – Residential development with access, associated landscaping, green infrastructure, and other associated work at land off Marton Road, Gargrave on behalf of R N Wooler & Co.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of an application for development at Marton Road, Gargrave. The application had been deferred from the 3<sup>rd</sup> June 2024 to enable further consultation with highways to take place in relation to concerns on the impact of traffic on Marton Road for pedestrian users and whether there were any potential mitigation measures that could be introduced.

The following persons made representations to the Committee:

Ms Helen Johnson spoke on behalf of the objectors.  
Mr Gregory Butt spoke on behalf of Gargrave Parish Council.  
Councillor Simon Myers, Division Member for Mid Craven submitted a written statement which was read out by the Democratic Services Officer.  
Mr Jamie Pert spoke on behalf of the applicant.

During consideration of the above application, the Committee discussed and noted the following issues:

1. The Highways Authority had revisited the site and reviewed the information and documents in relation to traffic volumes.
2. Many of the concerns about highway safety relate to existing issues and traffic movements, particularly large agricultural vehicles and Highways had taken these on board.
3. Following a re-consultation Highways recommended the provision of a footpath from Walton Close to Walton Avenue running on the Northerly side of Marton Road.
4. Members noted that the application site was in accordance with the Craven Local Plan and the Gargrave Neighbourhood Plan.
5. Following a query from Members at the last meeting, it was confirmed that the site adjoining the application site was not in the ownership of the applicant and that access to that field would be through the development site.
6. Local concern that the footpath could be widened into a full road access.
7. Officers confirmed that there would be a Section 278 legal agreement with regards to the footpath link and a Section 106 agreement in relation to affordable housing and public open spaces.
8. Lack of solar panels in the scheme but Members were informed that an enhanced Sustainable Design and Construction Statement for the site had to be submitted and approved and development had to be carried out in accordance with it.

The decision:

That, planning permission is GRANTED subject to the conditions set out in the Head of Development Management's report and the completion of a S106 agreement with terms as set out in Table 1 of the report now submitted:

Voting record: Three Members voted for the motion and two Members abstained from voting. The motion was declared carried.

**14 Application ZCA23/01691/FUL – Conversion of four traditional farm buildings to form 4 no. dwellings with associated works, including the creation of dedicated parking**

**and private gardens and demolition of modern farm buildings at Manor Farm, Fearby on behalf of Swinton Estates.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for the conversion of four traditional farm buildings to form four dwellings with associated works, including the creation of dedicated parking and private gardens and demolition of modern farm buildings at Manor Farm, Fearby. The application had been submitted to the Area Planning Committee for determination as the applicant was related to a local Member of North Yorkshire Council.

Tim Davies, on behalf of the applicant spoke in support of the application.

During consideration of the above application, the Committee discussed and noted the following issues:

1. In responding to Members observations that there was no evidence of solar panels or electric vehicle charging points, the case officer stated that she thought EVC points would be provided and the energy statement submitted by the applicant exceeded the requirements of Building Regulations.
2. Listed Building consent, with many caveats, would be required to place Solar panels on Listed Buildings.
3. There was currently no North Yorkshire Council planning policy to restrict the dwellings to be solely used for market housing.
4. The development of a new North Yorkshire Local Plan was an opportunity to look at policies in relation to primary dwellings for certain areas of the County.
5. The scheme would bring back into use redundant buildings that would otherwise be left to decay further resulting in possible demolition.
6. There was no requirement to provide affordable housing as the threshold had not been met.

The decision:

That, planning permission be GRANTED subject to the conditions set out in the Assistant Director Planning's report as now submitted.

Voting record: a vote was taken and declared carried unanimously.

- 15 ZC23/01692/LB – Internal and external alterations to Grade II Listed barn North-East of farmhouse comprising of replacement timber windows/doors, 2 no. conservation style rooflights, 1 no. internal opening, internal staircase and new first floor structure in association with conversion to a two bedroom dwelling at Manor Far, Fearby, on behalf of Swinton Estates.**

Considered:

The Assistant Director Planning – Community Development Services sought Listed Building consent for the internal and external alterations to Grade II Listed barn North-East of farmhouse comprising of replacement timber windows/doors, 2 no. conservation style rooflights, 1 no. internal opening, internal staircase and new first floor structure in association with conversion to a two bedroom dwelling at Manor Farm in Fearby. The application had been brought to Committee for determination as the applicant was related to a local Division Member.

The applicant's representative Mr Tim Davies spoke in support of the application.

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

1. Members wanted reassurance that the works would be sympathetic and would conserve the buildings for the future.
2. In terms of roof materials Members requested that conditions clearly stipulate that replacement tiles matched the existing Yorkshire grey slate tiles and the rooflights were in keeping with the buildings listed status. The case officer confirmed that conditions 4 and 7 safeguarded these aspects of the development.

The decision:

That, listed building consent be GRANTED subject to the conditions set out in the Assistant Director Planning's report as now submitted.

Voting record: a vote was taken and declared carried unanimously.

**16 ZC24/01406/FUL – Conversion of existing stable to form one new custom build dwelling house with associated garden and parking areas at Bogs Hall Stables, Bogs Hall Farm, Kirkby Malzeard.**

Considered – The Assistant Director Planning – Community Services sought determination of a planning application for the conversion of an existing stable to form one new custom build dwelling with associated garden and parking areas at Bog Hall Stables, Bogs Hall Farm, Kirkby Malzeard. The application was before the Area Planning Committee for a decision because the applicant was a member of the Development Management Team – Harrogate.

The Chair advised the Committee that no one had requested to make representations

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

1. No bio-diversity net gain measures were included with the application because the planning framework set out exceptions for self-build properties.
2. Members noted that there would be a legal agreement so that the first occupation of dwelling would be by the person/s who had had primary input into the design and layout and would be for a period of at least three years.
3. Enforcement of the agreement regarding occupation was discussed and it was suggested that a CIL payment could be required.
4. Members questioned whether a conversion of the stable could be identified as a custom build dwelling. The case officer advised that the proposed custom build dwellinghouse met the definition as set out in relevant legislation.

The decision:

That, planning permission be GRANTED subject to the conditions and completion of a unilateral legal agreement with terms as detailed in Table 1 set out in the Assistant Director Planning's report as now submitted.

Voting record: Three Members voted for the motion and two Members voted against. The motion was declared carried.

**17 Any Other Items**

There were no urgent items of business.



**18 Date of Next Meeting**

Monday 2<sup>nd</sup> September 2024.

The meeting concluded at 3.06pm

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**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Area Planning Committee**

**2<sup>ND</sup> SEPTEMBER 2024**

**ZC23/03403/FUL – CONVERSION OF RIPON SPA BATHS AND BOILER TOWER TO FORM TWO COMMERCIAL UNITS AND OFFICES, INCLUDING DEMOLITION OF SWIMMING POOL BUILDING AND REPLACEMENT WITH SINGLE STOREY EXTENSION TO SPA BUILDING, AND ALTERATIONS TO EXISTING BUILDINGS. ERECTION OF NEW BUILDING TO ACCOMMODATE FOUR RESIDENTIAL APARTMENTS. ALTERATIONS TO LANDSCAPING TO LINK NEW COURTYARD TO SPA GARDENS  
AT  
RIPON SPA BATHS, PARK STREET, RIPON, NORTH YORKSHIRE, HG4 2BD  
ON BEHALF OF  
STERNE PROPERTIES**

**Report of the Assistant Director – Planning**

**1.0 Purpose of the Report**

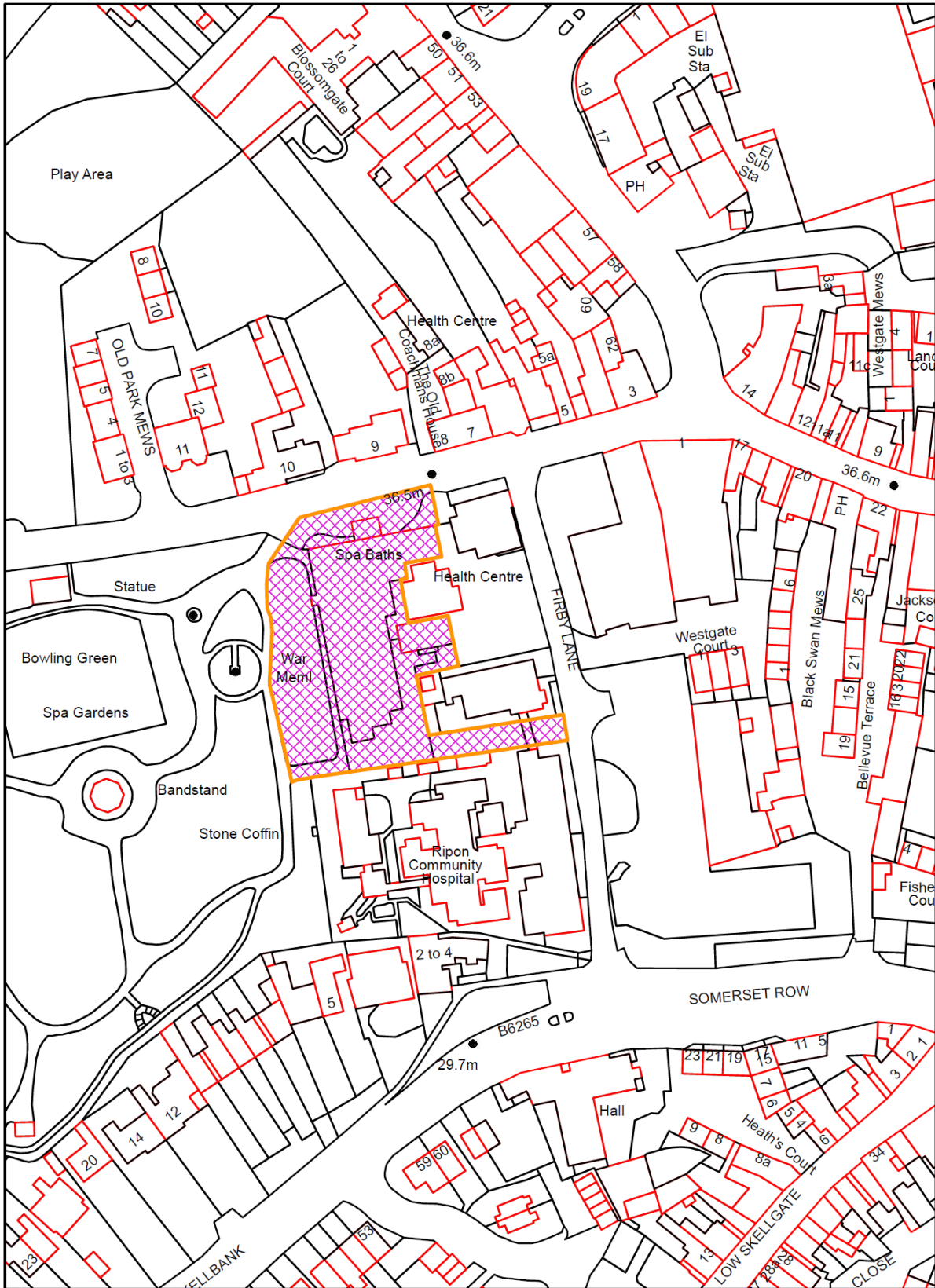
- 1.1 To determine a planning application for conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including demolition of Swimming Pool building and replacement with single storey extension to Spa Building, and alterations to existing buildings. Erection of new building to accommodate four residential apartments on land at Ripon Spa Baths, Park Street, Ripon, North Yorkshire, HG4 2BD.
- 1.2 This application accompanies an application for listed building consent for the proposed works and development (reference: ZC23/03404/LB), which is presented to Planning Committee under a separate committee item.
- 1.3 This application is referred to the Planning Committee because the application site is owned by the Council.

**2.0 EXECUTIVE SUMMARY**

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

- 2.1. Full planning permission is sought for a proposed development at Ripon Spa Baths, a grade II listed building on Park Street in Ripon. The proposed development includes the demolition of the existing swimming pool hall at the rear of the main Spa Baths building, the conversion of the remaining part of the Spa Baths building into commercial units (including a rear extension) and the conversion of the former boiler house and water tower into offices, with associated alterations. The development would also include the construction of a new apartment building in the rear of the site following the demolition of the swimming pool hall, and works within the eastern part of the adjacent Spa Gardens to create an access between the buildings at Ripon Spa Baths and that adjacent area of open space.

- 2.2. Listed building consent has been sought separately for the works to the listed building which are proposed as part of the development. That application is the subject of a separate report.
- 2.3. The application relates to the grade II listed building, Ripon Spa Baths, which is within Ripon Conservation Area. The Spa Baths building was built in the early 20<sup>th</sup> century and was extended in the 1930s to include a large swimming pool hall to the rear. It subsequently served as a swimming pool until its closure a few years ago, when the swimming pool was relocated to a new facility elsewhere in Ripon. The building has been vacant since then.
- 2.4. The main issues for consideration in this application include the effects of the development on heritage assets (including the listed building, Ripon Spa Baths, the settings of other listed buildings nearby, and Ripon Conservation Area), residential amenity, highway safety and land stability.
- 2.5. Some aspects of the proposed development would result in less than substantial harm to the listed building, Ripon Spa Baths, and to the Ripon Conservation Area.
- 2.6. However, the proposed development would also provide a number of public benefits. These include bringing a vacant listed building back into use to provide new commercial and office space within Ripon city centre, which would contribute to the vitality and viability of the city centre, and the construction of 4 apartments which would contribute to housing supply in the city.
- 2.7. The public benefits would also include heritage benefits, including the removal of later unsympathetic internal additions from parts of the existing buildings, the opening up and revealing of the historic rear elevation of the Spa Baths building, and the reinstatement of historic visual and physical links between the Spa Baths and the adjacent Spa Gardens.
- 2.8. It is considered that the public benefits that would arise from the development would outweigh the less than substantial harm to the listed building and to the conservation area in this case.
- 2.9. The proposed development is considered acceptable in other regards, including in relation to highway safety, residential amenity and land stability and other matters, subject to conditions.
- 2.10. It is therefore concluded that the proposed development would be acceptable and it is recommended that planning permission is granted, subject to the conditions suggested below.



# Location Plan

Scale 1:1,250



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8/20/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Revised plans and additional information have been received during the course of the application. Those details included amendments to some aspects of the site layout and to the design of the proposed apartment building, following feedback from consultees regarding the proposals as originally submitted. Further information and clarification has also been received on matters including heritage, ground stability and highways. The application was fully re-publicised in June 2024 following the receipt of the revised and additional plans and information, and relevant consultees were re-consulted.
- 3.3. Further revisions to some of the plans and some documents have subsequently been received. The changes made were minor, including slight changes to the proposed layout of the land within the Spa Gardens to address comments from the Council's Parks team, and amendments to clarify matters following comments from the Highways Officer, and to the ground stability information. Given the minor nature of those further changes, and as they generally related to technical matters arising from feedback from consultees and the case officer, they were not the subject of further publicity in this instance.
- 3.4. The following planning history is relevant to this site and application:

ZC23/03404/LB – Listed Building Consent application for conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including demolition of Swimming Pool Building and replacement with single storey extension to Spa Building, and internal and external alterations to existing buildings. Erection of new building to accommodate four residential apartments. Alterations to landscaping to link new courtyard to Spa Gardens. Pending consideration.

22/02436/LB – Strip out of modern services (toilet, shower, sauna facilities) and repairs to Spa Baths. Listed Building Consent granted 30.05.2022.

08/02080/RG4 – Conversion of Spa Baths and Laundry Tower to form 3 apartments and demolition of swimming pool building and erection of 5 townhouses. Permitted 20.11.2008.

08/02082/SOSLB – Listed building application for the conversion of Spa Baths and Laundry Tower to form 3 apartments and demolition of Swimming Pool building and erection of 5 townhouses. Application not determined, closed 18.10.2011.

- 3.5. Other planning history relating to the site relates to earlier applications for planning permission and/or listed building consent for alterations and extensions to the buildings.

### **4.0 Site and Surroundings**

- 4.1. The application relates to the site of Ripon Spa Baths, a grade II listed building on Park Street in Ripon Conservation Area.

- 4.2. The main Spa Baths building was built in the early 20<sup>th</sup> century (around 1904-5), and occupies the northern part of the site, facing Park Street. It is constructed in red brick with terracotta mouldings to its frontage, and with a slate roof incorporating glazed roof lanterns.
- 4.3. The Spa Baths building was extended to the rear (south) in the 1930s with a large, red brick pool hall building, as part of the adaptation of the building into a swimming pool facility. Parts of the Spa Baths building are understood to have been reconfigured as part of its adaptation at that time, and further alterations to the building are understood to have been carried out subsequently. The swimming pool closed in 2021 and the building has been vacant since then.
- 4.4. The application site includes a separate boiler house and water tower building, built in red brick, which was associated with the baths and is also understood to have subsequently been extended. The former boiler house and water tower building is considered to be within the curtilage of the listed building, Ripon Spa Baths, and is therefore to be treated as part of the listed building, in accordance with Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.5. The site also includes an area of land, to the west of the existing swimming pool hall building, which is within the adjacent Spa Gardens and which includes existing trees and soft landscaping.
- 4.6. The majority of the site, including the existing buildings, is within the boundaries of Ripon City Centre as defined in the Harrogate District Local Plan 2014-2035 (the Local Plan). The western part of the site, within the Spa Gardens, is just outside the boundary of the City Centre.
- 4.7. The surrounding area is mixed in character and includes residential properties on the opposite side of Park Street to the north of the site and a doctors' surgery on Park Street to the east, with commercial properties on Park Street and beyond further to the east. Parts of Ripon Community Hospital adjoin the site to the south and south east.
- 4.8. To the west, the site adjoins Ripon Spa Gardens, a park which includes a bowling green, a grade II listed bandstand, a café and pathways through trees and landscaped gardens, as well as a grade II listed War Memorial, close to the western edge of the application site. As well as the Bandstand and War Memorial, the adjacent Spa Gardens also contain a grade II listed Statue of the First Marquess of Ripon. The gate piers at the entrance into the Spa Gardens from Park Street, to the west of the Spa Baths building, are also grade II listed.
- 4.9. There is a grade II listed building, Ripon and District Hospital Main Block, within the grounds of the hospital to the south of the site. There are also several listed buildings on the northern side of Park Street, opposite the site.

## **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for the proposed development.

- 5.2. The proposed development includes the demolition of the swimming pool hall which forms the rear (southern) part of the Spa Baths building. The older, original part of the Spa Baths building would be retained and converted into two commercial units. Following the demolition of the swimming pool hall, a smaller, single storey extension is proposed to the rear of the remaining Spa Baths building, forming part of one of the proposed commercial units. The extension would have glazed walls and a flat sedum roof. Several other alterations are also proposed to the retained section of the Spa Baths building.
- 5.3. The two proposed commercial units would occupy the eastern and western 'wings' of the retained Spa Baths building on either side of the historic pump room which occupies the central part of the building and which, according to the submitted details, would be open to the public during the business hours of the commercial units. A glazed lobby is proposed to the rear of the existing pump room following the demolition of the existing swimming pool hall.
- 5.4. The former boiler house and water tower building is proposed to be converted into small offices and a meeting room. The conversion would include the installation of a glazed roof lantern to the tower's roof, a new glazed opening in the western elevation of the single storey part of the building, and new glazing to other existing openings.
- 5.5. Two parking bays are proposed to the north of the Spa Baths building, including one disabled parking bay, with access from Park Street. The entrance ramp to the front of the building is proposed to be retained. Several cycle parking hoops are proposed on the site's northern frontage. Bollards are proposed along the rest of the Park Street frontage to prevent vehicles from parking in front of the Spa Baths building.
- 5.6. Following the demolition of the swimming pool hall, a new apartment building is proposed in the southern part of the site, which would contain 4 apartments laid out across three levels. The apartment building would generally appear two storeys in height to its eaves, but would include some taller three storey gable sections with windows which, together with rooflights to parts of the roof, would serve the accommodation in its roof space. The apartment building is proposed to be constructed in red brick which, the submitted details indicate, would include brick to be reclaimed from the demolition of the swimming pool hall building.
- 5.7. Vehicular access to the proposed apartments and the offices within the former boiler house/water tower would be from Kirby Lane, via an existing access which runs between the hospital buildings to the east/south east of the site. Five parking spaces are proposed on site for the apartments and two parking spaces are proposed alongside the boiler house/tower building for the offices. Cycle parking stores for the apartments and offices are also proposed within the site.
- 5.8. The proposed development would result in the creation of a central courtyard, surrounded by the proposed apartment building in the southern part of the site, the retained Spa Baths building in the northern part of the site and the retained boiler house/tower building to the east, and with its western side open to the adjacent Spa Gardens. The new courtyard would be paved, with some areas of soft landscaping and planting around the edges. Works are also proposed in the eastern part of the



adjacent Spa Gardens, including the removal of some trees and planting areas and the provision of a new path providing access into the new courtyard area. Other areas of existing planting in the Spa Gardens would be retained.

## **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 2020) (the Local Plan);
  - Ripon Neighbourhood Plan to 2030 (made 10<sup>th</sup> April 2019) (Ripon Neighbourhood Plan); and
  - Minerals and Waste Joint Plan (adopted 2022)

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework December 2023
  - National Planning Practice Guidance
  - National Design Guide 2021
  - Harrogate Heritage Management Guidance Supplementary Planning Document (SPD)
  - Ripon Conservation Area Character Appraisal
  - Landscape Design Guide 2023

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Ripon City Council:** (Original plans) Ripon City Council support the application.

(Comments received during the application) Ripon City Council has noted an email advising that a bus stop that Councillors had requested as part of the Spa Baths has been discussed with North Yorkshire Council's Public and Community Transport Officer, who has confirmed that the bus stop is now part of the city wide improvements being considered as part of the Ripon Barracks, and that the bus stop had been removed from drawings. Ripon City Council has resolved that this was an acceptable position.

- 7.3. **Division Member:** No comments received

7.4. **Arboricultural Officer:** No comments received. However, the proposed works within the Spa Gardens have been discussed with the Arboricultural Officer and the Parks Officer.

7.5. **Building Control:** (Comments following receipt of revised/additional plans and information) A Building Regulations application will be required for the proposal. Planning permission should only be granted conditionally and subject to the provision of a suitable, satisfactory, ground investigation report and the provision of a ground stability declaration form and mitigating measures, provided by a Registered Ground Engineering Advisor, as defined by the UK Register of Ground Engineering Professionals (RoGEP), or with an equivalent qualification, and with specific, demonstrable experience and expertise in dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon area. (Similar comments were received in response to the originally-submitted plans and information).

A suitable, satisfactory appraisal should be carried out of the existing foundations by a structural engineer (who is familiar with the specific ground related issues in the Ripon area) following a suitable ground investigation by an individual/company with the relevant level of experience.

7.6. **Conservation Officer:** (Original plans) Concerns raised regarding a number of aspects of the proposals, including limited justification for proposed demolition of swimming pool hall building, and concerns regarding some aspects of proposed works to retained part of the Spa Baths building and the Water Tower/Boiler House building, and scale, appearance and detailing of proposed apartment building.

(Comments following receipt of revised/additional plans and information):

Note further information received regarding proposed demolition of swimming pool hall, including reference to its structural condition, and heritage benefits suggested in the Heritage Statement.

Proposed works to the Spa Baths building are acceptable in principle. Conditions recommended to cover a schedule of works and method statements for certain specified works.

Further information received regarding proposed extension to rear of Spa Baths building. There is historical precedent for glazed buildings to the rear, and design has been kept simple to provide clear distinction between modern and original fabric. There are positives to the proposed glazed extension and by reopening the rear of the Spa Baths to the Spa Gardens. This is a public benefit which outweighs the harm of a larger scale rear extension.

Additional structure shown to the side of the Spa Baths on plans. Appears to be a fenced area for bins. This is a sensitive location, visible from the front of the Spa Baths and highly visible from within the Spa Gardens. Different location or more sympathetic approach to its design should be considered. *[This element of the proposals has subsequently been deleted].*

Further information received regarding proposed works to water tower/boiler house building. Proposed works would reposition floors so they don't overlap the windows, which would be a positive impact. Note a glazed roof extension to building has

previously been approved, therefore principle has historically been agreed. Proposed windows should be timber framed. Conditions recommended.

Proposed apartment building would be located to rear of site, providing an open area between it and rear of the Spa Baths building. New building shown to be no taller than lantern of the Spa Baths building. Front part to be two storey, rear section set down to reduce bulk and massing. Focus on traditional materials and detailing to ensure new development is complementary with surrounding character and local distinctiveness. Elevation facing Spa Gardens has been improved and simplified and would give development a modern finish. Conditions recommended.

With regard to the impact on the Listed Building, the removal of the pool hall will result in harm. Opening up to the rear of the Spa Baths will improve the setting of the Spa Baths. The erection of a new structure within the curtilage of the Ripon Spa Baths will change its setting. Loss of pool hall would result in less than substantial harm, which must be outweighed by public benefit. The scheme would provide heritage benefits, set out in the comments.

The development would be viewed in the context of a number of other nearby listed buildings, including in and around the Spa Gardens, the hospital grounds and on Park Street to the north, and would therefore be considered to be within their setting.

Listed buildings on Park Street would not be impacted as their setting incorporates frontage of the Spa Baths. Main block of hospital is listed. Its existing setting incorporates modern and historic buildings. Addition of a new, modern building which has been scaled to blend in with existing buildings is unlikely to result in harm to that listed building. Works would not directly affect listed buildings within Spa Gardens, but revealing the historic garden area that was lost with the construction of the pool hall would be an enhancement for those historic structures. Special architectural and historic interest of these listed buildings would be preserved and enhanced.

On balance, the development can be accepted in principle.

“With the exception of the bin store [*which has subsequently been deleted from the plans*], the development would result in enhancement for the wider area and the design changes have reduced the visual impact and harm upon designated heritage assets of the Spa Baths, its curtilage Listed Buildings and nearby Listed Buildings. The repair works to the Spa Baths will preserve the special architectural and historic interest of the Listed Building. Although the loss of the pool hall building will result in loss of historic fabric and harm to the significance of the designated heritage asset, this has been outweighed by public benefit as required in the NPPF paragraph 208 and Local Plan policy HP2. The removal of the pool hall building would also better reveal the Listed Building and reinstate the historic link to Spa Gardens, therefore preserving the historic interest of the Listed Building required in the Planning (Listed Buildings and Conservation Areas) Act 1990.”

- 7.7. **Ecologist:** No objection, subject to recommended conditions and a European Protected Species Mitigation license being obtained from Natural England.
- 7.8. **Economic Development:** (Original plans) Would very much welcome the introduction of the office building and commercial units as part of this mixed use scheme. There is a shortage of office space in and around Ripon. Proposal, to include a meeting room and 3 small office suites, would provide ‘a valuable offer that is likely to suit a range of local businesses’. Commercial units will further support the vibrancy and success of the city centre.

- 7.9. **Environmental Health Officer:** (Comments following receipt of revised/additional plans and information) Contaminated land: Conditions recommended.

Noise: Condition recommended requiring an acoustic report to be submitted for the proposed apartments prior to their development, to ensure that residents of the proposed dwellings are protected from noise.

These conditions are in addition to any conditions previously recommended.

(Comments on original plans) Informatives recommended for land contamination. Condition recommended in relation to any plant to be installed in association with the commercial units. The standard of construction and glazing for the residential development must be such that internal noise conditions in habitable rooms are no higher than those set out in relevant specified guidance. Suitable provision shall be made for the storage, containment and collection of refuse.

- 7.10. **Estates Department:** (Original plans) No objection.

- 7.11. **Highways:** (Comments following receipt of revised/additional plans and information)

Drawing received showing location of refuse storage for all properties and use of a private refuse collection service due to no suitable location of bin collection points that satisfy Council refuse collection services.

“The applicant advises within the Highway Report Rev E that discussions with Building Control (Harrogate) and North Yorkshire Fire have taken place confirming that all dwellings are located within acceptable distances (within 45m of parking area) for fire services to attend, the existing hospital pedestrian bridge has been considered as part of this discussions. This is acceptable although no confirmation of correspondence with Building Control and/or NYC Fire has been submitted.”

Site is within approximately 200m from Ripon Market Square, which can be reached within a short walk giving access to bus services and parking. Bus stops nearby and ‘good frequency’ of services – promoting use of sustainable modes of travel for all users of the proposed development.

Proposed development demonstrates a reduction in trip rates from the previous use.

Vehicular access is proposed via existing shared use access from Firby Lane. The existing access road is satisfactory. The access also serves the Ripon Community Hospital ambulance bay and measures to prevent obstruction during construction are recommended in suggested condition.

Submitted plans shows turning area within site for larger vehicles, and that fire tenders will be able to satisfactorily manoeuvre within the development. Applicant has advised within the Highways Report that NY Fire have confirmed the arrangements, no confirmation of correspondence has been provided.

Vehicular and cycle parking requirements are satisfied for all of the proposed uses.

No objections to the proposals. Conditions recommended.

7.12. **Historic England:** (Original plans) Not offering advice in this case. This should not be interpreted as comment on the merits of the application.

7.13. **MOD:** (Revised plans) No objection.

(Original plans) No objection.

7.14. **Sport England:** (Original plans) The proposal will result in the permanent loss of a swimming pool as a sport facility. It has been confirmed that a new pool has been constructed in Ripon (the Jack Laugher Leisure and Wellness Centre) and this provides sufficient clarification that Ripon Spa Baths has been replaced. Sport England does not wish to raise an objection to this application.

(Revised/additional plans and information) The revisions relate to the design and layout of the proposal and do not alter the red edge of the location plan. The revisions do not alter Sport England's previous comments on the proposal, which concluded that a new pool has been constructed in Ripon and this provides sufficient clarification that Ripon Spa Baths has been replaced. Therefore, Sport England does not wish to raise an objection to this application.

7.15. **Yorkshire Water:** (Original plans) Condition recommended.

(Comments following receipt of revised/additional plans and information) The existing water supply can be used for the spa extension. If existing supply is not ample enough to supply spa extension and new commercial units and offices and a new supply is required, developer will need to provide more information. The new building for four residential units will require a separate supply. With regard to waste water, previous comments are still applicable.

#### Local Representations

7.16. Two local representations were received in response to the publicity of the originally submitted plans, one in support and one in objection. A summary of the comments is provided below, however, please see the website for full comments.

7.17. Support:

- Will save 'the only worthwhile parts of the existing structure (the front of the structure on Park Street and the Boiler Tower)' from current evident deterioration.
- Will provide useful office or hospitality accommodation 'and so extend the working City centre outwards', and add 'in a thoughtful way to available housing'.
- Retention of Boiler Tower and viewing opportunities is welcome.
- Proposed new courtyard would provide opportunity for 'attractive new planting' and offset minor loss of existing planting in Spa Gardens.
- Applicant's record of delivering other schemes.

7.18. Objections:

- Large ornate portico above entrance should be saved and incorporated.
- Building should not be 'ripped down'. Surely the building is listed?
- Spa Baths is 'huge part of Ripon's history', concern that it is being disposed of. Could have been renovated at lower cost and made available to general public, a gym or other amenities that don't cost as much to run, which could be associated with nearby Spa Gardens, or private swimming pool for local residents.

7.19. In response to the originally submitted plans, Ripon Civic Society advised that they welcomed the scheme 'which proposes to conserve and provide new uses for an important historic building in the city', and commented that 'it is a sensitive approach with historic structures cleansed of later inferior additions (including the 1936 pool) and with new-build done in an unashamedly modern but complementary style and materials'. They advised that they 'accept the need for the residential development as enabling development to make the scheme viable'. Their response states that, whilst supporting the proposals in principle, they have a number of comments, as follows:

- Front internal lobby in the pump room of the main building should be retained
- Confirmation requested that tiled pump fountain and wall tiling to remain.
- Planters proposed on frontage to limit parking are noted but need to be positioned carefully to align with the symmetrical frontage and should be in keeping.
- Remains of painted lettering are visible around the top of the porte cochère – should be reproduced in original wording and font, or opportunity could be taken to rebrand building with new wording also in sae font.
- New extension to main Spa Baths building is acceptable.
- Retention and preservation of stained glass panels within foyer of Spa Baths building is of particular importance.
- Proposed changes to tower/boiler room 'make good use of the structure and are all welcome'.
- Proposed new-build 'fits in well and does not dominate the baths buildings'. Recommend some changes to brick banding.
- Tree works generally acceptable in the context of the proposals, but some additional planting would help screen the new build.
- Layout of paths and planters is 'rather complicated, not clear if paths follow desire lines. Ask that landscaping work be remodelled 'to provide a fitting setting for the listed war memorial and the needs of those attending ceremonies there'.

In conclusion, the response confirmed the Civic Society's 'strong support as being the best chance of allowing the site to survive'.

7.20. Ripon Civic Society was re-consulted following the receipt of revised plans, and provided the following comments:

- Continue to strongly support the proposals.
- Most of what was previously asked for has happened, including clarification of retention of internal features and better alignment of frontage planters, now replaced with bollards.
- 'The only disappointment is that there are no details of a planting scheme', may be because part of the site remains in the control of the Council. Consider that the

planting needs to be part of the application, and Civic Society want to be consulted on it. 'Really important that some greening is done, or the view from the Spa Gardens could look rather bleak.'

- Previous comments about wording on the frontage not picked up. Consider repainting the Spa Baths lettering on the porte-cochère should be avoided. Better to take the opportunity to change the wording but keep the font. Suggest 'Ripon Spa' would be a suitable name, especially as the Spa Hotel name has now gone.
- Decision is needed as soon as possible – deterioration of the building.

7.21. In response to the publicity of the originally-submitted plans, an objection was received on behalf of Harrogate and District NHS Foundation Trust and a letter of comment was received from NHS Property Services Ltd (NHSPS), which advised that 'NHSPS is supportive of development which makes the best use of land in accordance with the NPPF, provided this does not give rise to any detrimental impacts on the operation of the NHS estate now or in the future', but which commented that 'there are several matters which are currently of concern'. The following concerns are raised in those two responses:

- 'Long unbroken blank flank elevation' of proposed residential building, near part of Ripon Community Hospital, would create sense of enclosure for staff and patients and limit outlook from the Hospital.
- Potential overlooking into hospital wards and clinics from residential building's windows.
- Unsure how scheme would be constructed and maintained in future, noting proximity to Hospital boundary.
- Existing vehicular access via Firby Lane must be available for Hospital use at all times. Floating walkway above this access connects buildings within the Hospital and limits headroom availability for vehicles accessing the application site. Walkway is an essential part of the Hospital and must be operational at all times.
- Access to the site from Firby Lane is used by NHS, has NHS buildings on it and needs NHS ambulance access. Concerns about the public driving or walking through here to access the site. Ask that access to the site is not via Hospital land.
- With respect to headroom limit, no details of intended servicing arrangements for proposed residential block – unclear if refuse vehicles would be able to access. NHSPS would object to bins being left along access route – concerns about impact on access by ambulance or medical staff.
- Access to new residential block via access from Firby Lane, during construction or once operational, could significantly impact ability of NHS to bring forward future development which may be needed to meet future clinical needs.
- Query regarding use of previous commercial use as a baseline in transport statement, given how long site has been vacant.
- Applicant needs to clearly evidence that proposals would not impact future operation of Hospital site.
- Potential noise and air quality impacts on Hospital during demolition of swimming pool building.
- Request condition requiring a Demolition and Construction Management Plan, which should set out approach to parking during demolition and construction works to prevent overspill onto Hospital car park, and include mitigation measures

to minimise disruption, in particular noise and air quality impacts, including from proposed demolition. Request that NHSPS is consulted in its preparation.

7.22. Following the receipt and publicity of revised plans, a further objection was received which is understood to be from someone representing the NHS and/or Ripon Hospital and which raises the following concerns:

- Driveway from Firby Lane is leased to NHSPS. Assurances sought that nothing will be allowed to happen to the driveway before lease expires, queries regarding the lease, will developer have option to purchase the driveway to convert to a two-way vehicular road?
- Require confirmation if application is approved that developer and contractors won't block any part of the hospital or ambulance bay.
- Potential implications for paramedics and patients getting in and out of ambulances if it would be up against new road.
- NHSPS have previously requested to purchase the driveway from the Council.
- Potential risks from use of access, including to safe patient access through the Hospital grounds at ground and first floor levels, safe ambulance parking in ambulance bay (which has previously been blocked and/or parked in by contractors), to deliveries to the rear of the hospital, and to safe access and egress for contractors carrying out works or maintenance to the hospital.
- Driveway provides extra parking which is required as Hospital car park is 'always oversubscribed'.
- Would like assurances from developer/new owner that they won't impede any hospital spaces, won't allow parking on access road and won't store bins on it.
- Unclear where dedicated areas for parking and bins would be.
- Plans show driveway as a two-way vehicular road from Firby Lane to the rear of the proposed development. Concerns that driveway is 'too tight' for a two-way road and concerns about liability for road traffic or pedestrian accidents.
- Request pedestrian pavements are installed either side of proposed new road for safety, but if driveway not wide enough, would this be done without impeding on Hospital freehold areas? Would there be a pedestrian crossing?
- Potential damage to link bridge between buildings – 3.4m high – refuse collection and construction lorries won't fit under it. Who's liable for damage or any harm to people using the bridge if it's knocked while people are in it?
- Applicant's highways report notes driveway is a shared access already and that there have been no accidents for years. Driveway has been leased to NHS since 1930 therefore no-one else has used it and no accidents. Concern greater risk of accidents if it's used as a two-way road serving the development.
- Effects on Firby Lane. Staff and patients cross this road to car park. Will a pedestrian crossing be put in?
- Queries regarding ownership and responsibility for new road: who will maintain it; who should accidents, damaged etc be reported to; will it be adopted; what speed limit will be placed on it; who will be liable for any accidents or legal claims?
- NHS won't accept any liabilities resulting from proposed new access road.
- Concerns regarding potential overlooking and overshadowing of hospital wards and departments from proposed residential building.



## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
  - Housing mix
  - Effects of the development on heritage assets, including:
    - o The effects on the listed building, Ripon Spa Baths, including any features of special architectural or historic interest which it possesses, and effects on its setting;
    - o The effects on the settings of other listed buildings in the vicinity of the site;
    - o Whether the proposed development would preserve or enhance the character or appearance of the Ripon Conservation Area
  - Trees and landscaping
  - Residential amenity
  - Highways
  - Ecology and biodiversity
  - Land stability
  - Energy and sustainability
  - Flood risk and drainage
  - Contaminated land
  - Other matters

## **10.0 ASSESSMENT**

### Principle of development

- 10.1. Most of the site, including the existing buildings, is within the ‘town centre’ boundary for Ripon City Centre as defined in the Local Plan. On that basis, the proposals to convert the retained section of the Spa Baths building to commercial use and convert the boiler house/water tower to offices are considered acceptable in principle, in accordance with Local Plan Policy EC5 and guidance in the NPPF with regard to main town centre uses.
- 10.2. The proposed development would result in the loss of a sports facility. Policy HP6 of the Local Plan states that proposals for development that would involve the loss of existing indoor sport facilities will be supported where, amongst other things, ‘a satisfactory replacement facility is provided’ and is ‘available for use before the existing facility is lost, in a suitable location, accessible to current users, and at least equivalent in terms of size, usefulness, attractiveness and quality’.
- 10.3. Permission was granted in June 2019 for development at Ripon Community Leisure Centre, on Dallamires Lane, including an extension to provide a swimming pool facility at that site. The extended and refurbished facility, including the new swimming pool – now the Jack Laugher Leisure and Wellness Centre – is now open. The submitted details advise that the Spa Baths closed in December 2021.

- 10.4. Sport England has been consulted on the current application and have noted that the Spa Baths closed following the construction of the new Jack Laugher Leisure and Wellness Centre. They also note that confirmation has previously been provided that a new pool has thus been constructed in Ripon and advise that 'this provides sufficient clarification that Ripon Spa baths has been replaced'. On that basis, Sport England has confirmed that it does not wish to raise an objection to this application.
- 10.5. As a new swimming pool facility has been provided in Ripon, and in the absence of an objection from Sport England regarding the loss of a swimming pool on the Ripon Spa Baths site, it is considered that the proposed development and loss of the swimming pool facility would not conflict with Policy HP6. Therefore, there is no objection in principle to the loss of a swimming pool facility from this site. However, the proposed development, including the demolition of the existing swimming pool hall, raises other material planning considerations, which are discussed below.
- 10.6. The proposed apartments would be located on an area of the site which is previously-developed land. They would be located within an accessible location within the settlement development for Ripon, and would be close to facilities, amenities and public transport links in Ripon city centre and nearby. The principle of residential development in this location is therefore considered acceptable, subject to other material planning considerations which are assessed below.
- 10.7. The works proposed within the Spa Gardens would relate to the removal of some existing planting and the creation of a path from the Spa Gardens into the proposed courtyard within the site. The works would not involve the encroachment of development into the Spa Gardens. Therefore, it is considered that this aspect of the proposals would be acceptable in principle and would not conflict with Local Plan Policy HP6 insofar as it seeks to protect existing open space and recreation facilities.

#### Housing mix

- 10.8. Local Plan Policy HS1 states that housing developments should seek to deliver a range of house types and sizes that reflect and respond to identified housing needs, and that the mix proposed should have reference to the latest Housing and Economic Development Needs Assessment (HEDNA).
- 10.9. In this case, four 2-bedroom apartments are proposed. As such, the mix proposed would differ from that recommended in the HEDNA. However, on the basis of the very limited scale of the residential element of the development, its location within Ripon City Centre and other site constraints, including its size and location within the setting of listed buildings and relative to other surrounding development, in this instance it is considered that the proposed housing mix is acceptable and would not compromise the overall aims of Policy HS1.

#### Effects of the development on heritage assets

- 10.10. 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, special regard is had to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

- 10.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.12. The comments received from, and concerns raised by interested parties regarding the effects of the development on the listed building are noted.

*Heritage assets affected*

- 10.13. The application relates to Ripon Spa Baths, a Grade II listed building within Ripon Conservation Area. The listed building includes the original northern section of the Spa Baths, the attached swimming pool hall that was added in the 1930s, and the former boiler house/water tower building which is considered part of the listed building by virtue of being within the curtilage of Ripon Spa Baths.
- 10.14. There are also a number of other listed buildings in the vicinity, including within the Spa Gardens to the west, within the adjacent hospital site to the south and on Park Street to the north. These include the following (the names of the buildings given below are those used in their official List Entries):

*Spa Gardens*

- Gate Piers Just to the West of the Spa Baths (Grade II)
- Statue of the First Marquess of Ripon (Grade II)
- War Memorial (Grade II)
- Bandstand (Grade II)

*Hospital Site*

- Ripon and District Hospital Main Block (Grade II)

*Buildings on northern side of Park Street in the vicinity of the site including:*

- Old Park House (Grade II)
- 10, Park Street (Grade II)
- 9, Park Street (Grade II)
- 7 and 8, Park Street (Grade II)
- 6, Park Street (Grade II)
- 4 and 5, Park Street (Grade II).

- 10.15. As identified by the Conservation Officer, the development would be viewed within the same context as these listed buildings and would be within their setting.

*Effects on the listed building, Ripon Spa Baths, including any features of special architectural or historic interest which it possesses, and effects on its setting*

*(a) Special interest and significance of the listed building, Ripon Spa Baths*

- 10.16. The original Ripon Spa Baths building was built around 1904-5. It is constructed of red brick, with ornate moulded terracotta detailing and a decorative porte cochère to its front elevation facing Park Street, and glazed roof lanterns. Based on details submitted by the applicant, it is understood that the Spa Baths building historically also included glazed rear projections and paths linking it to the Spa Gardens to the west. Those projections were removed, and the footpath links built over, when the swimming pool hall was built to the rear of the building in the 1930s.
- 10.17. The Spa Baths building's architectural details are considered to be key features which contribute to its special interest. The Spa Baths' history as a focus within the city, alongside the Spa Gardens, and as a place for local people to meet, contributes to their historic interest.
- 10.18. The swimming pool hall was built to the rear of the Spa Baths building in the 1930s. The applicant's Heritage Impact Assessment, and the conservation officer's comments, refer to the pool hall as having a 'utilitarian' appearance. Nevertheless, the pool hall has historic interest as part of the phasing and evolution of the listed building, and as a community facility which is part of the history of the city.
- 10.19. The listed building also includes the former boiler house/water tower, which is understood to have been built at around the same time as the original Spa Baths. It includes a single storey boiler house building (which the applicant's submissions indicate was later extended), and an attached water tower and chimney. As well as being of architectural interest, with detailing reflecting its age and function, this building is also of historic interest as an integral part of the Spa Baths, and contributes to its significance.
- 10.20. The Spa Gardens, to the west of the Spa Baths, is understood to have historically included footpath links to the Spa Baths building. As an historic area of open space within the city which has retained its function and interest as a community facility, and which historically had connections to the Spa Baths, the Spa Gardens contributes to the setting of the listed building, Ripon Spa Baths.
- 10.21. Insofar as it relates to the proposed development in this case, the significance of the listed building, Ripon Spa Baths, is considered to be drawn from its architectural detailing, internally and externally, and its historic interest as a community facility, first as a Spa Baths and later as a swimming pool for the city of Ripon.

*(b) Proposed demolition of the swimming pool hall*

- 10.22. Although it is noted that the submitted details refer to using brick from the demolished swimming pool hall as part of the construction of the proposed apartment building, the demolition of the swimming pool hall would nonetheless result in the loss of historic fabric from the listed building. It would also remove a building which, despite its

somewhat functional appearance, is a key component of the building's history and the evolution of its use over time. The demolition of the swimming pool hall would erode the legibility of the building's former use as a community facility, and would thus have an impact on the historic interest of the building.

- 10.23. It is therefore considered that this aspect of the proposals would result in harm to the listed building, and that the harm arising would be less than substantial.
- 10.24. A Structural Inspection report has been received as part of the application, which identifies the presence of vertical cracking in 'all the brick piers' around the walls of the swimming pool hall building. It advises that the exact reason for this is not clear, but that 'it is believed that' it may be as a result of steel columns within the brick piers corroding, 'leading to lamination and expansion of the steel', and that 'this expansion in an enclosed space, could be sufficient to crack the relatively brittle masonry'. Another possible structural reason suggested in the report is referred to as being 'slightly more unlikely.'
- 10.25. The Structural Inspection report concludes that, 'assuming that corroded columns are the problem then the only way to repair them would be to carefully take down the masonry for inspection and possibly replacement', and that even with column replacement, it 'may not be possible to incorporate sufficient lateral robustness without also strengthening/replacing the roof'. It goes on to advise that 'this process would be very slow and would see much of the building being rebuilt as a result'.
- 10.26. Based on the Structural Inspection report, it is therefore understood that to investigate and attempt to remedy the issues which have caused the identified cracks in the walls of the building would be likely to require some significant degree of demolition and reconstruction of parts of the building.
- 10.27. The conservation officer has noted the Structural Inspection report and the applicant's Heritage Impact Assessment, which advises that 'given the identified requirement for significant reconstruction of the swimming pool building and, having regard to its relatively low architectural interest, it is considered that demolition will provide an opportunity to secure a number of clear public/heritage benefits'.
- 10.28. As set out in the Heritage Impact Assessment, the removal of the swimming pool building would reinstate what was historically an open area to the south of the Spa Baths, and 'potentially reinstate historic linkages to the Spa Gardens'. This would include visual and physical connections between the Spa Gardens and the Spa Baths, with the proposed introduction of pedestrian links between the Spa Baths site and the Spa Gardens. Its removal would also expose historic original walling to the southern elevation of the Spa Baths and reinstate its historic plan form, with added glazing to the rear. It is considered that these would represent public benefits to be weighed against the less than substantial harm that would arise as a result of the demolition of the swimming pool hall.
- 10.29. The structural issues and implications identified in the Structural Inspection report, the relatively limited architectural interest of the swimming pool hall building, and the public benefits that would arise from the removal of the swimming pool hall building

and the wider development proposals are matters to be weighed in the overall heritage balance, in accordance with the NPPF. This matter is returned to below.

*(c) Conversion of retained part of Spa Baths building and associated development*

- 10.30. The remainder of the Spa Baths building would be retained, including the decorative front elevation and the existing porte-cochère at the front of the building. Some internal works are proposed, including the removal of later internal additions. Those works are the subject of a separate application for listed building consent and are assessed as part of the separate report for that application.
- 10.31. The conservation officer has advised that the works proposed to the retained Spa Baths building are acceptable, subject to conditions, which are recommended as part of this decision insofar as they relate to the development for which planning permission is sought. A condition is also recommended requiring details of any external materials to be submitted and approved.
- 10.32. The proposed glazed extension to the rear of the Spa Baths building would be relatively deep relative to the depth of the side elevation of the retained part of the Spa Baths building. The conservation officer raised concerns in that regard in response to the originally-submitted proposals. Further information has subsequently been received, including an additional Heritage Impact Assessment, which refers to the historic presence of a 'glazed orangery and entrance canopy' to the south of the original Spa Baths building as 'historical precedent' for this proposed rear extension. The Heritage Impact Assessment also notes that the extension would be 'visually contained to the rear of the main building'.
- 10.33. The fully-glazed walls of the proposed rear extension would allow views through to the rear of the retained historic Spa Baths building. The extension's simple 'contemporary' design, with glazed walls and a flat sedum roof, would provide a clear distinction between this modern-day extension and the historic Spa Baths building, whilst making reference to the glazed rear projections which existed historically.
- 10.34. The glazed rear extension would be viewed in the context of the more 'open' rear courtyard area which would result from the demolition of the large swimming pool hall building. The conservation officer has advised that 'there are positives to the proposed glazed extension and by reopening the rear of the Spa Baths to the Spa Gardens, this is a public benefit which outweighs the harm of a larger rear extension.'
- 10.35. In the light of the conservation officer's comments, it is considered that the scale of the glazed extension would result in less than substantial harm to the Spa Baths building. However, having regard to its design, the historic precedent for glazed extensions to the rear of the Spa Baths building and the wider benefits of the scheme in terms of opening up views of the rear of the historic Spa Baths building and re-connecting it to the adjacent Spa Gardens, it is considered that there are public benefits associated with the rear extension in the context of the development as a whole. These matters are considered further as part of the overall heritage balance below.

*(d) Conversion of Water Tower/Boiler House building and associated development*

- 10.36. Concerns were originally raised by the conservation officer regarding the proposed glazed roof lantern. It is noted that a glazed roof extension to the boiler house/water tower building has previously been approved.
- 10.37. The glazed roof lantern would project above the existing parapet of the water tower. However, it would be set back from the sides of the parapet and would remain lower than the top of the chimney which projects above the water tower's roof at present. The lantern's glazed walls would also give it a relatively lightweight appearance. Consequently, although it would alter the roof profile of the existing water tower, it is not considered that it would appear unduly bulky or dominant. It is considered that it would result in less than substantial harm to this part of the listed building, which would need to be weighed against the public benefits, including the provision of light to the upper floor of the proposed offices as part of bringing the vacant listed building back into use. This matter is considered as part of the overall heritage balance below.
- 10.38. The conservation officer has raised concerns regarding the reference to double glazed aluminium frames for the proposed windows. It is understood that this reference relates to the framing of the glazing for the proposed roof lantern and it is considered that the use of aluminium framing to that modern addition would be acceptable. However, where windows are to be replaced in other existing openings within the boiler house/ water tower, the use of timber frames would be required, consistent with the historic character and fabric of the building. It is considered that these matters could be dealt with by condition.
- 10.39. For the reasons given, it is considered that the proposed works to the boiler house/ water tower building would result in less than substantial harm to the listed building but would also provide some benefits and enhancements. These matters are considered further in the heritage balance below.

*(e) Proposed new residential apartment building*

- 10.40. As set out above, the demolition of the swimming pool hall would result in less than substantial harm to the listed building due to the loss of historic fabric and historic interest. However, the demolition would result in the removal of a relatively bulky structure which is of limited architectural interest and which somewhat dominates the original Spa Baths building at present. The construction of the proposed apartment building, in a similar location but set further back than the pool hall, would create more space to the rear of the retained Spa Baths building.
- 10.41. At 2½ storeys, the proposed apartment building would be taller than parts of the retained part of the Spa Baths building. However, the submitted details show that the tallest part of the apartment building would be no taller than the lantern on the central part of the Spa Baths building. It would also be lower than the existing water tower building on the site. It is therefore considered that it would not conflict with Policy A.3 of the Ripon Neighbourhood Plan with regard to the Ripon skyline.

- 10.42. The apartment building would have pitched roofs and would generally appear two storeys in height, with some taller gable sections, but with its rear section set down still further, thus breaking up and minimising the bulk and massing of the building. It is considered that the scale of the apartment building would be appropriate within its surroundings. The building would also include main windows facing into the new courtyard to the rear of the Spa Baths and towards the Spa Gardens, providing natural surveillance and active frontages to those public spaces, consistent with the requirements of Ripon Neighbourhood Plan Policy C.1 regarding development in the City Centre quarters.
- 10.43. The apartment building would generally be quite traditional in its detailing and materials, incorporating red brick walls and vertically-proportioned bay windows and gables that would reflect the detailing of historic buildings in parts of the Ripon Conservation Area. It would also incorporate details such as larger areas of glazing, which would reflect its status as a modern building. As such, it is considered that the proposed apartment building would achieve an appropriate balance, incorporating elements of detailing that reflect its historic surroundings whilst also being legible as a modern building within those surroundings, and that it would sit comfortably within that context.
- 10.44. The apartment building would change the setting of the listed building. However, its bulk and massing would be minimised as set out above and, compared with the scale and location of the swimming pool hall building, it is considered that the apartment building would have benefits in creating more space to the rear of the Spa Baths and reinstating historic visual links to the Spa Gardens. Therefore, it is considered that the proposed apartment building would be less visually imposing on the Spa Baths and Spa Gardens than the existing swimming pool hall.
- 10.45. On that basis, although the demolition of the swimming pool hall would result in less than substantial harm to the listed building itself because of the loss of historic fabric and historic interest, it is considered that the apartment building would sustain the significance of the heritage asset and would preserve the setting of the listed building overall, compared with the swimming pool hall structure.
- 10.46. Conditions are recommended regarding the materials and the detailing of the proposed apartment building, to ensure that the building is carefully designed and is sympathetic to its historic surroundings.

*(f) Works within Ripon Spa Gardens*

- 10.47. The proposed works within Ripon Spa Gardens would include the removal of some trees and vegetation in the area immediately to the west of the existing swimming pool hall and the creation of a path to connect the Spa Gardens to the new courtyard to be created following the demolition of the swimming pool hall.
- 10.48. The Arboricultural Officer has advised that they have no objection to the removal of a number of trees from the Spa Gardens as proposed. Those works, and the removal of other vegetation to the west of the existing swimming pool hall, would contribute to opening up that area and re-establishing a visual link between the Spa Baths and the



Spa Gardens. It is therefore considered that these works would represent an enhancement to the setting of the listed building, Ripon Spa Baths, and a public benefit to be weighed in the overall heritage balance.

- 10.49. Following feedback from the Council's Parks team, some changes have been made to the proposed works within the Spa Gardens to limit the width of the path leading into the courtyard and retain soft planting in that area as far as possible. The Parks Officer has requested that this should be a pedestrian path, rather than a vehicle access. On the basis of the submitted plans, it is considered that this would be the case.
- 10.50. Comments from Ripon Civic Society regarding the surroundings of the War Memorial within the Spa Gardens are noted. It is understood that the location and layout of the proposed path from the Spa Gardens into the new Spa Baths courtyard has taken account of an aspiration to create a larger area of hard surfacing near the War Memorial to accommodate those attending remembrance events there. The proposed path has been reduced in width during the application. However, it is considered that the resultant reduction in hard surfacing and retention of more soft landscaping would achieve an appropriate balance between protecting the soft landscaped character of the Spa Gardens and the setting of the grade II listed War Memorial, whilst also providing additional space around the War Memorial for those attending events there.
- 10.51. For the reasons given, it is considered that the proposed works to the Spa Gardens would be acceptable and would preserve and enhance the setting of the grade II listed building, Ripon Spa Baths. The enhancements, including the re-instatement of visual and physical links between the Spa Baths and the Spa Gardens, would be public benefits to be weighed against any less than substantial harm to the listed building in the heritage balance.

*(g) Conclusion – effects on the listed building, Ripon Spa Baths*

- 10.52. The demolition of the swimming pool hall would cause less than substantial harm to the listed building, Ripon Spa Baths, due to the loss of historic fabric and historic interest as set out above. For the reasons given, the proposed rear extension to the retained Spa Baths building and the glazed roof lantern proposed to the water tower building would also result in less than substantial harm to that listed building. Considerable importance and weight is to be given to that harm and the NPPF requires this harm to be weighed against the public benefits of the proposal.
- 10.53. The proposed development would provide a new use for the historic, listed Spa Baths building, which has been vacant since the swimming pool in Ripon was relocated to a new facility, and would provide new commercial and office units within Ripon City Centre. Bringing this listed building back into use, with associated repairs and the retention of historic features, would comprise a public benefit.
- 10.54. The proposed development would also provide a number of specific enhancements to the listed building and its setting, and resultant heritage benefits, which would also comprise public benefits weighing in favour of the proposed development, including:

- Repair works to the retained Spa Baths building;
- Revealing the historic rear elevation of the Spa Baths building
- Removing the bulk of the large swimming pool hall and creating a new courtyard to the rear of the retained Spa Baths building, with a sympathetically designed and proportioned apartment building set further from the Spa Baths building, reinstating the historic plan form of the Spa Baths and visual and physical connections between the Spa Baths and the adjacent Spa Gardens;
- The replacement of existing floors within the boiler house/water tower building with new floors in a reconfiguration which would not overlap with the windows in the building.

10.55. The proposed development would provide new commercial units and offices within Ripon City Centre, which would contribute to the vitality and viability of the city centre. It would also provide four new dwellings, which would contribute to towards housing supply in the area.

10.56. It is considered that the public benefits of the proposed development as set out above, taken cumulatively, would outweigh the less than substantial harm to the listed building, Ripon Spa Baths, in this instance.

*Effects on the settings of other listed buildings in the vicinity of the site*

10.57. As set out above, there are numerous other listed buildings in the vicinity of the site, including in the Spa Gardens, in the grounds of the adjacent hospital, and on Park Street to the north. The development would be viewed in the same context of these listed buildings and is therefore considered to be within their setting.

10.58. The conservation officer has advised that the listed buildings on Park Street to the north of the site would not be impacted by the proposed development, as their setting incorporates the frontage of the Spa Baths. The front (northern) part of the Spa Baths building would be retained, and the external changes and extensions to the Spa Baths building, the works to the boiler house/water tower building, and the new apartment building would be located beyond it to the rear. It is therefore considered that the settings of the grade II listed buildings on the northern side of Park Street in the vicinity of the site, as set out above, would be preserved.

10.59. The listed Ripon and District Hospital Main Block is located within the grounds of the hospital to the south/south east of the site. The conservation officer has noted that the setting of this listed building incorporates modern and historic buildings at present, and advised that 'the addition of a new and modern building which has been scaled to blend in with existing buildings, is unlikely to result in harm to this listed building'. It is therefore considered that the proposed development would preserve the setting of the grade II listed building, Ripon and District Hospital Main Block.

10.60. With regard to the listed buildings within the Spa Gardens as set out above, including the moulded terracotta gate piers at the entrance to the Spa Gardens on Park Street, the conservation officer has noted that the proposed works would not directly affect those structures. The conservation officer has advised that 'revealing the historic garden area that was lost with the construction of the pool hall, will be an

enhancement for these historic structures'. On that basis, it is considered that the setting of the grade II listed buildings within the Spa Gardens would be preserved and enhanced by the proposed development.

- 10.61. For the reasons given, it is considered that the proposed development would preserve or enhance the settings of the other listed buildings in the vicinity of the site, as identified above.

*Whether the proposed development would preserve or enhance the character or appearance of the Ripon Conservation Area*

- 10.62. The area of Ripon Conservation Area in the vicinity of the site includes the Spa Baths and Spa Gardens, buildings within the adjacent hospital which include some historic buildings, and historic buildings on Park Street to the north of the site. Insofar as it relates to the works proposed in this application, the significance of this part of the Ripon Conservation Area is drawn from the historic and architectural interest of those generally well-preserved historic buildings within and around the site, and from the historic and visual connections between Ripon Spa Baths and Ripon Spa Gardens.
- 10.63. The existing swimming pool hall is a large structure with a substantial bulk and massing, and is of limited architectural interest. As such, it is not considered to make a positive contribution to the character or appearance of Ripon Conservation Area at present. The demolition of the swimming pool hall and the resultant revealing of the rear of the historic Spa Baths building, together with the creation of a new courtyard framed by the retained buildings and a new apartment building of a sympathetic scale and materials, set further from the Spa Baths building, would better reveal the significance of the Spa Baths building and reinstate visual connections between it and the adjacent Spa Gardens, such that it would enhance the appearance of this part of the conservation area, including in views from the Spa Gardens.
- 10.64. As identified above, it is considered that the glazed extension to the rear of the Spa Baths building and the glazed roof lantern to the water tower would cause less than substantial harm to the listed building, Ripon Spa Baths. It is considered that those works would also cause less than substantial harm to the character and appearance of the conservation area. However, for the reasons given, it is considered that the development as a whole would enhance the character and appearance of the conservation overall and thus accord with the requirements of Section 72 of the Listed Building and Conservation Area Act 1990. It is also considered that the less than substantial harm identified with regard to those proposed extensions/alterations would be outweighed by the public benefits of the scheme as set out above.

*Heritage Balance and Conclusion regarding the effects on heritage assets*

- 10.65. The proposed development would result in less than substantial harm to the Grade II listed building, Ripon Spa Baths and to the character and appearance of the Ripon Conservation Area. However, for the reasons given, the proposed development would provide public benefits which, it is considered, would outweigh the less than substantial harm to the designated heritage asset in this instance.

10.66. Therefore, and subject to the recommended conditions, it is concluded that the proposed development would not conflict with the requirements of Local Plan Policies HP2 and HP3, which seek to protect heritage assets and local distinctiveness, and state that harm to elements which contribute to the significance of a designated heritage asset will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. It is also considered that the proposals would not conflict with the aims and requirements of Ripon Neighbourhood Plan Policy C.1 insofar as it relates to the enhancement of city centre quarters or Policy A.3 which seeks to protect the city's skyline. The proposals would also not conflict with the guidance in the NPPF with regard to heritage assets.

#### Trees and landscaping

10.67. As set out above, it is considered that the removal of some trees and planting area within the Spa Gardens would be acceptable as part of a wider scheme that would open up views of the rear of the Spa Baths and reinstate visual and physical connections between the Spa Baths and the Spa Gardens.

10.68. Ripon Civic Society's comments regarding the detail of the proposed planting scheme are noted. However, it is considered that the submitted drawings are sufficiently clear regarding the locations where existing planting would be retained and new planting is proposed, and it is considered that sufficient detail has been provided to provide certainty that the proposals would be acceptable, and that the specific details of the proposed planting can be dealt with via condition.

10.69. It is therefore considered that the proposed development would be acceptable with regard to trees and landscaping, subject to appropriate conditions, and would not conflict with Local Plan Policy NE7 in that regard.

#### Residential amenity

10.70. On the basis of the submitted plans, the proposed apartments would meet the nationally described space standards in terms of their floor areas, consistent with the requirements of Local Plan Policy HS5. The apartments would not have any dedicated garden space. However, three of the four apartments would have small balconies and, taking into account their location immediately adjacent to an area of public open space in Ripon Spa Gardens, it is considered that the proposals are acceptable with regard to future occupants' ability to access outdoor open space.

10.71. The Environmental Health Officer (EHO) has recommended a condition requiring a noise report to ensure that any necessary measures are incorporated to ensure that appropriate sound levels are achieved within the apartments and their balcony areas. A condition is therefore recommended to that effect, to ensure that satisfactory levels of amenity are provided for future occupants of the apartments.

10.72. Given the separation distances between the proposed apartments and any other nearby residential properties, it is considered that they would provide satisfactory levels of amenity for their future occupants with regard to outlook, light and privacy.

- 10.73. The northern and western elevations of the apartment building would adjoin areas of soft landscaping, in the courtyard to the north and the Spa Gardens to the west. The submitted drawings indicate that the existing planting beds/shrubbery planting in the Spa Gardens immediately to the west of the building would be retained, thus providing separation and defensible space between the windows and balconies on the western elevation and the publicly-accessible areas of the park to the west. In the courtyard, the submitted drawing indicates 'barrier planting' in the bed immediately to the north of the apartment building which, it is considered, would also discourage or prevent people from accessing that area, providing defensible space between the public route through the courtyard and the apartments' windows. Subject to a condition requiring a detailed landscaping scheme to be submitted, to ensure that appropriate planting was provided in those areas, it is considered that a satisfactory degree of separation would be provided between the apartments and adjacent public areas to maintain the privacy of the apartments' occupants.
- 10.74. Concerns have been raised regarding the potential effects of the proposed apartment building on the privacy of staff and patients in the adjacent hospital, and that the apartment building would overshadow neighbouring hospital buildings. Although amenity considerations generally relate to residential properties, it is considered reasonable to give consideration to the potential effects of the development with regard to the privacy of hospital patients for example.
- 10.75. The rear elevation of the main, tallest section of the proposed apartment building would be a similar distance away from the rear boundary between the site and the hospital buildings to the south than the existing swimming pool halls' rear elevation is. The apartment building would be slightly wider than the existing swimming pool hall. However, it would be between around 12-13m from the southern boundary, according to the submitted drawings. On that basis, it is considered that part of the apartment building would not appear more dominant than the existing swimming pool hall when viewed from the hospital, and would not have an adverse effect on the outlook from the hospital. As the apartment building would be located to the north of those hospital buildings, it is not considered that it would have adverse implications in terms of overshadowing those neighbouring buildings.
- 10.76. Given the distances of around 12-13m between the windows in the rear elevation of the front part of the apartment building and the boundary with the hospital, with some further separation between the boundary and the hospital buildings beyond it, and as the neighbouring use is a hospital, rather than permanent residential accommodation, it is considered that a sufficient level of separation would be maintained between those rear windows and the neighbouring hospital buildings to adequately protect the privacy of patients of the hospital.
- 10.77. The rear part of the proposed apartment building would project closer to the southern boundary. However, that part of the apartment building would be lower than the main front section and, based on the submitted information, it is understood that the area of the hospital grounds immediately to the rear of that part of the apartment building is a vehicular access/turning area. Therefore, and as no windows are proposed in the rear elevation of the rear section of the apartment building closest to the hospital, it is

considered that part of the building would not have adverse implications for the privacy or amenity of patients or staff of the hospital.

- 10.78. The eastern part of the apartment building would project slightly closer to the hospital buildings to the east than the existing swimming pool hall does. However, it would be two storeys in height, similar to the height of the existing swimming pool hall, and would have no windows in that eastern side elevation. It is considered that part of the apartment building would not have adverse implications for the privacy, light or outlook from that part of the hospital.
- 10.79. For the reasons given, and subject to the conditions recommended, it is considered that the proposed development would provide appropriate levels of amenity for future occupants of the development and would satisfactorily protect the privacy and amenity of hospital patients and staff. It is therefore considered that the proposed development would not conflict with Local Plan Policy HP4 which requires proposals to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. It would also accord with the NPPF which states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

#### Highways

- 10.80. Concerns have been raised by interested parties with regard to the width of the proposed access from Firby Lane. The highways officer has noted that it is proposed to access the new apartment building and the proposed offices via an existing shared access with Ripon Community Hospital and, based on the nature of the development that the access would serve, they have advised that the minimum width for a 'Minor Access Way' to serve such development is 4.5m wide 'and therefore the existing access road is satisfactory'. Subject to the conditions recommended by the highways officer, including with regard to the access road and visibility splays at its junction with Firby Lane, the proposals are considered acceptable in that regard.
- 10.81. Concerns have also been raised regarding additional use of the existing access by vehicles as a result of the proposed development. Although the buildings are currently vacant, and have been for some time, they have an existing lawful use and could be brought back into use as such, and therefore it is reasonable to compare the proposed development against that existing lawful use. Based on the submitted information, the highways officer has advised that the proposed development shows a reduction in trip rates from the previous use, and that this therefore confirms that there would be no intensification as a result of the proposals. On that basis, it is considered that the use of the existing access drive to serve the development would not result in an increase in vehicles using that access, compared with that associated with the lawful use of the existing buildings.
- 10.82. Concerns have been raised by interested parties with regard for the potential for the development to result in vehicles parking on the access road, or bins being left on the access road on collection days.

- 10.83. The highways officer has advised that the amount of parking proposed for the various parts of the proposed development satisfies the highway authority's requirements, including the provision of visitor parking for the proposed apartments, and the provision of a disabled parking bay on the Park Street site frontage which would serve the proposed commercial units. Therefore, as it is considered that sufficient parking would be provided within the site for the proposed development, it is considered that the likelihood of overspill parking taking place on the access road or elsewhere outside the development has been satisfactorily mitigated. A condition requiring the access and parking areas for the development to be laid out prior to first occupation of the development is recommended.
- 10.84. The submitted details show that refuse collections for the offices and the apartments would be via the existing access drive from Firby Lane. The commercial units in the retained Spa Baths building may also have waste collections from that access, although the submitted details also indicate that those units could put waste out on Park Street for collection.
- 10.85. The highways officer has noted that the submitted details confirm the use of a private refuse collection service due to 'no suitable location of bin collection points that satisfy NYC refuse collection services'. It is understood that this relates to access constraints for Council refuse vehicles, including the bridge between the hospital buildings which crosses the site access, and the lack of a suitable area on the access drive where bins could be left for collection by crews if they were to wait on Firby Lane.
- 10.86. A bin store is proposed on the ground floor of the apartment building, which would accommodate bins for the residential units and the commercial units and offices, and the submitted details show a 'holding point for private refuse collection vehicles' to the rear of the proposed apartment building, where it would not obstruct the access road itself. It is therefore considered that satisfactory arrangements have been made for refuse storage and collection which would not rely on bins being left, or refuse vehicles waiting, on the access road itself.
- 10.87. The highways officer has commented that 'a turning area with acceptable swept path analysis has been shown within the site to assist with any larger vehicles required to manoeuvre and exit the site in a forward gear'.
- 10.88. It is understood that the bridge between the hospital buildings, which crosses the proposed site access road, currently has signage on it which indicates that its height is 3.4m. However, the submitted details confirm that the existing bridge 'provides 3.7m clear headroom'.
- 10.89. The highways officer has noted that the applicant's Highways Report advises that discussions have taken place with Building Control and North Yorkshire fire 'confirming that all dwellings are located within acceptable distances...for fire services to attend' and 'the existing hospital pedestrian bridge has been considered as part of this discussions'. The highways officer has advised that 'this is acceptable', although no confirmation of correspondence with Building Control and/or NYC Fire has been

submitted. Based on the submitted information and the highways officer's comments, it is considered that access for fire vehicles has been satisfactorily considered.

- 10.90. Concerns regarding the use of the existing access drive by construction vehicles and the potential implications for the hospital in terms of noise and air quality during the demolition process, are noted.
- 10.91. As suggested by the highways officer, it is recommended that a condition is included as part of any permission, requiring a Construction Management Plan to be submitted for approval before development commences, to ensure that matters including access to the site and parking are carefully considered, taking into account the site constraints and existing use of the access, and satisfactory provision is made to address or minimise potential impacts in that regard.
- 10.92. Amongst other things, the Construction Management Plan would need to include details of the arrangements for the parking of vehicles associated with the construction of the development, the storage of materials, hours of working, and the management of deliveries including, as the highways officer has suggested 'measures to prevent and damages to the Ripon Community Hospital pedestrian bridge'. It is also suggested that the condition requires the Construction Management Plan to include details of discussions with Ripon Community Hospital and measures to ensure that users are safe during the works, including measures to prevent the obstruction of the existing ambulance bay.
- 10.93. In the light of concerns raised by interested parties regarding potential implications for air quality during the demolition/construction process, it is suggested that the Construction Management Plan is also required to include a method statement for the proposed demolition works and measures to control dust during the demolition and construction process.
- 10.94. An interested party has queried whether a pedestrian crossing would be provided on Firby Lane. No requirement for a pedestrian crossing has been identified by the highways officer and, based on the scale of the proposed development and as the submitted information indicates that it would result in a reduction in vehicle trips compared with the existing lawful use, it is considered that such a requirement is not necessary in this instance.
- 10.95. Interested parties have also asked about the possibility of introducing pedestrian footways alongside the site access. The proposed access arrangements do not include such provision, and the highways officer has advised that the proposed access arrangements are acceptable as submitted. The highways officer has advised that the local highway authority would not be adopting the access road, and it would therefore be for the landowner(s) and tenant(s) to liaise regarding any proposals in this regard. This may be a matter that could be pursued separately between the relevant parties. However, in the light of the highways officer's comments, and as they have advised that the access arrangements are acceptable as submitted, it is not considered that any further amendments to the access are necessary to make the development acceptable.



- 10.96. In the light of the above, and for the reasons given, it is considered that the proposed development would be acceptable with regard to highways and access matters, and would not conflict with the NPPF in that regard.

#### Ecology and biodiversity

- 10.97. Ecological information, including bat and bird surveys, have been received as part of the application. The Council's ecologist has noted that the submitted Bat and Bird Survey Report found that historical bat surveys had been carried out and that the buildings offered suitable bat habitat. They also note that the surveys undertaken as part of the current application found a day roost within one of the buildings. On that basis, the ecologist has advised that a European Protected Species Mitigation licence from Natural England is required to permit the works.
- 10.98. The ecologist also notes that the submitted Bat and Bird Survey Report did not note and birds currently nesting within the building, but has advised that the addition of swift boxes to the site can mitigate any that may have used the building since the survey was undertaken. They have also advised that other recommendations in the submitted survey report should be implemented, including the addition of bat boxes, bat bricks and the carrying out of a 'toolbox talk' to construction workers by a suitably qualified ecologist prior to works being carried out.
- 10.99. The ecologist has advised that they have no objection to the proposals, subject to conditions to cover the matters set out above. On that basis, subject to conditions to cover those matters, it is considered that the proposed development would be acceptable with regard to ecology and biodiversity and would not conflict with the requirements of Local Plan Policy NE3 or the NPPF in that regard.

#### Energy and sustainability

- 10.100. The submitted drawings include the proposed provision of solar panels as part of the proposed new apartment building. The agent has advised that the use of air source heat pumps is also to be investigated. The agent has also advised that the new apartment building would also follow a 'fabric first' approach to reducing its energy needs, including reference to insulation in excess of Building Regulations. The building would include large windows, providing benefits in terms of natural light and solar gains, which would assist in reducing the demand for energy as a result of artificial lighting and heating, whilst the deep-set windows and inset balconies would also help to provide shading and assist with natural cooling of the building.
- 10.101. The agent has also advised that mechanical ventilation with heat recovery (MVHR) would be incorporated, 'to provide continuous ventilation combined with a heat exchanger to minimise the heat demands further'.
- 10.102. The other buildings on the site are listed, and it is acknowledged that this may present some constraints in terms of incorporating sustainable construction measures or renewables. However, the agent has identified that there are 'still areas for improvement', including the potential new lighting and heating installations using more efficient technologies to reduce energy demands.

- 10.103. Therefore, taking into account the listed status of some of the buildings on the site, it is considered that appropriate and proportionate measures have been taken to incorporate energy reduction and energy efficiency as part of the scheme where possible, whilst also including renewables as part of the new-build part of the scheme. It is therefore considered that the proposed development would be acceptable and compliant with the requirements of Local Plan Policy CC4 regarding sustainable design and reducing carbon dioxide emissions.
- 10.104. Cycle parking is proposed within the development for the various uses proposed. A condition is recommended requiring the cycle parking to be provided in accordance with the approved details. A condition is also recommended requiring details of proposals for electric vehicle charging points to be provided as part of the development, to encourage the use of sustainable modes of transport.

#### Land stability

- 10.105. Local Plan Policy NE9 states that 'where development is proposed on potentially unstable land the developer will need to demonstrate that appropriate measures can be put in place to ensure that the development can be safely undertaken and that there are no significant risks of instability over the lifetime of the development'.
- 10.106. Policy NE9 goes on to state that 'with specific regard to subsidence due to gypsum dissolution in the Ripon area, significant building development in areas which are suspected as being potentially susceptible to the problem' will be subject to the development control procedures set out in the subsequent section of the Local Plan titled 'Gypsum Related Subsidence in the Ripon Area'.
- 10.107. The application site is within Development Guidance Zone C (Zone C) for the purposes of the 'Gypsum Related Subsidence in the Ripon Area' section of the Local Plan, which relates to 'areas which may be potentially subject to localised subsidence hazard, associated with both existing cavities and with the on-going dissolution of gypsum deposits in areas affected by groundwater moving towards the Ure Valley'.
- 10.108. Within Zone C, the Local Plan states that 'a ground stability report and declaration form signed by a Competent Person will normally be required before planning applications for new buildings, or those related to changes of use involving increased exposure of the public to a known risk of subsidence, can be determined'. It goes on to state that 'where planning permission is given, this may be conditional upon the implementation of approved foundation or other mitigation measures, designed to minimise the impact of any further subsidence activity'.
- 10.109. A Ground Investigation Report has been received as part of the application, which refers to investigation which has been carried out regarding the potential for gypsum dissolution features to be present within the site, and which includes a number of recommendations for the construction of the proposed development.
- 10.110. A signed Ground Stability Declaration Form has also been received, which confirms amongst other things that a detailed site inspection has been carried out and that a

ground investigation has been carried out in support of this application. The signed Ground Stability Declaration Form also confirms that the information available is 'adequate, reasonably to assess the stability of the site', and has responded 'No' to the question 'can ground stability reasonably be foreseen within or adjacent to the site within the design life of the proposed development, allowing for any deterioration of ground conditions caused by the development itself?'

- 10.111. The person who is listed as having 'Approved' the Ground Investigation Report is not at RoGEP 'Advisor' level (as required by the 'competent person' requirements in Policy NE9 of the Local Plan with regard to gypsum dissolution in Ripon). However, details have been provided regarding other schemes in the Ripon area which that person has worked on, demonstrating that they have experience of dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon Area. Furthermore, the Ground Investigation Report has subsequently been signed by a 'Responsible Person' who, based on information submitted with the application, has demonstrated that they are a RoGEP Adviser. That 'Responsible Person' has also signed the submitted Ground Stability Declaration Form.
- 10.112. On the basis that the Ground Investigation Report has been approved by a person with experience of dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon Area and has been signed by a Responsible Person who is at RoGEP Adviser level (who has also signed the Ground Stability Declaration Form), it is considered that the submitted Ground Investigation Report and Ground Stability Declaration Form meet the 'competent person' requirements in Policy NE9 with regard to gypsum dissolution in Ripon.
- 10.113. Therefore, it is considered that sufficient information has been submitted regarding potential ground stability issues, including in relation to gypsum-related dissolution in the Ripon area, and that the proposed development would be acceptable in this regard, subject to a condition requiring the development to be carried out in accordance with the submitted Ground Investigation Report, including the recommendations therein.
- 10.114. The originally-submitted Ground Investigation Report recommended a structural survey of the existing buildings. A Structural Report has been received with the application, and an amended Ground Investigation Report has subsequently been received, which notes the findings of the Structural Report and recommends that the works are carried out in accordance with that report. It is therefore recommended that a condition is also included requiring the development to be carried out in accordance with the submitted Structural Report insofar as it relates to the demolition works and works to convert the existing buildings on the site.
- 10.115. The proposed development is therefore considered acceptable with regard to the requirements of Local Plan Policy NE9, subject to the suggested conditions.

#### Flood risk and drainage

- 10.116. As is referred to in the applicant's Flood Risk Assessment (FRA), the access road to the development from Firby Lane is identified as at risk of surface water flooding.

However, the applicant's FRA confirms that 'all buildings are outside of the flood zone'.

- 10.117. In accordance with the Planning Practice Guidance, and having regard to the identified risk of surface water flooding within part of the site, a sequential test would be required. No sequential test has been received. However, in this case, the residential apartment building which is proposed forms part of a wider overall development, which includes bringing existing, listed buildings back into use. In this instance, it is considered that the residential building proposed is inextricable from that wider scheme, and that it could not therefore be delivered on another site. Therefore, it is not considered necessary to consider other sites for the purposes of a sequential test, and that even though a sequential test has not been provided, refusal on those grounds could not be justified in this case.
- 10.118. Nevertheless, it is still necessary to consider whether the proposed development would be safe for its lifetime without increasing flood risk elsewhere. Although the access drive is shown as being at risk of surface water flooding, the applicant's FRA notes that the access road 'maintains a constant fall, from the Spa Baths boundary, through the Hospital to the public highway, Firby Lane' and that 'the site's topography would ensure that any surface water would run away from the site rather than resulting in any depth of flood water'. Therefore, and as there would be other means of (pedestrian) egress from the site and the apartments via the Spa Gardens to the west, which are not identified as being at risk of surface water flooding, it is considered that safe means of escape would be possible in the event of a flood.
- 10.119. There would not be a significant increase in hard surfacing within the site as part of the proposed development, and new soft landscaping is provided in some areas. Subject to conditions requiring detailed drainage proposals to be submitted for approval, it is considered that the proposed development would be acceptable and would not be likely to increase flood risk elsewhere.
- 10.120. Therefore, it is considered that the proposed development would not conflict with Local Plan Policy CC1 or with the NPPF or the PPG with regard to flood risk and drainage.

#### Contaminated Land

- 10.121. A Desk Study Report and a Ground Investigation Interpretative Report have been submitted as part of the application. The EHO has recommended conditions to cover matters relating to contaminated land. Subject to conditions to cover those matters, in the light of the submitted documents, it is considered that the proposed development would be acceptable in this regard, and would not conflict with the requirements of Local Plan Policy NE9 with regard to contaminated land.

#### Other matters

- 10.122. Comments and queries have been received regarding the ownership of the site access road and responsibility for its maintenance and liability. Matters relating to land ownership are outside the scope of the planning process, and would be private

matters between the developer and any other parties with an interest in and/or access rights across those parts of the site. Matters relating to the construction of the development close to or adjoining adjacent land are also private matters between the developer and any neighbouring landowners.

- 10.123. It has been suggested, in comments received from an interested party, that other uses be considered for the existing buildings. However, the local planning authority must consider the proposals before it, on their own merits and, having done so it is considered that the proposed development is acceptable in this case for the reasons given.
- 10.124. In considering the application, due regard has been had to the public sector equality duty as set out in Section 149 of The Equality Act 2010, and to the need to eliminate discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between persons who share a who share a relevant protected characteristic and persons who do not share it.
- 10.125. The existing ramp to the front of the Spa Baths building would be retained as part of the proposed development, and the access arrangements into the Spa Baths building would remain unchanged compared with the existing access which was part of the former swimming pool use. One of the four proposed apartments would be located at ground floor level. Access to the upper floors of the offices within the boiler house/water tower building would only be possible via steps. However, this building is listed and, by its nature – as a former water tower – is constrained in terms of internal space. Taking into account the historic and listed nature of the existing buildings, it is considered that reasonable steps have been taken to make the buildings accessible as far as possible, and that the proposals are acceptable in that regard.
- 10.126. Also, as set out above, consideration has been given to the effects of the proposed development on the privacy and amenity of patients of the neighbouring hospital and, for the reasons given, the proposals are considered acceptable in those regards.
- 10.127. In the light of the above, and as it is considered that the impacts of the development are acceptable and, where applicable, could be mitigated via conditions, it is considered that the proposal would not contravene Convention Rights contained in the Human Rights Act 1998, including right to private and family life.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. For the reasons given, the proposed development is considered acceptable in principle.
- 11.2. As identified, the proposed development would result in less than substantial harm to the grade II listed building, Ripon Spa Baths and to the Ripon Conservation Area. However, for the reasons given, it is considered that the less than substantial harm arising would be outweighed by the public benefits of the proposed development in this instance. Those benefits include bringing a vacant listed building back into use, enhancements to the setting of the building and the reinstatement of links to the adjacent Spa Gardens, and the provision of new commercial units, offices which

would contribute to the vitality and viability of Ripon city centre and new housing which would contribute to the supply of homes in the area.

- 11.3. The proposed development is considered to be acceptable with regard to other material planning considerations, including residential amenity, highway safety, biodiversity and ecology, flood risk and drainage, ground stability and sustainable construction.
- 11.4. It is therefore concluded that the proposed development would be acceptable for the reasons given, and it is recommended that planning permission is granted, subject to the suggested conditions.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

#### **Condition 1 – Time Limit**

The development hereby permitted shall begin not later than 3 years from the date of this permission.

**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 complete accordance with the following submitted details:

- Site Location Plan drawing number: PL01 Rev A
- Site Plan – As Proposed drawing number: PL06 Rev F
- Site Plan – Tree removal drawing number: PL07 Rev E
- Site Plan – External Works drawing number: PL08 Rev E
- Site Plan – Car Parking drawing number: PL60 Rev G
- Site Plan – Refuse Strategy drawing number: PL62 Rev A
- Demolition/Strip Out Works plan drawing number: PL21 Revision B
- Proposed – Ground Floor Plan drawing number: PL30 Rev D
- Proposed – Roof Plan drawing number: PL32 Rev C
- Proposed – Elevations drawing number: PL35 Rev B
- Proposed – Elevations drawing number PL36 Rev B
- Proposed – Elevations drawing number: PL37 Rev B
- Residential Building – Proposed Plans drawing number: PL40 Rev C
- Residential Building – Proposed Elevations drawing number: PL41 Rev C
- Boiler House – Proposed Floor Plans drawing number: PL51 Rev B
- Boiler House – Proposed Elevations drawing number PL53 Rev B

**Reason:** For the avoidance of doubt and to ensure compliance with the approved drawings.

### **Condition 3 – Unexpected 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 contamination to the future users of the land and neighbouring land are minimised and to fully ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

### **Condition 4 – Restriction on use of land for gardens and growing food**

Any areas of planting and/or soft landscaping within the site shall not be used either as gardens and/or amenity space for the residential apartments or for the growing of food, including fruit and vegetables.

**Reason:** As the levels of contamination in those areas have not been demonstrated to be at levels which are suitable for the growing of food.

### **Condition 5 – Drainage details**

No development shall commence until full details of the proposed arrangements for the disposal of foul water and surface water from the development, including detailed drawings and calculations, and details of the arrangements for the management of the drainage scheme for the lifetime of the development, have been submitted to and approved in writing by the local planning authority.

If discharge of surface water to public sewer is proposed, the information shall include, but not necessarily be limited to:

- Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

- Evidence of existing positive drainage to public sewer and the points of connection; and
- The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

The drainage works for the development shall be carried out and completed in accordance with the details thereby approved prior to any piped discharge of foul or surface water from the development. The drainage works shall thereafter be retained and managed in accordance with the details thereby approved for the lifetime of the development.

**Reason:** To ensure that proper provision is made for the disposal of foul and surface water and to ensure the future maintenance of the drainage systems and in the interests of sustainable drainage.

#### **Condition 6 – Separate foul and surface water drainage**

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed, details of which shall be submitted for approval as part of the previous condition.

**Reason:** In the interests of satisfactory and sustainable drainage.

#### **Condition 7 – Site access alterations**

Development shall not commence until details of the construction of the accesses to the site on Firby Lane and Park Street have been submitted to and approved in writing by the local planning authority. The submitted details shall include the following:

- Provision of tactile crossing improvements across the shared access on Firby Lane;
- Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway;
- Provision to prevent surface water from the site discharging onto the existing or proposed highway;
- The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn onto the existing or proposed public highway;
- Measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development hereby permitted shall be first occupied or brought into use until the accesses to the site on Firby Lane and Park Street have been set out and constructed in accordance with the details thereby approved. The works shall be retained as such thereafter.



**Reason:** To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

#### **Condition 8 – Visibility splays at site access to Firby Lane**

There shall be no access or egress between the site and Firby Lane in association with the development hereby permitted, including by construction traffic, until splays have been provided at the junction between the site access and Firby Lane giving clear visibility of 43 metres measures along both channel lines of the major road from a point measures 2.4 metres down the centre line of the access road. In measuring the splays, the eye height shall be 1.05 metres and the object height shall be 0.6 metres. Those splays, and forward visibility envelopes across the site, shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

**Reason:** In the interests of highway safety.

#### **Condition 9 – Pedestrian visibility splays**

There shall be no access or egress between the site and Firby Lane in association with the development hereby permitted, including by construction traffic, until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

**Reason:** In the interests of highway safety.

#### **Condition 10 – Provision of approved access, turning and parking areas**

No part of the development hereby approved shall be first occupied or brought into use until the access, parking, manoeuvring and turning areas for all aspects of the development, including cycle parking, have been constructed in accordance with the details on Site Plan – Car Parking drawing number PL60 Revision G. Once created, those areas shall be maintained clear of any obstruction and shall be retained for their intended purpose at all times thereafter.

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

#### **Condition 11 – Construction Management Plan**

No works or development, including demolition, site clearance or site preparation, shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include, but shall not necessarily be limited to, arrangement for the following:

- Details of any temporary construction access to the site, including measures for its removal following the completion of construction works;
- A restriction on the use of Firby Lane for access for construction purposes at peak school times (i.e. between 0800-0900 hours and between 1500-1600 hours);
- Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- The parking of contractors', site operatives' and visitors' vehicles, where such parking would not obstruct the Ripon Community Hospital ambulance bay;
- Areas for the storage of plant and materials, where such storage would not obstruct the Ripon Community Hospital ambulance bay;
- Measures to manage the delivery of materials and plant to the site including routing, timing of deliveries, loading and unloading areas, and measures to prevent any damage to the Ripon Community Hospital pedestrian bridge at the entrance to the site from Firby Lane;
- Details of the routes and access to be used by HGV construction traffic and highway condition surveys of these routes;
- Protection of carriageway and footway users at all times during demolition and construction;
- Protection of contractors working adjacent to the highway;
- Details of site working hours;
- Method statement for the proposed demolition works, including details of the method(s) of demolition;
- Measures to control the emission of dust during demolition and construction;
- Details of discussions with Ripon Community Hospital with regard to the Construction Management Plan, and measures to ensure users of the hospital are safe during the construction works, including measures to prevent the obstruction of the existing ambulance bay;
- Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate; and
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

All construction works in association with the development hereby permitted shall be carried out in accordance with the Construction Management Plan thereby approved.

**Reason:** In the interests of public safety and amenity.

### **Condition 12 – Noise report for residential apartments**

No works above ground level shall commence with regard to the construction of the residential apartment building hereby permitted until an Acoustic Report relating to the apartments, carried out by a suitably competent person, has been submitted to and approved in writing by the local planning authority. The Acoustic Report shall:

- Determine the existing noise climate;
- Predict the noise climate on terraces/balconies (daytime), in bedrooms (night time) and other habitable rooms of the development (daytime) from all noise sources;

- Set out details of any attenuation measures necessary to achieve appropriate noise levels within those areas specified in accordance with relevant current guidance, to be specified in the Acoustic Report, (including ventilation strategies).

None of the residential apartments hereby permitted shall be first occupied until all works specified in the report thereby approved have been carried out and completed in accordance with the details thereby approved, and such works shall thereafter be retained.

**Reason:** In the interests of the amenity of future occupants of the residential apartments.

### **Condition 13 – Fixed plant**

The combined noise from any fixed installations which comprise mechanical and electrical plant and equipment shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time (“rating level” and “background sound level” are as defined in BS4142:2014+A1 2019).

**Reason:** In the interests of residential amenity.

### **Condition 14 – External materials**

No works above ground level shall commence in association with the development hereby permitted (including any works to the external walls or roofs of the retained Spa Baths and Boiler House/Water Tower buildings) until details and samples of external walling and roofing materials to be used as part of the development hereby permitted have been submitted to and approved in writing by the local planning authority.

The submitted information shall include:

- Details and samples of all external walling and roofing materials to be used in any repairs to the existing buildings to be retained (including the Spa Baths building and the boiler house/water tower building), and/or in the making good of existing sections of external walls and roofs of those buildings.
- Details and samples of all walling and roofing materials for the new residential apartment building hereby permitted (including details of any measures to reclaim materials from the demolition of the existing swimming pool hall for use as part of the new residential apartment building);
- A sample panel of the brickwork for the new residential apartment building hereby permitted;
- For all buildings: details of the face bond of any brickwork; description of the joints proposed; mortar mix, profile and finish.

All material samples shall be made available on site, and the sample panel of the brickwork shall be constructed on site, for the inspection of the local planning authority, which shall be notified in writing of the materials and sample panel being available to view.

The works shall thereafter be carried out in accordance with the details thereby approved and retained as such thereafter. The brickwork sample panel, and all materials samples, thereby approved shall be retained on site for the duration of the works on site and until all construction work is complete.

**Reason:** In the interests of visual amenity and protecting the listed building and its setting, and the character and appearance of the conservation area.

**Condition 15 – Detailing of new residential apartment building**

No works above ground level shall commence on the construction of the new residential apartment building hereby permitted until details of the following (on drawings to a scale of 1:10 or 1:20) have been submitted to and approved in writing by the local planning authority:

- Rooflights;
- Windows and doors (including details of frame materials and colours, door materials and colours, and details of glazing);
- Treatment of gables and cappings;
- Treatment of verges and eaves;
- Leadwork details (in accordance with LDA good practice);
- The means of ventilating the roof;
- Flues, vents or other pipework piercing the roof (and decorative finish);
- Treatment of entrance points and recess balconies.

The development shall be carried out in complete accordance with the details thereby approved and retained as such thereafter.

**Reason:** In the interests of visual amenity and protecting the listed building and its setting, and the character and appearance of the conservation area.

**Condition 16 – Windows, doors and roof lantern for boiler house/water tower building**

No works shall commence until details of all windows, doors and the glazed roof lantern to the boiler house and water tower building have been submitted to and approved in writing by the local planning authority.

Notwithstanding the submitted details, all new windows and doors to be installed within existing openings in the boiler house and water tower building shall be framed/constructed in timber with a painted finish. Details of the proposed materials for the glazed roof lantern shall be submitted for approval.

The submitted details shall include:

- Joinery details for all windows and doors, including opening mechanism, ironmongery and cross sections of the frame, glass, putty and glazing bars at a scale of 1:5. The section detail shall include where the opening sits within the reveal and the colour of the painted finish;
- Detailed drawings of the glazed roof lantern for the water tower, including cross sections and elevations at a scale of 1:10 and 1:20, and details of the proposed materials and colour for the frames of the glazing.

The works shall thereafter be carried out in accordance with the details thereby approved and shall be retained as such thereafter.

**Reason:** To ensure that the materials and detailing are appropriate, in the interests of preserving the listed building and the character and appearance of the conservation area.

#### **Condition 17 – Ecological protection and mitigation measures**

The development shall be carried out in accordance with the recommendations in the Bat & Bird Survey Report, reference 1826b Revision 01, prepared by Quants Environmental and dated June 2024, including the following measures as recommended therein:

- The installation of bat boxes, bat bricks and swift bricks/boxes as part of the development, which shall all be installed before any part of the development hereby permitted is first occupied or brought into use;
- The provision of a toolbox talk to construction workers prior to the commencement of development, which shall be provided by a suitably qualified ecologist.

**Reason:** In the interests of protecting biodiversity, ecology and protected species.

#### **Condition 18 – European Protected Species Mitigation Licence**

No works shall commence, including demolition, vegetation clearance, or site clearance or preparation, until a European Protected Species Mitigation licence from Natural England has been obtained and confirmation and evidence that the licence has been obtained has been submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of biodiversity and ecology.

#### **Condition 19 – Vegetation removal during bird nesting season**

No vegetation removal shall be undertaken during the bird nesting season (i.e. from March to August inclusive) unless a pre-commencement investigation and survey, carried out by a suitably-qualified ecologist, demonstrate that no actively nesting birds are present or would be disturbed by the works.

**Reason:** To avoid harm to any nesting birds during the course of the works.

#### **Condition 20 – Tree protection method statement**

No development or other works shall commence in association with the development hereby permitted, including site clearance and/or preparation, until a tree protection method statement, including details of measures for the protection of trees within and around the site during construction works, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the method statement thereby approved.

No development or other works shall commence until any tree protection measures recommended in the method statement thereby approved have been installed, and those measures shall be retained in place for the duration of construction works on site.

**Reason:** To ensure the satisfactory protection of trees and hedges during construction, in the interests of biodiversity and amenity.

### **Condition 21 – Landscaping**

No works above ground level shall commence in relation to the development hereby permitted until details of hard and soft landscaping for the development have been submitted to and approved in writing by the local planning authority. The submitted information shall include details of the following:

- Surfacing materials to hard-surfaced areas within the site;
- Materials to be used for any retaining walls and/or planting beds;
- Boundary treatments, including any bollards;
- New tree and shrub planting;
- Planting to soft landscaped areas, including details of species and planting numbers;
- Arrangements for the management and maintenance of soft landscaped areas.

The landscaping of the site shall be carried out in accordance with the details thereby approved.

All hard landscaping works shall be completed in accordance with the details thereby approved before any part of the development hereby permitted is first occupied or brought into use, and retained as such thereafter.

All soft landscaping works shall be completed in accordance with the details thereby approved before the end of the first available planting season following the substantial completion of the development.

**Reason:** In the interests of visual amenity.

### **Condition 22 – Replacements for new planting**

If within a period of five years from the date of the completion of the soft landscaping scheme pursuant to the previous condition any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, it/they shall be replaced by planting of the same species and size as that originally planted in the same location, unless the local planning authority gives its written consent to any variation. This replacement planting shall be undertaken before the end of the first available planting season following the removal, uprooting, destruction or death of the original plant(s).

**Reason:** To ensure that the landscaping becomes established and is maintained and managed, in the interests of visual amenity.

### **Condition 23 – Ground Stability Report**

The development hereby permitted shall be carried out in complete accordance with the conclusions and recommendations in the Interpretative Ground Investigation Report, document number: 156996/R3 Rev. 2, produced by Fairhurst, signed and dated 18/07/2024 and received by the local planning authority 18 July 2024, with regard to land stability and gypsum dissolution.

**Reason:** To ensure that the development incorporates appropriate measures and precautions to ensure that it is safe with regard to ground stability, having regard to the risk of gypsum dissolution in the area.

### **Condition 24 – Unanticipated gypsum dissolution features**

In the event that evidence of potential gypsum dissolution features is identified or noted during the course of the demolition and construction works which have not previously been identified by the developer in the investigation carried out prior to the grant of this planning permission, works in the affected area(s) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. No works in the affected area shall recommence until either: (a) a further Ground Investigation Report with regard to gypsum dissolution, including details of further investigation and any further mitigation measures identified as necessary, has been submitted to and approved in writing by the local planning authority; or (b) the local planning authority has confirmed in writing that no further investigation is required.

Thereafter, any further mitigation measures identified as necessary shall be incorporated as part of the development in accordance with the further details thereby approved.

**Reason:** To ensure that any unanticipated evidence or discovery of gypsum dissolution is appropriately assessed and investigated, and appropriate mitigation measures are incorporated as necessary, to ensure ground stability as part of the development.

### **Condition 25 – Structural Report**

The development hereby permitted shall be carried out in accordance with the conclusions and recommendations in the Structural Inspection report, document reference: 23072902-001 Rev B, prepared by Hutchinson Whitlam Associates and dated 12/07/24 (received by the local planning authority 12 July 2024) with regard to the demolition of the existing swimming pool hall building and the works proposed to the existing, retained buildings on the site, and within the site as part of the development.

**Reason:** To ensure that the works are carried out in an appropriate way, to protect the stability of the existing buildings and the proposed development.

### **Condition 26 – Method statement for demolition**

No development shall commence, include demolition, until a method statement for the demolition of the swimming pool hall building has been submitted to and approved in writing by the local planning authority. The method statement shall include details of the sequence of demolition works, methods of demolition, and measures to protect the retained buildings on the site and to protect adjacent land during the course of the demolition works.

**Reason:** To ensure that the methods of demolition are appropriate, and that suitable measures are implemented to protect the retained buildings during the course of the works, in order to protect the listed building.

### **Condition 27 – Electric Vehicle Charging Points**

No works above ground level shall commence until details of a scheme for the provision of electric vehicle charging facilities for the proposed development has been submitted to and approved in writing by the local planning authority. No part of the development shall be first occupied or brought into use until the electric vehicle charging facilities have been installed in accordance with the details thereby

approved and are operational. Electric vehicle charging facilities shall thereafter be retained.

**Reason:** In the interests of air quality and to encourage sustainable transport use.

**Recommended informatives**

1. If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site. Regard should be had to the current YALPAG document Verification of Cover Systems.
2. With regard to the conditions above relating to the provision of visibility splays, an explanation of the terms used is available from the local highway authority.
3. It is advised that, to ensure that the occupants of the residential apartments hereby permitted are not adversely affected by noise from adjoining residential uses below, above or adjacent to them, the apartments should be insulated against the transmission of airborne and impact sound at a standard equivalent to that contained in the Building Regulations – Approved Document E (current edition).
4. The developer's attention is drawn to the comments received from Yorkshire Water, dated 4<sup>th</sup> July 2024, with regard to the water supply for the development.

**Target Determination Date:** 06.09.2024

**Case Officer:** Jillian Rann [jillian.rann@northyorks.gov.uk](mailto:jillian.rann@northyorks.gov.uk)



## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Planning Committee

2<sup>ND</sup> SEPTEMBER 2024

**ZC23/03404/LB – LISTED BUILDING CONSENT APPLICATION FOR CONVERSION OF RIPON SPA BATHS AND BOILER TOWER TO FORM TWO COMMERCIAL UNITS AND OFFICES, INCLUDING DEMOLITION OF SWIMMING POOL BUILDING AND REPLACEMENT WITH SINGLE STOREY EXTENSION TO SPA BUILDING, AND INTERNAL AND EXTERNAL ALTERATIONS TO EXISTING BUILDINGS. ERECTION OF NEW BUILDING TO ACCOMMODATE FOUR RESIDENTIAL APARTMENTS. ALTERATIONS TO LANDSCAPING TO LINK NEW COURTYARD TO SPA GARDENS  
AT  
RIPON SPA BATHS, PARK STREET, RIPON, NORTH YORKSHIRE, HG4 2BD  
ON BEHALF OF  
STERNE PROPERTIES**

#### Report of the Assistant Director – Planning

##### **1.0 Purpose of the Report**

- 1.1 To determine an application for listed building consent for conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including demolition of Swimming Pool Building and replacement with single storey extension to Spa Building, and internal and external alterations to existing buildings. Erection of new building to accommodate four residential apartments. Alterations to landscaping to link new courtyard to Spa Gardens on land at Ripon Spa Baths, Park Street, Ripon, North Yorkshire, HG4 2BD.
- 1.2 This application accompanies an application for planning permission for the proposed development (reference: ZC23/03403/FUL), which is presented to Planning Committee under a separate committee item.
- 1.3 The application is referred to the Planning Committee because the application site is owned by the Council.

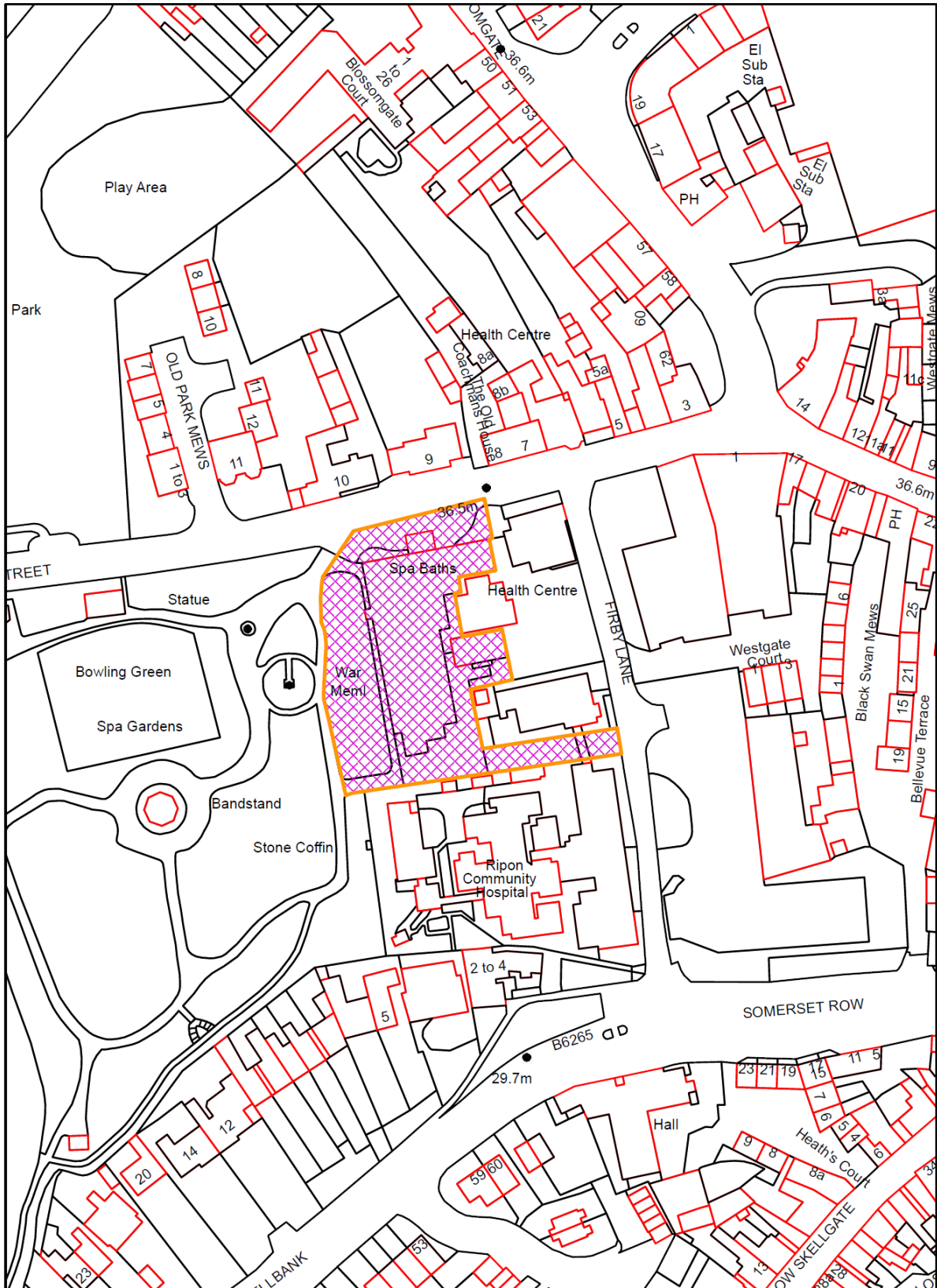
##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That Listed Building Consent be GRANTED subject to the conditions listed below.**

- 2.1. Listed building consent is sought for works to the grade II listed building, Ripon Spa Baths, as part of a proposed scheme which includes the demolition of the existing swimming pool hall at the rear of the main Spa Baths building, the conversion of the remaining part of the Spa Baths building into commercial units, and the conversion of the former boiler house and water tower into offices. The works include internal and external alterations and extensions to the retained buildings.
- 2.2. Planning permission has been sought separately for the proposed development, which also includes the construction of a new residential apartment building and

works within the adjacent Spa Gardens to create an access between the buildings at Ripon Spa Baths and that adjacent area of open space. That application is the subject of a separate report.

- 2.3. The application relates to the grade II listed building, Ripon Spa Baths, which is within Ripon Conservation Area. The Spa Baths building, was built in the early 20<sup>th</sup> century and was extended in the 1930s to include a large swimming pool hall to the rear. It subsequently served as a swimming pool until its closure a few years ago, when the swimming pool was relocated to a new facility elsewhere in Ripon. The building has been vacant since then.
- 2.4. The main issues for consideration in this application for listed building consent are the effects of the proposed works on the listed building, and on the character and appearance of the Conservation Area.
- 2.5. Some aspects of the proposed works would result in less than substantial harm to the listed building, including the demolition of the swimming pool hall building, the glazed rear extension proposed to the rear of the retained part of the Spa Baths building, and the glazed lantern feature which is proposed to be installed to the roof of the former water tower. The proposed rear extension to the Spa Baths and the glazed roof lantern to the water tower would also result in less than substantial harm to the character and appearance of the Conservation Area.
- 2.6. However, the works would be part of a proposed development which would provide a number of public benefits. Those include bringing a vacant listed building back into use to provide new commercial and office space within Ripon city centre, which would contribute to the vitality and viability of the city centre and, as part of the wider scheme, the construction of 4 apartments which would contribute to housing supply in the city.
- 2.7. The public benefits would also include heritage benefits, including the removal of later unsympathetic internal additions from parts of the existing buildings, the opening up and revealing of the historic rear elevation of the Spa Baths building, and the reinstatement of historic visual and physical links between the Spa Baths and the adjacent Spa Gardens.
- 2.8. It is considered that the public benefits that would arise from the development, which the proposed works form part of, would outweigh the less than substantial harm to the listed building and to the conservation area in this case.
- 2.9. It is therefore concluded that the proposed works would be acceptable and it is recommended that listed building consent is granted, subject to the conditions suggested below.



# Location Plan

Scale 1:1,250



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8/20/2024

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Revised plans and additional information have been received during the course of the application. Those details included amendments to some aspects of the site layout and to the design of the proposed apartment building, following feedback from consultees regarding the proposals as originally submitted. Further information and clarification has also been received, including with regard to heritage matters. The application was fully re-publicised in June 2024 following the receipt of the revised and additional plans and information, and relevant consultees were re-consulted.
- 3.3. Further revisions to some of the plans and some documents have subsequently been received. The changes were minor, including some slight changes to the proposed layout within the Spa Gardens to address comments from the Council's Parks team, and clarification on some matters relating to the accompanying planning application. Given the minor nature of those further changes, and as they generally related to technical matters arising from feedback from consultees and the case officer, they were not the subject of further publicity in this instance.
- 3.4. The following planning history is relevant to this site and application:

ZC23/03403/FUL – Conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including demolition of Swimming Pool building and replacement with single storey extension to Spa Building, and alterations to existing buildings. Erection of new building to accommodate four residential apartments. Alterations to landscaping to link new courtyard to Spa Gardens. Pending consideration.

22/02436/LB – Strip out of modern services (toilet, shower, sauna facilities) and repairs to Spa Baths. Listed Building Consent granted 30.05.2022.

08/02080/RG4 – Conversion of Spa Baths and Laundry Tower to form 3 apartments and demolition of swimming pool building and erection of 5 townhouses. Permitted 20.11.2008.

08/02082/SOSLB – Listed building application for the conversion of Spa Baths and Laundry Tower to form 3 apartments and demolition of Swimming Pool building and erection of 5 townhouses. Application not determined, closed 18.10.2011.

- 3.5. Other planning history relating to the site relates to earlier applications for planning permission and/or listed building consent for alterations and extensions to the buildings.

#### **4.0 Site and Surroundings**

- 4.1. The application relates to the site of Ripon Spa Baths, a grade II listed building which is located on Park Street in Ripon Conservation Area.
- 4.2. The main Spa Baths building was built in the early 20<sup>th</sup> century (around 1904-5), and occupies the northern part of the site, facing Park Street, It is constructed in red brick with terracotta mouldings to its frontage, and with a slate roof incorporating glazed roof lanterns.

- 4.3. The Spa Baths building was extended to the rear (south) in the 1930s with a large, red brick pool hall building, as part of the adaptation of the building into a swimming pool facility. Parts of the Spa Baths building are understood to have been reconfigured as part of its adaptation at that time, and further alterations to the building are understood to have been carried out subsequently. It is understood that the swimming pool closed in 2021 and the building has been vacant since then.
- 4.4. The application site also includes a separate boiler house and water tower building, built in red brick, which was associated with the baths and is also understood to have subsequently been extended. The former boiler house and water tower building is considered to be within the curtilage of the listed building, Ripon Spa Baths, and is therefore to be treated as part of the listed building, in accordance with Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.5. The site also includes an area of land, to the west of the existing swimming pool hall building, which is within the adjacent Spa Gardens and which includes existing trees and soft landscaping.
- 4.6. The majority of the site, including the existing buildings, is within the boundaries of Ripon City Centre as defined in the Harrogate District Local Plan 2014-2035 (the Local Plan). The western part of the site, within the Spa Gardens, is just outside the boundary of the City Centre.
- 4.7. The surrounding area is mixed in character and includes residential properties on the opposite side of Park Street to the north of the site and a doctors' surgery on Park Street to the east, with commercial properties on Park Street and beyond further to the east. Parts of Ripon Community Hospital adjoin the site to the south and south east. Amongst the buildings within the adjacent hospital grounds is a grade II listed building which is referred to in the listing description as 'Ripon and District Hospital Main Block'.
- 4.8. To the west, the site adjoins Ripon Spa Gardens, a park which includes a bowling green, a grade II listed bandstand, a café and pathways through trees and landscaped gardens, as well as a grade II listed War Memorial, close to the western edge of the application site. As well as the Bandstand and War Memorial, the adjacent Spa Gardens also contain a grade II listed Statue of the First Marquess of Ripon. The gate piers at the entrance into the Spa Gardens from Park Street, to the west of the Spa Baths building, are also grade II listed.
- 4.9. There is a grade II listed building, Ripon and District Hospital Main Block, within the grounds of the hospital to the south of the site. There are a number of other listed buildings in the vicinity of the site, including several buildings on the northern side of Park Street, opposite the site.

## **5.0 Description of Proposal**

- 5.1. This application seeks listed building consent for the works associated with the conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including the demolition of the existing swimming pool building which is attached to the Ripon Spa Baths building and its replacement with a single storey

extension to the building, and internal and external alterations to the existing listed Spa Baths and Boiler Tower buildings.

- 5.2. The works to the Spa Baths building include the removal of some later internal additions. The submitted drawings confirm that 'all original features such as tiling and stained glass' are 'to be cleaned and retained'.
- 5.3. The works proposed to the Boiler Tower building include the removal and replacement of the floor structure of the ground floor within the single storey boiler house part of the building and the enlargement of the opening in the western elevation of that part of the building to form a glazed screen. Within the former water tower part of the building, the works include the removal of the existing floor structures and staircase and their replacement with new floors and a new staircase. Alterations to the roof are also proposed, to install a glazed roof lantern feature.
- 5.4. This application accompanies application ZC23/03403/FUL, which seeks full planning permission for the change of use of the Ripon Spa Baths and Boiler Tower into commercial units and offices, and the associated development including the demolition of the swimming pool building and alterations to the listed buildings as described above.
- 5.5. Application ZC23/03403/FUL also seeks full planning permission for the erection of a new building of 4 apartments to the south of the existing Ripon Spa Baths building, and for alterations to landscaping around the buildings to link the courtyard that would be created between the buildings to the Spa Gardens to the west. Although those aspects of the development have also been included in the description of the proposed works for this listed building consent application, this application has been considered solely on the basis of those works which require listed building consent.

## **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 2020) (the Local Plan);
  - Ripon Neighbourhood Plan to 2030 (made 10<sup>th</sup> April 2019) (Ripon Neighbourhood Plan); and
  - Minerals and Waste Joint Plan (adopted 2022)

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework December 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Harrogate Heritage Management Guidance Supplementary Planning Document (SPD)
- Ripon Conservation Area Character Appraisal

## 7.0 **Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Ripon City Council:** (Comment received referring to 'the planning application for the Spa Baths in Ripon) Ripon City Council has noted an email advising that a bus stop that Councillors had requested as part of the Spa Baths has been discussed with North Yorkshire Council's Public and Community Transport Officer, who has confirmed that the bus stop is now part of the city wide improvements being considered as part of the Ripon Barracks, and that the bus stop had been removed from drawings. Ripon City Council has resolved that this was an acceptable position.
- 7.3. **Division Member:** No comments received.
- 7.4. **Conservation Officer:** (Original plans) Concerns raised regarding a number of aspects of the proposals, including limited justification for proposed demolition of swimming pool hall building, and concerns regarding some aspects of proposed works to retained part of the Spa Baths building and the Water Tower/Boiler House building, and scale, appearance and detailing of proposed apartment building.

(Comments following receipt of revised/additional plans and information)

Note further information received regarding proposed demolition of swimming pool hall, including reference to its structural condition and the amount of reconstruction that would be required, and heritage benefits suggested in the Heritage Statement.

Proposed works to the Spa Baths building are acceptable in principle. Conditions recommended to cover a schedule of works and method statements for certain specified works.

Further information received regarding proposed extension to rear of Spa Baths building. There is historical precedent for glazed buildings to the rear, and design has been kept simple to provide clear distinction between modern and original fabric. There are positives to the proposed glazed extension and by reopening the rear of the Spa Baths to the Spa Gardens. This is a public benefit which outweighs the harm of a larger scale rear extension.

Additional structure shown to the side of the Spa Baths on plans. Appears to be a fenced area for bins. This is a sensitive location, visible from the front of the Spa Baths and highly visible from within the Spa Gardens. Different location or more sympathetic approach to its design should be considered. Temporary timber structure would not sit comfortably beside decorative elevations of the Spa Baths and the gate piers to the park. *[This element of the proposals has subsequently been deleted].*

Further information received regarding proposed works to water tower/boiler house building. Reference to floors partially cutting through window headers and likely that they were installed following adaptation of the building when 1930s swimming pool was constructed. Proposed works would reposition floors so they don't overlap the windows, which would be a positive impact. Note a glazed roof extension to building has previously been approved, therefore principle has historically been agreed. Proposed windows should be timber framed. Conditions recommended.

Proposed apartment building would be located to rear of site, providing an open area between it and rear of the Spa Baths building. New building shown to be no taller than lantern of the Spa Baths building. Front part to be two storey, rear section set down to reduce bulk and massing. Focus on traditional materials and detailing to ensure new development is complementary with surrounding character and local distinctiveness. Elevation facing Spa Gardens has been improved and simplified and would give development a modern finish. Conditions recommended.

With regard to impact on the Listed Building, the removal of the pool hall will result in harm. The opening up to the rear of the Spa Baths will improve the setting of the Spa Baths. The erection of a new structure within the curtilage of the Ripon Spa Baths will change its setting. Loss of pool hall would result in less than substantial harm, which must be outweighed by public benefit. The scheme would provide heritage benefits, set out in the comments.

The development would be viewed in the context of a number of other nearby listed buildings, including in and around the Spa Gardens, the hospital grounds and on Park Street to the north, and would therefore be considered to be within their setting.

Listed buildings on Park Street would not be impacted as their setting incorporates the frontage of the Spa Baths. Main block of hospital is listed. Its existing setting incorporates modern and historic buildings and addition of a new, modern building which has been scaled to blend in with existing buildings is unlikely to result in harm to that listed building. Works would not directly affect listed buildings within Spa Gardens, but revealing the historic garden area that was lost with the construction of the pool hall would be an enhancement for those historic structures. Special architectural and historic interest of these listed buildings would be preserved and enhanced.

On balance, the development can be accepted in principle.

*“With the exception of the bin store [which has subsequently been deleted from the plans], the development would result in enhancement for the wider area and the design changes have reduced the visual impact and harm upon designated heritage assets of the Spa Baths, its curtilage Listed Buildings and nearby Listed Buildings. The repair works to the Spa Baths will preserve the special architectural and historic interest of the Listed Building. Although the loss of the pool hall building will result in loss of historic fabric and harm to the significance of the designated heritage asset, this has been outweighed by public benefit as required in the NPPF paragraph 208 and Local Plan policy HP2. The removal of the pool hall building would also better reveal the Listed Building and reinstate the historic link to Spa Gardens, therefore preserving the historic interest of the Listed Building required in the Planning (Listed Buildings and Conservation Areas) Act 1990.”*

- 7.5. **Estates:** (Original plans) No objection.
- 7.6. **Historic England:** (Original plans) Not offering advice in this case. This should not be interpreted as comment on the merits of the application. Advise that the views of Council's conservation adviser are as follows:



(Revised plans) Do not wish to offer any comments. Suggest that the views of the Council's specialist conservation adviser are sought.

7.7. **MOD:** (Original plans) No objection.

(Re-consulted following receipt of revised plans. No further comments received regarding Listed Building Consent application, but comments were received in response to re-consultation on accompanying planning application advising no objection).

7.8. **National Amenity Societies:** No comments received.

7.9. **York Georgian Society:** No comments received.

#### Local Representations

7.10. No local representations have been received.

7.11. In response to the originally-submitted plans, Ripon Civic Society advised that they welcomed the scheme 'which proposes to conserve and provide new uses for an important historic building in the city', and commented that 'it is a sensitive approach with historic structures cleansed of later inferior additions (including the 1936 pool) and with new-build done in an unashamedly modern but complementary style and materials'. They advised that they 'accept the need for the residential development as enabling development to make the scheme viable'. Their response states that, whilst supporting the proposals in principle, they have a number of comments, as follows:

- Front internal lobby in the pump room of the main building should be retained
- Confirmation requested that tiled pump fountain and wall tiling to remain.
- Planters proposed on frontage to limit parking are noted but need to be positioned carefully to align with the symmetrical frontage and should be in keeping.
- Remains of painted lettering are visible around the top of the porte cochère – should be reproduced in original wording and font, or opportunity could be taken to rebrand building with new wording also in sae font.
- New extension to main Spa Baths building is acceptable.
- Retention and preservation of stained glass panels within foyer of Spa Baths building is of particular importance.
- Proposed changes to tower/boiler room 'make good use of the structure and are all welcome'.
- Proposed new-build 'fits in well and does not dominate the baths buildings. Recommend some changes to brick banding.
- Tree works generally acceptable in the context of the proposals, but some additional planting would help screen the new build.
- Layout of paths and planters is 'rather complicated, not clear if paths follow desire lines. Ask that landscaping work be remodelled 'to provide a fitting setting for the listed war memorial and the needs of those attending ceremonies there'.

In conclusion, the response confirmed the Civic Society's 'strong support as being the best chance of allowing the site to survive'.

7.12. Ripon Civic Society was re-consulted following the receipt of revised plans, and provided the following comments:

- Continue to strongly support the proposals.
- Most of what was previously asked for has happened, including clarification of retention of internal features and better alignment of frontage planters, now replaced with bollards.
- 'The only disappointment is that there are no details of a planting scheme', may be because part of the site remains in the control of the Council. Consider that the planting needs to be part of the application, and Civic Society want to be consulted on it. 'Really important that some greening is done, or the view from the Spa Gardens could look rather bleak.'
- Previous comments about wording on the frontage not picked up – consider repainting the Spa Baths lettering on the porte-cochère should be avoided – better to take the opportunity to change the wording but keep the font. Suggest 'Ripon Spa' would be a suitable name, especially as the Spa Hotel name has now gone.
- Decision is needed as soon as possible – deterioration of the building.

7.13. In response to the publicity of the originally-submitted plans, a letter of comment was received from NHS Property Services Ltd (NHSPS), which advised that 'NHSPS is supportive of development which makes the best use of land in accordance with the NPPF, provided this does not give rise to any detrimental impacts on the operation of the NHS estate now or in the future', but which commented that 'there are several matters which are currently of concern'. The following concerns are raised:

- 'Long unbroken blank flank elevation' of proposed residential building, near part of Ripon Community Hospital, would create sense of enclosure for staff and patients and limit outlook from the Hospital.
- Unsure how scheme would be constructed and maintained in future, noting proximity to Hospital boundary.
- Existing vehicular access via Firby Lane must be available for Hospital use at all times. Floating walkway above this access connects buildings within the Hospital, and limits headroom availability for vehicles accessing the application site. Walkway is an essential part of the Hospital and must be operational at all times.
- With respect to headroom limit, no details of intended servicing arrangements for proposed residential block – unclear if refuse vehicles would be able to access. NHSPS would object to bins being left along access route – concerns about impact on access by ambulance or medical staff.
- Access to new residential block via access from Firby Lane, during construction or once operational, could significantly impact ability of NHS to bring forward future development which may be needed to meet future clinical needs.
- Query regarding use of previous commercial use as a baseline in transport statement, given how long site has been vacant.
- Applicant needs to clearly evidence that proposals would not impact future operation of Hospital site.
- Request condition requiring a Demolition and Construction Management Plan, which should set out approach to parking during demolition and construction works to prevent overspill onto Hospital car park, and include mitigation measures

to minimise disruption, in particular noise and air quality impacts, including from proposed demolition. Request that NHSPS is consulted in its preparation.

7.14. Following the receipt and publicity of revised plans, a further objection was received which is understood to be from someone representing the NHS and which raises the following concerns:

- Driveway from Firby Lane is leased to NHSPS. Assurances sought that nothing will be allowed to happen to the driveway before lease expires, queries regarding the lease, will developer have option to purchase the driveway to convert to a two-way vehicular road?
- Require confirmation if application is approved that developer and contractors won't block any part of the hospital or ambulance bay.
- Potential implications for paramedics and patients getting in and out of ambulances if it would be up against new road.
- NHSPS have previously requested to purchase the driveway from the Council.
- Potential risks from use of access, including to safe patient access through the Hospital grounds at ground and first floor levels, safe ambulance parking in ambulance bay (which has previously been blocked and/or parked in by contractors), to deliveries to the rear of the hospital, and to safe access and egress for contractors carrying out works or maintenance to the hospital.
- Driveway provides extra parking which is required as Hospital car park is 'always oversubscribed'.
- Would like assurances from developer/new owner that they won't impede any hospital spaces, won't allow parking on access road and won't store bins on it.
- Unclear where dedicated areas for parking and bins would be.
- Plans show driveway as a two-way vehicular road from Firby Lane to the rear of the proposed development. Concerns that driveway is 'too tight' for a two-way road and concerns about liability for road traffic or pedestrian accidents.
- Request pedestrian pavements are installed either side of proposed new road for safety, but if driveway not wide enough, would this be done without impeding on Hospital freehold areas? Would there be a pedestrian crossing?
- Potential damage to link bridge between buildings – 3.4m high – refuse collection and construction lorries won't fit under it. Who's liable for damage or any harm to people using the bridge if it's knocked while people are in it?
- Applicant's highways report notes driveway is a shared access already and that there have been no accidents for years. Driveway has been leased to NHS since 1930 therefore no-one else has used it and no accidents. Concern greater risk of accidents if it's used as a two-way road serving the development.
- Effects on Firby Lane. Staff and patients cross this road to car park. Will a pedestrian crossing be put in?
- Queries regarding ownership and responsibility for new road: who will maintain it; who should accidents, damaged etc be reported to; will it be adopted; what speed limit will be placed on it; who will be liable for any accidents or legal claims?
- NHS won't accept any liabilities resulting from proposed new access road.
- Concerns regarding potential overlooking and overshadowing of hospital wards and departments from proposed residential building.

7.15. The concerns raised by the NHS have also been raised with regard to the accompanying planning application. The concerns raised do not directly relate to

matters which are the subject of this application for listed building consent or the main issues in this case, which relate to the effects on listed buildings and the conservation area. However, the concerns raised are considered and addressed in the separate report for the accompanying planning application.

## **8.0 Main issues**

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

- The effects of the proposed works on the listed building, Ripon Spa Baths, including any features of special architectural or historic interest which it possesses, and effects on its setting;
- The effects on the settings of other listed buildings in the vicinity of the site
- Whether the proposed works would preserve or enhance the character or appearance of the Ripon Conservation Area.

## **9.0 ASSESSMENT**

The effects on the listed building, Ripon Spa Baths (including the Boiler Tower building), including any features of special architectural or historic interest which it possesses, and effects on its setting

- 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 9.3. The application relates to Ripon Spa Baths, a Grade II listed building located within Ripon Conservation Area. The listed building includes the original northern section of the Spa Baths, the attached swimming pool hall that was added in the 1930s, and the former boiler house/water tower building which is considered part of the listed building by virtue of being within the curtilage of Ripon Spa Baths.
- 9.4. There are also a number of other listed buildings in the vicinity, including within the Spa Gardens to the west, within the adjacent hospital site to the south and on Park Street to the north. These include the following (the names of the buildings given below are those used in their official List Entries):

### *Spa Gardens*

- Gate Piers Just to the West of the Spa Baths (Grade II)
- Statue of the First Marquess of Ripon (Grade II)
- War Memorial (Grade II)
- Bandstand (Grade II)

### *Hospital Site*

- Ripon and District Hospital Main Block (Grade II)

*Buildings on northern side of Park Street in the vicinity of the site including:*

- Old Park House (Grade II)
- 10, Park Street (Grade II)
- 9, Park Street (Grade II)
- 7 and 8, Park Street (Grade II)
- 6, Park Street (Grade II)
- 4 and 5, Park Street (Grade II).

- 9.5. As identified by the Conservation Officer, the development would be viewed within the same context as these listed buildings and would be within their setting.

*(a) Special interest and significance of the listed building, Ripon Spa Baths*

- 9.6. The original Ripon Spa Baths building was built around 1904-5. It is constructed of red brick, with ornate moulded terracotta detailing and a decorative porte cochère to its front elevation facing Park Street, and glazed roof lanterns. Based on details submitted by the applicant's, it is understood that the Spa Baths building historically also included glazed rear projections and paths linking the baths to the Spa Gardens to the west. Those projections were removed, and the footpath links built over, when the swimming pool hall was built to the rear of the building in the 1930s.
- 9.7. The Spa Baths building's architectural details, internally and externally, are considered to be key features which contribute to its special interest. The Spa Baths' history as a focus within the city, alongside the Spa Gardens, and as a place for local people to meet, contributes to their historic interest.
- 9.8. The swimming pool hall was built to the rear of the main Spa Baths building in the 1930s. The applicant's Heritage Impact Assessment, and the conservation officer's comments, refer to the pool hall as having a 'utilitarian' appearance. Nevertheless, its appearance reflects its function, accommodating the swimming pool and a mezzanine level, and the pool hall has historic interest as part of the phasing and evolution of the listed building, and as a community facility which is part of the history of the city.
- 9.9. The listed building also includes the former Water Tower/Boiler House building, which is understood to have been built at around the same time as the original Spa Baths. It includes a single storey boiler house building (which the applicant's submissions indicate was later extended), and an attached water tower and chimney. As well as being of architectural interest, with detailing reflecting its age and function, the Water Tower/Boiler House building is also of historic interest as an integral part of the Spa Baths, and contributes to its significance.
- 9.10. The Spa Gardens, to the west of the Spa Baths, is understood to have historically included footpath connections to Spa Baths building. As an historic area of open space within the city which has retained its function and interest as a community facility, and which historically had connections to the Spa Baths, the Spa Gardens contributes to the setting of the listed building, Ripon Spa Baths.

- 9.11. Insofar as it relates to the development which is proposed as part of this application, the significance of the listed building, Ripon Spa Baths, is considered to be drawn from its architectural detailing, internally and externally, and its historic interest as a community facility, first as a Spa Baths and later as a swimming pool for the city of Ripon.

*(b) Proposed demolition of the swimming pool hall*

- 9.12. Although it is noted that the submitted details refer to using brick from the demolished swimming pool hall as part of the construction of the proposed apartment building, the demolition of the swimming pool hall would nonetheless result in the loss of historic fabric from the listed building. It would also remove a building which, despite being somewhat functional in its appearance, is nonetheless a key component of the building's history and the evolution of its use over time. The demolition of the swimming pool hall would erode the legibility of the building's former use as a community facility, and would thus have some impact on the historic interest of the building.
- 9.13. It is therefore considered that this aspect of the proposals would result in harm to the listed building. The harm arising would be less than substantial. As set out in the NPPF, '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'.
- 9.14. A Structural Inspection report has been received as part of the application, which identifies that 'all the brick piers' around the walls of the swimming pool hall building have 'a central, straight vertical crack running the full height of the building'. It advises that the exact reason for this is not clear, but that 'it is believed that' it may be as a result of steel columns within the brick piers corroding, 'leading to lamination and expansion of the steel', and that 'this expansion in an enclosed space, could be sufficient to crack the relatively brittle masonry'. Another possible structural reason is also suggested in the report, although this is referred to as being 'slightly more unlikely.'
- 9.15. The Structural Inspection report concludes that, 'assuming that corroded columns are the problem then the only way to repair them would be to carefully take down the masonry for inspection and possibly replacement', and that even with column replacement, it 'may not be possible to incorporate sufficient lateral robustness without also strengthening/replacing the roof'. It goes on to advise that 'this process would be very slow and would see much of the building being rebuilt as a result'.
- 9.16. On the basis of the Structural Inspection report, it is therefore understood that to investigate and attempt to remedy the issues which have caused the identified cracks in the walls of the building would be likely to require some significant degree of demolition and reconstruction of parts of the building.
- 9.17. The conservation officer has noted the Structural Inspection report, and the applicant's Heritage Impact Assessment, which advises that 'given the identified requirement for significant reconstruction of the swimming pool building and, having

regard to its relatively low architectural interest, it is considered that demolition will provide an opportunity to secure a number of clear public/heritage benefits’.

- 9.18. As set out in the Heritage Impact Assessment, the removal of the swimming pool building would reinstate what was historically an open area to the south of the Spa Baths, and ‘potentially reinstate historic linkages to the Spa Gardens’. This would include visual connections between the Spa Gardens and the Spa Baths, as well as physical connections, with the proposed introduction of pedestrian links between the Spa Baths site and the neighbouring Spa Gardens. Its removal would also expose historic original walling to the southern elevation of the Spa Baths and reinstate its historic plan form, with added glazing to the rear. It is considered that these would represent public benefits to be weighed against the less than substantial harm that would arise as a result of the demolition of the swimming pool hall.
- 9.19. The structural issues and implications identified in the Structural Inspection report, the relatively limited architectural interest of the swimming pool hall building, and the public benefits that would arise from the removal of the swimming pool hall building and the wider redevelopment proposals are matters to be weighed in the overall heritage balance, in accordance with the NPPF. This matter is returned to in the overall heritage balance below.

*(c) Works to the retained part of the Spa Baths building*

- 9.20. The conservation officer has advised that the works proposed to the retained Spa Baths building are acceptable, subject to conditions, including in relation to a schedule of works and method statements for specific elements.
- 9.21. Ripon Civic Society’s comments regarding the repainting of the lettering on the porte-cochère are noted. It is suggested that a requirement for details of any such repainting to be submitted for approval is included in one of the conditions, to allow the detailed proposals in this regard to be considered.
- 9.22. In addition to those conditions suggested by the conservation officer, a further condition is recommended requiring details of any external materials to be submitted and approved, including any new walling or roofing materials used for repairs and/or making good of existing areas, and materials for the proposed rear extension.
- 9.23. The proposed glazed extension to the rear of the Spa Baths building would be relatively large in depth relative to the retained part of the Spa Baths building. The conservation officer raised concerns in that regard in response to the proposals as originally submitted. Further information has subsequently been received, including an additional Heritage Impact Assessment, which refers to the historic presence of a ‘glazed orangery and entrance canopy’ to the south of the original Spa Baths building as ‘historical precedent’ for this proposed rear extension. The Heritage Impact Assessment also notes that the extension would be ‘visually contained to the rear of the main building’.
- 9.24. The fully-glazed walls of the proposed rear extension would allow views through to the rear of the retained historic Spa Baths building. The extension’s simple ‘contemporary’ design, with fully glazed walls and a flat sedum roof, would provide a

clear distinction between this modern-day extension and the historic Spa Baths building, whilst acknowledging and making reference to the glazed rear projections which existed historically.

- 9.25. The glazed rear extension would be viewed in the context of the more 'open' nature of the rear courtyard area which would result from the demolition of the large swimming pool hall building. The conservation officer has advised that 'there are positives to the proposed glazed extension and by reopening the rear of the Spa Baths to the Spa Gardens, this is a public benefit which outweighs the harm of a larger rear extension.'
- 9.26. It is considered, in the light of the conservation officer's comments, that the scale of the glazed extension would result in some less than substantial harm to the Spa Baths building. However, having regard to its design, the historic precedent for glazed extensions to the rear of the Spa Baths building and the wider benefits of the scheme in terms of opening up views of the rear of the historic Spa Baths building and re-connecting it to the adjacent Spa Gardens, it is considered that there are public benefits associated with the rear extension in the context of the development as a whole.
- 9.27. The harm arising from this aspect of the proposals and the public benefits, in the context of the scheme as a whole, are considered further as part of the overall heritage balance below.

*(d) Conversion of Water Tower/Boiler House building and associated development*

- 9.28. On the basis of further information received from the applicant during the course of the application, it appears that existing internal floors and the existing staircase within the boiler house and water tower may not have been original features, and may have been installed when the swimming pool hall was constructed in the 1930s. On that basis, and as some of the floors partially cut through window headers for example, it is considered that their removal would not have adverse implications in terms of the loss of historic fabric, and the proposal to reposition the floors such that they would not overlap with the windows would have a positive impact.
- 9.29. The design of the proposed new staircase has been revised following concerns that the originally-proposed spiral staircase would not be sympathetic or appropriate to the character of the building, and the simpler staircase design now proposed is considered acceptable.
- 9.30. Concerns were originally raised by the conservation officer regarding the glazed roof lantern which is proposed. It is noted that a glazed roof extension to the Water Tower/Boiler House building has previously been approved, and that this has previously been considered acceptable in principle.
- 9.31. The glazed roof lantern would project above the existing parapet. However, it would be set back from the sides of the existing parapet and would remain lower than the top of the chimney which projects above the water tower's roof at present. Its glazed walls would also give the lantern a relatively lightweight appearance. Consequently, although it would alter the roof profile of the existing water tower, it is considered that



the glazed lantern would not appear unduly bulky or dominant. It is considered that it would result in less than substantial harm to this part of the listed building, which would need to be weighed against the public benefits, including the provision of light to the upper floor of the proposed offices as part of bringing the currently-vacant listed building back into use. This matter is considered as part of the overall heritage balance below.

- 9.32. The conservation officer has raised some concern regarding the reference to double glazed aluminium frames for the proposed windows. It is understood that this relates to the framing of the glazing for the proposed glazed roof lantern and it is considered that the use of aluminium framing to that modern addition would be acceptable. However, where windows are to be replaced to other existing openings within the boiler house/water tower building, the use of timber frames would be required, consistent with the historic character and fabric of the building. A condition is recommended requiring details of windows and doors, including their materials, to be submitted and approved to ensure that appropriate materials are used in the respective openings and areas of glazing.
- 9.33. For the reasons given, it is considered that the proposed works to the boiler house/water tower building would result in less than substantial harm to the listed building, but would also provide some benefits and enhancements. These matters are considered further in the heritage balance below.

*(e) Conclusion – effects on the listed building, Ripon Spa Baths*

- 9.34. For the reasons given, although the structural issues identified with regard to the swimming pool hall building and the limited architectural interest of that part of the building are noted, the demolition of the existing swimming pool hall would result in less than substantial harm as a result of the loss of historic fabric and historic interest. For the reasons set out above, the glazed rear extension to the Spa Baths building and the glazed roof lantern to the water tower building would also result in less than substantial harm to the listed building. Considerable importance and weight is to be given to that harm and the NPPF requires this harm to be weighed against the public benefits of the proposal.
- 9.35. The proposed works would be part of a development that would provide a new use for the historic, listed Spa Baths building, which has been vacant since the swimming pool in Ripon was relocated to a new building. The works would thus facilitate bringing this listed building back into a sustainable use, providing new commercial and office units within Ripon City Centre. Bringing this listed building back into use, with associated repairs and the retention of historic features, would comprise a public benefit.
- 9.36. The proposed development would also provide a number of specific enhancements and heritage benefits to the listed building and its setting, which would also comprise public benefits weighing in favour of the proposed development (subject to conditions requiring details of specific aspects of materials and detailing to be approved). These include:

- Repair works to the retained Spa Baths building;

- Revealing the historic rear elevation of the Spa Baths building;
- Removing the bulk of the large swimming pool hall building and creating a new courtyard to the rear of the retained Spa Baths building, with a sympathetically designed and proportioned apartment building set further away from the Spa Baths building, thus reinstating the historic plan form of the Spa Baths building and the historic visual and physical connections between the Spa Baths and the adjacent Spa Gardens;
- The replacement of existing floors within the boiler house/water tower building with new floors in a reconfiguration which would not overlap with the windows in the building.

9.37. The works would be part of a development providing new commercial units and offices within Ripon City Centre, which would contribute to the vitality and viability of the city centre. It would also provide four new dwellings, which would make some contribution towards housing supply in the area.

9.38. It is considered that the public benefits of the proposed development as set out above, taken cumulatively, would outweigh the less than substantial harm to the listed building, Ripon Spa Baths, in this instance. It is therefore considered that the proposed works are acceptable and would not conflict with the requirements of Local Plan Policy HP2, Ripon Neighbourhood Plan, the 1990 LBCA Act or the NPPF in that regard.

#### The effects on the settings of other listed buildings in the vicinity of the site

9.39. As set out above, there are numerous other listed buildings in the vicinity of the site, including in the Spa Gardens, in the grounds of the adjacent hospital, and on Park Street to the north. The development would be viewed in the same context of these listed buildings and is therefore considered to be within their setting.

9.40. The conservation officer has advised that the listed buildings on Park Street to the north of the site would not be impacted by the proposed development, as their setting incorporates the frontage of the Spa Baths. The front (northern) part of the Spa Baths building would be retained, and the external changes and extensions to the Spa Baths building, the works to the boiler house/water tower building, and the new apartment building would be located beyond it to the rear. It is therefore considered that the settings of the grade II listed buildings on the northern side of Park Street in the vicinity of the site, as set out above, would be preserved.

9.41. The listed Ripon and District Hospital Main Block is located within the grounds of the hospital to the south/south east of the site. The conservation officer has noted that the setting of this listed building incorporates modern and historic buildings at present, and advised that 'the addition of a new and modern building which has been scaled to blend in with existing buildings, is unlikely to result in harm to this listed building'. It is therefore considered that the proposed development would preserve the setting of the grade II listed building, Ripon and District Hospital Main Block.

9.42. With regard to the listed buildings within the Spa Gardens as set out above, including the moulded terracotta gate piers at the entrance to the Spa Gardens on Park Street, the conservation officer has noted that the proposed works would not directly affect

those structures. The conservation officer has advised that 'revealing the historic garden area that was lost with the construction of the pool hall, will be an enhancement for these historic structures'. On that basis, it is considered that the setting of the grade II listed buildings within the Spa Gardens would be preserved and enhanced by the proposed development.

- 9.43. For the reasons given, it is considered that the proposed development would preserve or enhance the settings of the other listed buildings in the vicinity of the site, as identified above.

Whether the proposed works would preserve or enhance the character or appearance of the Ripon Conservation Area

- 9.44. The area of Ripon Conservation Area in the vicinity of the site includes the Spa Baths and Spa Gardens, the buildings within the adjacent hospital, which include some historic buildings, and historic buildings on Park Street to the north of the site. Insofar as it relates to the works proposed in this application, the significance of this part of the Ripon Conservation Area is drawn from the historic and architectural interest of those generally well-preserved historic buildings within and around the site, and from the historic and visual connections between the Ripon Spa Baths and Ripon Spa Gardens.
- 9.45. The swimming pool hall building is a large structure with a substantial bulk and massing, and is of limited architectural interest. As such, it is not considered to make a positive contribution to the character or appearance of Ripon Conservation Area at present. The proposed demolition of the swimming pool hall and the resultant revealing of the rear of the historic Spa Baths building, together with the creation of a courtyard to the rear of the building, framed by the Spa Baths building, the boiler house/water tower building, and a new apartment building of a sympathetic scale and materials, set further from the rear of the Spa Baths building, would better reveal the significance of the Spa Baths building and would reinstate visual connections between the Spa Baths and the adjacent Spa Gardens, such that it would enhance the appearance of this part of the conservation area, including in views from the Spa Gardens.
- 9.46. As identified above, it is considered that the glazed extension to the rear of the Spa Baths building and the glazed roof lantern to the water tower would cause less than substantial harm to the listed building, Ripon Spa Baths. It is considered that those works would also cause less than substantial harm to the character and appearance of the conservation area. However, for the reasons given, it is considered that the development as a whole would enhance the character and appearance of the conservation overall, and it is also considered that the less than substantial harm identified with regard to those proposed extensions/alterations would be outweighed by the public benefits of the scheme as set out above.
- 9.47. It is therefore concluded that the proposed works would be acceptable within the Ripon Conservation Area, and would not conflict with the requirements of Local Plan Policy HP2, Ripon Neighbourhood Plan, the 1990 LBCA Act or the NPPF in that regard.

### Other matters

- 9.48. All matters raised by interested parties have been considered above insofar as they relate to the works proposed, and matters for consideration, as part of this application for listed building consent. The representations referred to above have also been received as part of the accompanying planning application, and other matters raised are considered as part of that application.
- 9.49. In considering the application, due regard has been had to the public sector equality duty as set out in Section 149 of The Equality Act 2010, and to the need to eliminate discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between persons who share a who share a relevant protected characteristic and persons who do not share it.
- 9.50. The existing ramp to the front of the Spa Baths building would be retained as part of the proposed development, and the access arrangements into the Spa Baths building would remain unchanged compared with the existing access which was part of the former swimming pool use. Access to the upper floors of the offices within the boiler house/water tower building would only be possible via steps. However, this building is listed and, by its nature – as a former water tower – is constrained in terms of internal space. Taking into account the historic and listed nature of the existing buildings, it is considered that reasonable steps have been taken to make the buildings accessible as far as possible, and that the proposals are acceptable in that regard.
- 9.51. In the light of the above, and as it is considered that the impacts of the development are acceptable and, where applicable, could be mitigated via conditions, it is considered that the proposal would not contravene Convention Rights contained in the Human Rights Act 1998, including right to private and family life.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. For the reasons given, it is considered that the public benefits of the proposed works would outweigh the less than substantial harm to the listed building and to the conservation area in this instance. It is therefore concluded that the proposed works would be acceptable, and it is recommended that listed building consent is granted subject to the conditions suggested below.

## **12.0 RECOMMENDATION**

- 12.1 That listed building consent be GRANTED subject to the conditions listed below:

### **Recommended conditions:**

#### **Condition 1 – Time Limit**

The works for which listed building consent is hereby granted shall be begun not later than 3 years from the date of this decision.

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

### **Condition 2 – Approved Plans**

The works for which consent is hereby granted shall be carried out in complete accordance with the following details:

- Site Location Plan drawing number: PL01 Rev A
- Site Plan – As Proposed drawing number: PL06 Rev F
- Site Plan – External Works drawing number: PL08 Rev E
- Demolition/Strip Out Works plan drawing number: PL21 Revision B
- Proposed works to shell units drawing number: PL22 Rev A
- Proposed – Ground Floor Plan drawing number: PL30 Rev D
- Proposed – Roof Plan drawing number: PL32 Rev C
- Proposed – Elevations drawing number: PL35 Rev B
- Proposed – Elevations drawing number PL36 Rev B
- Proposed – Elevations drawing number: PL37 Rev B
- Boiler House – Proposed Floor Plans drawing number: PL51 Rev B
- Boiler House – Proposed Elevations drawing number PL53 Rev B

**Reason:** For the avoidance of doubt and to ensure that the works are carried out in accordance with the approved details.

### **Condition 3 – Recording of existing fabric**

No works shall commence until a written scheme of investigation for a programme of building recording work for all existing buildings has been submitted to and approved in writing by the local planning authority. The written scheme of investigation shall include details of the following:

- Methodology for a Historic England-style Level 3 building record to be carried out prior to any conversion works or stripping out of fixtures and fittings;
- A timetable for the carrying out of all proposed works, including time for the undertaking of building recording in accordance with the submitted strategy;
- A watching brief during the works affecting the historic fabric;
- Monitoring arrangements, including provision for the local planning authority to be notified in writing of the commencement of any building recording works and given the opportunity to monitor such works;
- Provision for the analysis, reporting, publication and/or archiving of the results of the building recording work, including deposition at the North Yorkshire Historic Environment Record, and copies of any reports and archival images to be submitted to the archive repository, and a timetable for doing so;
- A list of all persons involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The works shall thereafter be carried out in accordance with the details and timetables thereby approved.

**Reason:** To record existing fabric in the interests of preserving an historic record of the building, in the interests of historic conservation.

### **Condition 4 – Method Statement for demolition**

No works shall commence, include demolition, until a method statement for the demolition of the swimming pool has been submitted to and approved in

writing by the local planning authority. The method statement shall include details of the sequence of demolition, methods of demolition, and measures to protect the retained buildings on the site (including the remaining part of the Spa Baths building) and to protect adjacent land during the course of the demolition works.

**Reason:** To ensure that the methods of demolition are appropriate, and that suitable measures are implemented to protect the retained buildings during the course of the works, in order to protect the listed building.

#### **Condition 5 – Schedule of works and method statements**

No works shall commence until a full schedule of all proposed works, and method statement for the following specific elements of the works, have been submitted to and approved in writing by the local planning authority:

- Repair of tiled walls
- Sample of replacement tiles
- Repair or replacement of architectural or decorative detailing
- Window repairs
- Roof including slate, leadwork and guttering
- Rooflights/roof lanterns
- Any repainting of the lettering on the porte-cochère to the front (north) elevation of the Spa Baths building.

The works shall be carried out in accordance with the schedule and method statements thereby approved, and shall be retained as such thereafter.

**Reason:** In the interests of preserving the historic fabric and special interest of the listed building.

#### **Condition 6 – External materials**

No works shall commence until details and samples of external walling and roofing materials to be used as part of the works hereby approved have been submitted to and approved in writing by the local planning authority. The submitted information shall include details of all external walling and roofing materials to be used in any repairs to the existing buildings to be retained (including the Spa Baths building and the boiler house/water tower building), and/or in the making good of existing sections of external walls and roofs of those buildings.

The works shall thereafter be carried out in accordance with the details thereby approved and retained as such thereafter. Samples of the materials thereby approved shall be retained on site for the duration of the works on site.

**Reason:** To ensure that the materials are appropriate, in the interests of preserving the listed building.

#### **Condition 7 – Windows, doors and roof lantern for boiler house/water tower building**

No works shall commence until details of all windows, doors and the glazed roof lantern to the boiler house and water tower building have been submitted to and approved in writing by the local planning authority.

Notwithstanding the submitted details, all new windows and doors to be installed within existing openings in the boiler house and water tower building shall be

framed/constructed in timber with a painted finish. Details of the proposed materials for the glazed roof lantern shall be submitted for approval.

The submitted details shall include:

- Joinery details for all windows and doors, including opening mechanism, ironmongery and cross sections of the frame, glass, putty and glazing bars at a scale of 1:5. The section detail shall include where the opening sits within the reveal and the colour of the painted finish;
- Detailed drawings of the glazed roof lantern for the water tower, including cross sections and elevations at a scale of 1:10 and 1:20, and details of the proposed materials and colour for the frames of the glazing.

The works shall thereafter be carried out in accordance with the details thereby approved and shall be retained as such thereafter.

**Reason:** To ensure that the materials and detailing are appropriate, in the interests of preserving the listed building.

**Target Determination Date:** 06.09.2024

**Case Officer:** Jillian Rann, [jillian.rann@northyorks.gov.uk](mailto:jillian.rann@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Planning Committee

2<sup>nd</sup> September 2024

**ZC24/02055/FUL - REPLACEMENT OF GATE POSTS, GATES AND INSTALLATION OF FENCE TO SOUTH ENTRANCE. REMOVAL OF TIMBER FENCING AND REPLACEMENT WITH IRON FENCING TO WEST BOUNDARY. REMOVAL OF BROKEN BENCHES AND BROKEN BENCH SUPPORTS. REMOVAL OF SIX TREES AND INSTALLATION OF TWO CCTV CAMERAS AT TEMPLE GARDENS, RIPON ON BEHALF OF NORTH YORKSHIRE COUNCIL**

#### Report of the Assistant Director – Planning

##### **1.0 Purpose of the Report**

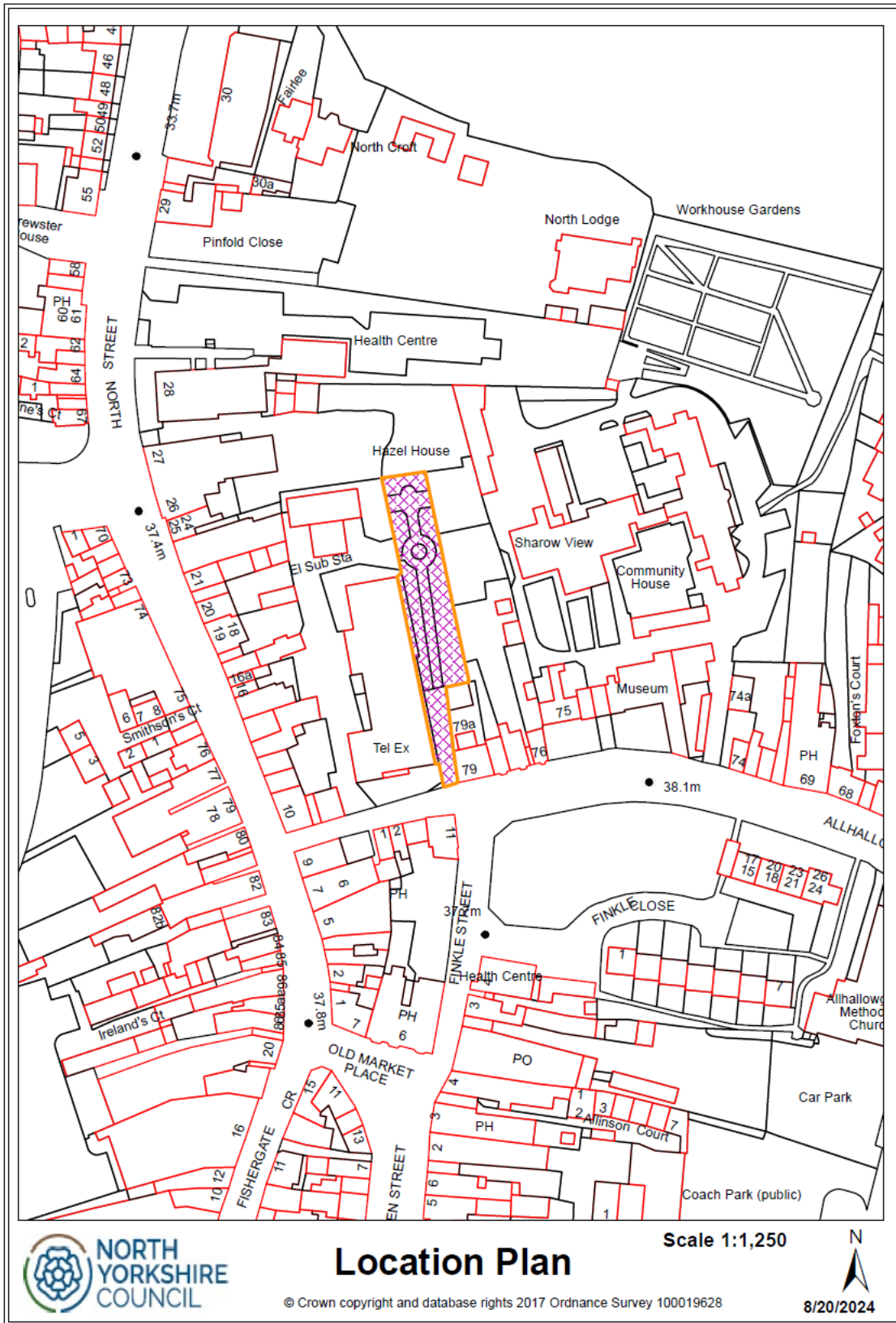
- 1.1 To determine a planning application for the replacement of gate posts, gates and installation of fence to south entrance, removal of timber fencing and replacement with iron fencing to west boundary, removal of broken benches and broken bench supports, removal of six trees and installation of two cctv cameras at Temple Gardens, Ripon on behalf of the Assistant Director – Planning
- 1.2 This application is brought to the Area Planning Committee because the applicant is North Yorkshire Council. It is therefore necessary that the application is considered by Committee.

##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions.**

- 2.1. The proposal seeks full planning consent for the replacement of gate posts, gates and installation of fence to south entrance, removal of timber fencing and replacement with iron fencing to west boundary, removal of broken benches and broken bench supports, removal of six trees and installation of two cctv cameras at Temple Gardens, Ripon.
- 2.2. The site is located within the Ripon Conservation Area. The surrounding area is urban. Temple Gardens provides public amenity space within the centre of Ripon.
- 2.3. The proposal consists of a series of works to open up the views through the gardens and improve security.

- 2.4. The proposed works will improve the amenity of the area. It is considered that the proposed works will comply with Local Plan Policies HP3 and HP4 and policy in the National Planning Policy Framework.
- 2.5. It is considered that the development would not cause harm to the setting of the Conservation Area and that the character and appearance of the Conservation Area will be preserved, and that special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This accords with the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national planning policy at paragraph 212 of the NPPF and Policy HP2 of the Local Plan.
- 2.6. As such the proposal accords with policy in the National Planning Policy Framework and the policies of the Development Plan.



### Location Plan

Scale 1:1,250

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8/20/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are no relevant applications or appeals in the site history.
- 3.3. Amended plans were received on 13<sup>th</sup> August 2024, which added details of the proposed works to the benches.

### **4.0 Site and Surroundings**

- 4.1. The application relates to Temple Gardens, which is located north of Ripon city centre and within the Ripon Conservation Area.
- 4.2. The surrounding area is urban and is characterised by predominantly 18<sup>th</sup> and 19<sup>th</sup> century buildings.
- 4.3. The site once housed a church erected by 'The West Riding Home Missionary Society'. The Church was erected in 1818. Now known as the 'Temple', by 1871 the Congregation had moved to a new church on North Street. The Church is no longer present. In 1986, the graveyard was laid out as a garden.

### **5.0 Description of Proposal**

- 5.1. The proposal seeks full planning consent for the replacement of gate posts, gates and installation of fence to south entrance. Removal of timber fencing and replacement with iron fencing to west boundary. Removal of broken benches and broken bench supports. Removal of six trees and installation of two CCTV cameras.

### **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.
  - Ripon Neighbourhood Plan to 2020 (10<sup>th</sup> April 2019)
  - Minerals and Waste Joint Plan (Adopted 2022)

#### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.

- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

#### Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- Ripon Conservation Character Appraisal (approved 24 June 2009)

## **7.0 Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

### Local Representations

7.2. Two representations have been received from one representor at the time of writing. The representation was made in objection and is summarised as follows:

7.3. Objections:

- Retention of West entrance is unnecessary and undesirable - seems no benefit to this as the entrance is via an unmarked passageway.
- Locking the access is unnecessary as it is public space.
- Removal of trees should not be permitted as they screen the surrounding buildings.
- Proposed benches can be easily vandalised and prone to weather. Hardwood benches are more durable.
- Better use of space - garden could be redesigned by removing the wall, repositioning the gravestones and relaying the path.

7.4. Support

- The objection received notes support for the CCTV cameras.

## **8.0 Environment Impact Assessment (EIA)**

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Design
  - Residential amenity

## **10.0 ASSESSMENT**

### Siting and design

- 10.1. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires Local Planning Authorities to pay special attention in the exercise of planning functions to the desirability of "preserving or enhancing the character or appearance of a Conservation Area".
- 10.2. Conservation Areas are designated heritage assets. Paragraph 205 of the National Planning Policy Framework states that 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. Paragraph 212 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.
- 10.3. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 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. Policy HP2 of the Local Plan requires that proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy. Applicants should ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest.
- 10.5. Policy HP3 of the Local Plan states that development should incorporate high quality design that protects, enhances or reinforces those characteristics,

qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.

- 10.6. Policy F.2 of the Ripon Neighbourhood Plan notes Temple Gardens as Local Green Space which should be protected in a manner consistent with the protection of land within Green Belts. Temple Gardens is also referred to within Policy C.3 of the Local Plan which aims to improve the legibility, permeability and accessibility of Allhallowgate with the Market Place Quarter. The justification for this policy notes that the area east of North Street is 'a poor environment with inadequate distinction between public and private space, surveillance and security issues, and indifferent quality and condition means of enclosure' and that 'Temple Gardens, a disused burial ground maintained by volunteers is the one highlight.'
- 10.7. The site sits within the Ripon Conservation Area. Within the Ripon Conservation Area Character Appraisal it is noted that the site forms a green oasis of open space.
- 10.8. The proposal seeks the replacement of gate posts, gates and installation of fence to south entrance. Removal of timber fencing and replacement with iron fencing to west boundary. Removal of broken benches and broken bench supports. Removal of six trees and installation of two cctv cameras.
- 10.9. The south entrance currently has a black steel gate and posts but no fence either side. The proposal will replace this with a new black steel gate and fence. The proposed gate will measure approximately 2.2 metres in height with the fence measuring approximately 1.9 metres. This is slightly taller than the existing which measures approximately 1.3 metres. The 'Temple Gardens' sign will hang above the gate in the same design as the existing sign.
- 10.10. The west entrance currently consists of timber fencing and iron fencing on top of low level brick work. The proposed works will replace the timber fencing with iron fencing and a gate.
- 10.11. The proposed new fencing and gates are considered to be in keeping with the area due to the existing use of black steel on site.
- 10.12. The broken benches on site will be improved. The metal/base will be retained, and the broken seating/backrests will be replaced with recycled plastic boarding. The plastic board is durable, has low maintenance needs and has a long lifespan. The benches are located towards the north of the site.

- 10.13. Six trees will be removed on site. The council received written notification under section 211 of the Town and Country Planning Act to fell these six Leylandii (application reference ZC24/02009/TCON). The works were considered acceptable by the Arboricultural Officer therefore the works were permitted under the notification.
- 10.14. The proposed works involve the installation of two CCTV cameras. The cameras will be sited, one at the south entrance and one at the north entrance.
- 10.15. It is anticipated that the removal of the overgrowth and implementation of CCTV and gates will improve security and reduce the risks of anti-social behaviour that led to the damage of the previous benches. The proposed works will also improve the visual amenity of the Conservation Area.
- 10.16. Overall, the proposed works would preserve the character and appearance of the Conservation Area. As a result, the proposal is in line with policy founded within the NPPF, Local Plan Policies HP2 and HP3, Policies F.2 and C.3 of the Ripon Neighbourhood Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

#### Residential amenity

- 10.17. Local Plan Policy HP4 ensures that development will not result in significant adverse impacts on the amenity of occupiers and neighbours. This includes overlooking, overshadowing and overbearing, as well as noise, vibration and fumes.
- 10.18. The proposed works are not in the immediate vicinity of any neighbouring dwellings. Anti-social behaviour has been reported on site and the proposed works are considered to address the risks of this issue with the installation of gates and security cameras.
- 10.19. Overall, the proposed works will not harm the amenities of neighbouring dwellings. The proposal is in accordance with Local Plan Policy HP4.

#### **11.0. PLANNING BALANCE AND CONCLUSION**

- 10.20. The design, siting and principal of the proposed works are considered acceptable. They will preserve the character and appearance of the Conservation Area. As a result, the proposal is in line with policy founded within the NPPF, Local Plan Policies HP2 and HP3, Policies F.2 and C.3 of



the Ripon Neighbourhood Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

- 11.1. The proposal will not harm the amenities of neighbouring dwellings. The proposal is in line with Local Plan Policy HP4.
- 11.2. As such the proposal accords with policy in the National Planning Policy Framework and the policies of the Development Plan.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below.

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before three years from the date of this permission.

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 following drawings:

- .Site Plan- As Proposed PL12 Rev A
- .Site Plan- Tree Removal PL11

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

**Target Determination Date:** 6<sup>th</sup> September 2024

**Case Officer:** Emily Brown  
emily.brown@northyorks.gov.uk

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Planning Committee

2<sup>nd</sup> September 2024

**ZC24/00578/DVCMAJ: Variation of Condition Numbers: 2, 8, 23 and deletion of conditions 34 and 36 to allow the consideration of revised plans to reflect the 'as built' development within phase 1 (main mill, mechanics shop and pugmill) and to amend the proposals for phase 2 (warehouse, stables, barn and proposed new build units) of planning permission 17/02093/DVCMAJ for Application to vary condition 2 (approved plans) of planning permission 17/00922/DVCMAJ to allow alteration to approved mix and layout of residential units within principal mill building from 15 dwellings, 11 apartments and a restaurant, to 19 dwellings, 12 apartments and 2 commercial units (A1/A3). Revised site layout to remove the mechanics store (unit 28), introduce a sub-station and bin store, provide additional amenity space and reconfigure car parking arrangement. Alterations to the internal layout of the pugmill and mechanics shop and changes to the external detailing. – Amended Scheme at Glasshouses Mill Glasshouses North Yorkshire HG3 5QH on behalf of Glasshouses 123 Ltd**

#### Report of the Assistant Director - Planning

##### 1.0 Purpose of the Report

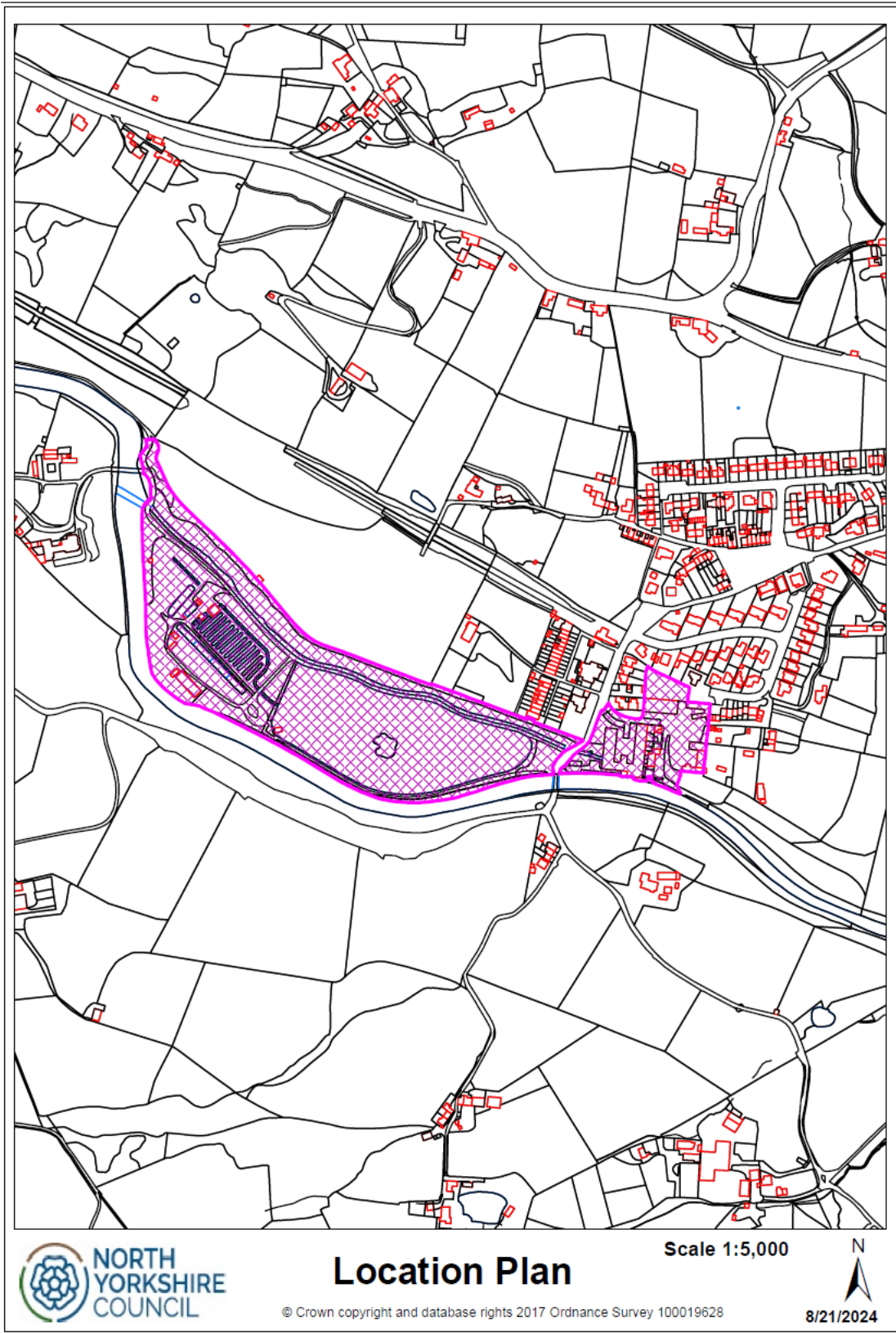
- 1.1. To determine a planning application for Variation of Condition Numbers: 2, 8, 23 and deletion of conditions 34 and 36 of Application 17/02093/DVCMAJ to allow the consideration of revised plans to reflect the 'as built' development within phase 1 (main mill, mechanics shop and pugmill) and to amend the proposals for phase 2 (warehouse, stables, barn and proposed new build units) (Amended Scheme) at Glasshouses Mill.
- 1.2. The application is presented to planning committee due to the local interest in the scheme and the significant material planning issues raised by the development.

##### 2.0 SUMMARY

**RECOMMENDATION:** That planning permission be **GRANTED** subject to conditions listed below and completion of a unilateral agreement with terms as detailed in Table 1.

- 2.1. The site is located at Glasshouses Mill in the Nidderdale National Landscape. The site is located in the settlement of Glasshouses and falls within the development limits for the village identified in the Local Plan. The Mill and associated buildings are Grade II listed. The site is within the Glasshouses Conservation Area and has the benefit of an extant planning consent for the conversion to a mixed land use including primarily residential units with some commercial elements. The consented scheme also includes an element of new build residential development.

- 2.2. The revised scheme increases the quantum of residential development proposed in Phase 2 (increased from 10 units to 18) together with a reduction in the provision of office space (4 office suits removed, although office accommodation is retained within the building known as the barn). Phase 1 accommodation remains as previously considered with amendments to incorporate the 'as built' scheme (external features to the curtilage and grounds).
- 2.3. The proposed alterations have been designed in a sympathetic manner to the character and fabric of the listed buildings.
- 2.4. The impact of the development on the grade II listed buildings within the mill complex and the Glasshouses Conservation Area does not differ significantly from the approved scheme. The level of harm caused is 'less than substantial' and is considered to be outweighed by the public benefits of bringing the site back into use.
- 2.5. With regards to the Glasshouses Conservation Area, it is considered that the proposed development would preserve the character and appearance of the designated area. It would therefore satisfy the statutory duty set out in Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.
- 2.6. In the following sections of the report, the various main issues arising from the new development are discussed and conclude that the scheme is in broad accordance with the development plan, such that approval can be supported.
- 2.7. Given that the triggers contained within the original S106 agreement for the provision of monetary contributions have been partly missed, the scheme represents an opportunity to regularise the situation through a new variation to that agreement to take into account the financial needs of the developer and the outstanding commuted sums required.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here:-](#)
- 3.2. There are a number of relevant planning applications for this application which are detailed below.

07/05275/FULMAJ : Conversion of principal mill building to form 15 dwellings, 11 apartments and restaurant (Use Class A3), including reconstruction of former wheel house, conversion of former mechanics shop, store and pug mill to 4 dwellings, conversion of former jute and hemp warehouse to form 5 dwellings, conversion of barn to form 4 office units (Use Class B1), erection of 4 terraced dwellings and 1 detached dwelling, conversion of stables to form 3 office units (Use Class B1) and demolition of former boys brigade building. (Revised Plans). PERMITTED 23.09.2016.

17/00922/DVCMAJ: Application to vary conditions 2 (drawings) to allow proposed access improvements, 3 (materials) to allow respective phasing of development, 4 (windows) to allow minimum set back distance, 8, 9, 12, 13 & 19 to allow revised wording of highways conditions and variation of conditions 23 (landscaping), 28 (drainage), 30 (ventilation), 33 (stonework), 34 (footbridge), 35 ( Hard Standing) , 36( Mill Chimney) 38 (bin store) and 39 (lighting details) to allow amended wording to allow details submitted prior to each phase and deletion of conditions 10, 11 & 18 (highways conditions) and 32 (stonework) of planning permission 07/05275/FULMAJ-(Conversion and new build to form mix land use comprising apartments, dwellings, restaurant, shop and offices). PERMITTED 14.07.2017.

17/02093/DVCMAJ: Application to vary condition 2 (approved plans) of planning permission 17/00922/DVCMAJ to allow alteration to approved mix and layout of residential units within principal mill building from 15 dwellings, 11 apartments and a restaurant, to 20 dwellings, 9 Apartments and 2 commercial units (A1/A3). Revised site layout to remove the mechanics store (unit 28), introduce a sub-station and bin store, provide additional amenity space and reconfigure car parking arrangement. Alterations to the internal layout of the pug mill and mechanics shop and changes to the external detailing. PERMITTED 06.12.2018.

18/05135/FUL Formation of 2 no. one bedroom flats from proposed Glasshouses Mill unit15. PERMITTED 11.02.2019.

19/01781/LB Listed Building Consent for the conversion of warehouse to create 6 no. dwellings, conversion of stables to form 2 no. dwellings and the erection of 6 no. townhouses with associated external works and parking. PERMITTED 13.09.2022.

19/01806/FUL Conversion of industrial building to form a 2-bedroom dwelling with associated external works. PERMITTED 20.06.2019.

### **4.0 Site and Surroundings**

- 4.1. Glasshouses Mill is a Grade II listed Building that is located within the village of Glasshouses on land to the immediate north of the River Nidd on a site occupying the southern part of the village.

- 4.2. The mill is set on the north side of the River Nidd, with a leat or goit running off a large reservoir upstream, to the mill and under its southern extent, emerging on the east side of the building.
- 4.3. The ground slopes up quite steeply to the north, where the main body of village is located. The complex consists of the main multi-storied Mill building that is arranged around a three-sided courtyard with the enclosed side adjacent to the River. The majority of the main block has three storeys, with a basement floor to the south where the ground falls away towards the river, and two storeys only at the northern end of both the east and west wing.
- 4.4. The main building is constructed of stone under a slate roof and incorporates a central tower block housing a clock with bell tower above.
- 4.5. To the rear of the east wing is a stone built former pug mill. A former mechanics' shop stands to the south and west of the pug mill and is attached to the rear of the east wing. This is a single storey stone-built construction having a slate roof with lantern lights on both sides. At the base on the south side is the top of a wide arch which formerly housed a water wheel. The wheelhouse itself has been demolished and the wheel moved elsewhere.
- 4.6. The remaining site consists of a Warehouse, former Stables, Boys brigade building and a two-storey height barn.
- 4.7. Vehicular access to the site is gained via the existing driveway serving the Mill complex with a public right of way running in an east-west direction through the site.
- 4.8. The site is located within Glasshouses Conservation Area and within the Nidderdale National Landscape.
- 4.9. Planning consent was granted under planning application 07/05275/FULMAJ for the Conversion of the principal mill building to form 15 dwellings, 11 apartments and restaurant (Use Class A3), including reconstruction of former wheel house, conversion of former mechanics shop, store and pugmill to 4 dwellings, conversion of former jute and hemp warehouse to form 5 dwellings, conversion of barn to form 4 office units (Use Class B1), erection of 4 terraced dwellings and 1 detached dwelling, conversion of stables to form 3 office units (Use Class B1) and demolition of former boys brigade building. The scheme was approved subject to a S106 Agreement that permitted phasing of the development.
- 4.10. The enabling consent was the subject of two applications to vary the approved details. The first S73 application (17/00922/DVCMAJ) was approved and sought primarily to provide revised access details and the rewording of a number of conditions to allow for the phased development of the site.
- 4.11. A second S73 application was submitted under 17/02093/DVCMAJ to vary condition 2 (approved plans) of planning permission 17/00922/DVCMAJ to allow alteration to the approved mix and layout of residential units within the principal mill building from 15 dwellings, 11 apartments and a restaurant, to 28 residential units and 2 commercial units (A1/A3). A revised site layout to remove the mechanics store (unit 28), introduce a sub-station and bin store, provide additional amenity space and reconfigure car parking arrangement. Alterations to the internal layout of the pugmill and mechanics shop and changes to the external detailing (retained as a residential conversion providing 3 units).
- 4.12. Phase 1 of the development relates to the Main Mill Building, Mechanics Shop / Store and Pug Mill. Details of phasing of the development have been agreed under case 17/01059/DISCON.
- 4.13. Works to Phase 1 have commenced and have been largely completed with 30 Residential units now occupied. The scheme as a whole was not subject to the requirement to provide affordable housing due to a financial viability assessment.

## 5.0 Description of Proposal

- 5.1. The application submitted seeks to amend Condition Numbers: 2, 8, 23, 34 and 36 of Application 17/02093/DVCMJ to reflect the 'as built' development within phase 1 (main mill, mechanics shop and pugmill) and to amend the proposals for phase 2 (warehouse, stables, barn and proposed new build units).
- 5.2. The conditions the subject of amendment stated:

### Condition 2

The development hereby approved shall be carried out in accordance with the submitted details as amended by condition of consent and the following approved plans:

Phase 1 Approved Plans MAIN MILL, PUG MILL and MECHANICS SHOP:

Site Plan as proposed: Drawing No. 27017 (00)100 Revision G

Main Mil, Lower Ground Floor Plan: 27017(02) 01 Revision C

Main Mill, Ground Floor Plan: 27017(02)02 Revision C

Main Mill First Floor Plan: 27017(02)03 Revision C

Main Mill Second Floor Plan: 27017(02) 04 Revision D

Main Mill Roof Plan: 27017(02)05 Revision E

Main Mill Proposed Elevations: 27017(04)01 Revision J

Main Mill Proposed Elevations: 27017(04)02 Revision H

Mechanics Shop and Pug: 27017(02)10 Revision B

Replacement Window Details: 27017(31) 30 Revision A

Schedule of Repairs to existing windows and Doors: 27017(31)31 Revision A

Schedule of Repairs to existing windows and Doors: 27017(31)32 Revision A

Schedule of Repairs to existing windows and Doors: 27017(31)33

Schedule of Repairs to existing windows and Doors: 27017(31)34

Additional window and door detailing and rooflights received 24 November 2017

Bin Stores and sub Station: 27017(98) 01 Revision B

### OTHER APPROVED PLANS

2731-01-100D As Proposed Site Plan (as amended above) 2731-01-400A As Proposed Old Warehouse Ground Floor Plan

2731-01-401 As Proposed Old Warehouse First and Second Floorplans

2731-01-610A As Proposed Barn Elevations and Section As Proposed

2731-01-410A As Proposed Old Warehouse Elevations

2731-01-500A As Proposed Stable Block Plan

2731-01-510A As Proposed Stable Block Elevations and Sections

2731-01-600A As Proposed Barn Floor Plans

2731-01-700C As Proposed New Build Ground Floor Plan

2731-01-701B As Proposed New Build First Floor Plan

2731-01-710C As Proposed New Build Elevations

Proposed Access improvements Drawing No. 66058-001

### Condition 8

There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Glasshouses. Prior to



the development coming into use the existing access shall be improved by a carriageway build out as shown on drawing number 66058-001. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

#### Condition 23

Notwithstanding the approved details indicated on the site plan (drawing No 27017(00)100 Revision G received by Harrogate Borough Council on 6 November 2017 , for each subsequent phase of development, a detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted for the written approval of the Local Planning Authority within 3 months of the commencement of development. Such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required. Thereafter the development shall be undertaken in accordance with the approved scheme.

#### Condition 34

Details of the footbridge over the discharge of the goit into the river southeast of the main mill building shall be submitted for written approval of the LPA prior to the commencement of works on the footbridge. The details shall include a cross section showing the balustrade, the deck and supporting structure at a scale of not less than 1:10, and plan and elevations showing the extent of the bridge and balustrade protecting the footpath to the east and terrace to the west to a scale of not less than 1:50. The development shall be carried out in accordance with the approved details.

#### Condition 36

Notwithstanding the submitted plans, details of external works in the location of the former mill chimney shall be submitted for written approval of the LPA within 3 months of the commencement of the mill conversion. The submission shall include plans showing the proposals at a scale of not less than 1:20 and sections at a scale of not less than 1:10.

- 5.3. The amendment to the conditions results in 4 distinct elements to the proposal. Firstly, the amendments to regularise the 'as built' phase 1 element of the scheme. The changes mainly relate to the treatment of the site's external areas, where the developer has had to respond to the challenges faced during the construction process.

The changes include:

- The proposed 'sunken' garden area to the south of the mechanics shop has been replaced with a surface level rockery due to a conflict with existing site services
- Surface and boundary treatments along the southern elevation of the mill have been amended along with the layout of cycle parking, preventative access to the goit and cladding to the bin store
- Fence and railing types across the site are shown in accordance with revised drawings (98)08 and (98)07 and differ from previous approval 19/02854/DISCON
- An EV charging point has been installed within space 3 of the courtyard for the mill
- The opening leading onto the highway to the west of unit 3 will is not fitted with a door as per 19/02854/DISCON. Access to the garden areas from this opening is provided via a holding area. The fenced boundaries between individual plots, including the edge protection to unit 3 is as shown on revised drawing (98)07.

- 5.4. Phase 2 will encompass a change to the warehouse building through a revised scheme of conversion. The revised scheme will provide 6 new residential units as opposed to the consented 5 units. The Stable block will be the subject of a revised scheme of conversion to form two residential units as opposed to 4 office units. The new build block will be increased from 6 to 10 units. The barn remains as previously considered, albeit the parking areas around the site will be rationalised to take into account the new layout. The layout itself will require the diversion of an existing public right of way that runs on an east-west axis to the rear of the Stable block and Warehouse building.
- 5.5. The assessment of the above will thus require consideration of the amendments and assessment as to whether the conditions can be amended or deleted.
- 5.6. In addition to the above it will be necessary to enter into a new S106 Agreement to cover the increase in quantum of development and revisit the trigger points for the provision of monetary contributions for which the developer has failed to meet the requirements in phase 1 as built. The retail shop which formed part of the enabling consent was subject to the original S106 agreement and was to be provided following occupation of the 31<sup>st</sup> unit. The Shop remains to be completed and will require new marketing evidence to be provided.
- 5.7. The scheme in its revised form increases the quantum of residential units at the site, with the loss of two office units in the stable block.
- 5.8. Phase 1 remains as previously considered in terms of accommodation with 32 consented units (2 x one bed, 14 x two bed, 15 x three bed and 1 x four bed unit). This phase also includes a shop and commercial premises in the basement area on the riverside frontage. Phase 2 provides a total of 18 new units (14 x two bed and 4 x 3 beds) plus office accommodation in the barn. In total 50 residential units are proposed.

## **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 2020)
- Minerals and Waste Joint Plan (Adopted 2022)

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- Providing net gain for biodiversity SPD
- Provision of open space and village halls SPD
- Glasshouses Conservation Area Character Appraisal

- Heritage Management Guidance SPD
- Affordable Housing SPD

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Pateley Bridge Town Council (PBTC) have no objection to the amendments to the revised design of the new build but objects to the application. PBTC agrees that Phase 1 needs to be completed to the exact specification detailed in previous planning approvals prior to the commencement of phase 2. PBTC objects to the attempt to alter and downgrade the phase 1 planning conditions and specification as part of this phase 2 application. A condition needs to be imposed on the developer requiring the release of the S106 money (or a very significant instalment thereof) to the community prior to commencement of phase 2.
- 7.3. **Arboriculture Officer:** No Objections.
- 7.4. **Yorkshire Water:** No observations are required on the variation or deletion of conditions.
- 7.5. **Environment Agency:** No objection to the variation of Conditions- Noting that the units fall outside of Flood Zone 2 and 3.
- 7.6. **NYC Public Rights of Way:** Condition 34 - accept that a footbridge is no longer required and the condition can be deleted. Generally supportive of the revised route of Public Footpath No. 15.58/42/3 running east-west on the north side of the warehouse. This will require diversion. Object to the use of unsuitable materials on the riverside frontage of path 15.58/35/1 and use of unauthorised steps and minimum 1m width path must be provided, Existing HERAS fencing and spoil must be removed which is obstructing 15.58/42/3. The culvert that has collapsed needs repairing and path 15.58/35/1 reinstated. Comments are awaited upon the revised detailing.
- 7.7. **Historic England:** No advice and should seek the views of in-house specialist advice.
- 7.8. **Local Highway Authority:** Cannot support the scheme as submitted because it fails to provide sufficient parking spaces for the development. Comments are awaited on the revised layout.
- 7.9. **DLAS Commuted Sums:** Revised calculation received.
- 7.10. **Education:** Comments are awaited.
- 7.11. **Local Lead Flood Authority:** No comments have been received.

### Local Representations

- 7.12. 27 representations have been received on the following grounds:

- 7.13. Objections:

Phase 1

The plans are not in accordance with the previously approved scheme.  
 Poor car park conditions, the use of gravel is not appropriate, Inadequate lighting of car park.

Poor finished materials.  
 Fencing not appropriate.  
 Poor quality render.  
 Damp in the building needs addressing.  
 Failure to provide bat boxes.  
 Stone culver requires repair.

Road requires completing.  
 S106 not been adhered to.

Phase 2

Over development of the site through the inclusion of additional dwellings.  
 New build dwellings will have an adverse impact on residential amenity together with an overbearing impact.  
 Insufficient car parking provision has been provided.  
 Scheme is dominated by car parking.  
 Too many two-bedroom units which fails to comply with housing mix.  
 Electric Vehicle charging points should be included.  
 No outdoor /shared amenity space.  
 Commercial use not required.  
 Inadequate parking for commercial uses.

The above represent a summary of the issues received full details can be viewed on the Council's website.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1 The application site is located within a 'sensitive area' (Nidderdale National Landscape- formerly AONB) and as such the development has to be screened, with regard specifically to Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended), to establish whether an Environmental Statement is necessary.
- 8.2 The application has been screened and does not require an Environmental Statement.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Character of the Settlement
- Impact upon Heritage Assets
- Highway Safety
- Amenity
- Planning Conditions
- Biodiversity
- Other Matters
- S106 Agreement

## 10.0 **ASSESSMENT**

### Principle of Development

- 10.1. Harrogate District Local Plan Policy GS1 highlights the need to provide new housing within the District with Policy GS2 identifying how this need will be met with a focus on growth in the district's main settlements and key transport routes. The scale of development will reflect the settlements role as defined within the settlement hierarchy, character and setting, relationship with key public transport, the need to deliver new homes and jobs, the need to maintain or enhance services and facilities in the village and the capacity infrastructure with the settlement and the timeframe for any necessary investment and improvement.
- 10.2. Glasshouses is identified as a Service Village within the Local Plan. Within such villages land will be allocated for new homes to support the continued provision of a basic range of services and facilities. Service villages offer a range of basic services and community facilities and represent sustainable locations for development.
- 10.3. Development limits for villages in the settlement hierarchy are identified under the provisions of policy GS3. Places not identified in the settlement hierarchy are part of the wider countryside where development will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy. Within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan.
- 10.4. The site has the benefit of an extant for the conversion and construction of new dwellings under previous planning consents. The broad principle of development is considered acceptable.
- 10.5. The scheme seeks the consideration of revised plans to regularise variances of the 'as built' element of Phase 1 in comparison to the previously approved schemes and alterations to the Phase 2 detailing of the new build element.
- 10.6. With regards to Phase 1, elements which have been constructed outside the detail of the previously approved scheme are referred to within paragraph 5.3 above.
- 10.7. Phase 2 will incorporate the conversion of the Warehouse and Stable block to form a revised scheme of residential units, increasing the quantum of the new build element from 5 units to 4 townhouses and 6 apartments. In addition, it is proposed to divert an existing public right of way and rationalise the car parking provision to serve the site.

### Character of the Settlement

- 10.8. The general character of the village of Glasshouses is one of a fairly "natural grown" village. However, the notable exception is the planned development in the area around the Glasshouses Mill, which includes the school, Albert Terrace, Firgrove Terrace and Firgrove (formerly Mill Hill). The Mill and attendant buildings are identified within the Glasshouses Conservation Area Appraisal (GCAA) as landmark buildings that dominate the southern approach into the village. Important views of the village are identified looking northwards across the river towards the Mill and in towards the site from the area to the east of the main street.

- 10.9. The scheme considers the external finishes to Phase 1 and the conversion of the remaining ancillary buildings to the Mill (The Warehouse, Old Stables and Barn) as part of Phase 2. The only new element is the new build block for residential purposes. This block runs parallel with the eastern wing of the Main Mill building and opposite the mechanics shop and Pug Mill. It would replace the previously consented new build block that was to be located to the rear of the Barn on an elevated location when viewed from the opposite bank of the river. The revised location which falls within the development limit is considered acceptable and would not compete with the adjacent Mill when viewed from the public right of way system on the opposite bank of the river, presenting a gable elevation to the riverfront rather than the full rear elevation on higher ground. The retention of the historic buildings in situ and new build block scheme would not adversely impact the character of the settlement.

#### Impact Upon Heritage Assets

- 10.10. When considering applications for development in the Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 becomes relevant. It states that for development within a conservation area “special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area”.
- 10.11. The NPPF states that “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.” This is reflected within Local Plan Policy HP2; Heritage Assets which inter alia seeks to ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest; and ensure that proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting.
- 10.12. The site has its own distinctiveness, and this element is an important part of the proposal. Local Plan Policy HP3: Local distinctiveness; seeking to ensure that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the site and area.
- 10.13. The site is located within Glasshouses Conservation Area and the Mill building and complex is Grade II listed.
- 10.14. The Conservation Area Character Appraisal identifies that:
- 10.15. The general character of the village of Glasshouses is one of a fairly “natural grown” village. However, the notable exception is the planned development in the area around the Glasshouses Mill, which includes the school, Albert Terrace, Firgrove Terrace and Firgrove (formerly Mill Hill). The village has an immediate appeal as it conjures up typical images of village life and conveys a sense of community. Informal in detail it nevertheless has a recognisable form as a whole. Generally, the buildings have little studied relationship to each other being arranged in groups rather than continuous enclosure to the street.
- 10.16. This serves to give prominence to the original mill workers terraced housing at the south end of the village and pepper-potted along the main street. The buildings have gaps - often quite substantial - in the form of private gardens and open spaces between. These gaps are important not only to the visual appearance of the village, but also in allowing views into the open countryside beyond. Areas of green open space that punctuate, and provide relief from, the built form, add variety and a diversity of colours and textures, giving the village a very rural character and aiding the transition from the built form to the open countryside

beyond..... The village is surrounded by a green envelope of open fields, which are important in ensuring that the settlement nestles unobtrusively into the valley bottom.

- 10.17. The 'planned' /formal character of the buildings to the south of the village i.e. the mill complex along with the School, Albert and Firgrove Terraces and Fir Grove are identified as a distinct type which differs from the more informal layout of those around the village green.
- 10.18. Phase 1
- 10.19. The alterations primarily relate to the external finishes of that element approved under Phase 1 and differ from the details submitted and approved under the earlier extant consent. Details of the amendments are noted previously in the report.
- 10.20. Prior to the submission of this application, the developer has undertaken an accompanied site visit with the Council's planning enforcement and conservation teams. Here, the majority of the above items were reviewed and agreed as acceptable changes to the approved development. The exceptions were the provision of an EV charging point within the courtyard for the mill and the close-boarded timber fence enclosing the private amenity space of the pugmill. In response, the fence is to be lowered in height to reduce its prominence, which will naturally diminish overtime as the timber weathers / greys. The EV charging point has since been deleted from the scheme. The charging point remains in situ and does not benefit from planning consent and is subject to further enforcement investigation.
- 10.21. Whilst it is noted that the gravelled surface of the car park to the south-west of the Main Mill would not harm the setting of the listed building and is considered an appropriate material, the comments of the footpath officer has been noted. Having regard to these comments it is considered that a condition could be attached, should members be minded to approve the scheme, requiring an element of the gravelled area to be surfaced to ease recreational use of the right of way only.
- 10.22. Phase2
- 10.23. In consideration of phase 2 it is necessary to break down each element into its component part.
- 10.24. The Warehouse
- 10.25. The previously approved scheme was designed to ensure that the principal (south) elevation was not overly domesticated and that it retained its appearance as a warehouse. This was achieved by the setting back the first floor from the south elevation so that it would not impact on the double height windows. The central archway was retained as a communal entrance, with a new glazed screen, leading into an internal courtyard, from which the central three units were accessed.
- 10.26. The proposal was also to remove the modern roller shutter and to reinstate two arched openings at the east end of the south elevation – to reflect the arrangement at the west end. On the north elevation the proposal was to open up the blind openings and to adapt four into doorways to provide access to the rear yard/drive.
- 10.27. The existing footpath extended across the north elevation, between the building and the rear yards.
- 10.28. The revised proposal follows the general principles established in the approved scheme but introduces an additional unit by alterations to the internal layout. In this respect the consented scheme provided for five number 3 -bedroom accommodation and the revised scheme provides for six 2-bedroom units. On the south elevation the new glazed screen to the central archway would be omitted and a smaller courtyard created, to provide access to

the central four units. To either side of the central archway, the first floors of units 43 & 44 would extend up to the south elevation and a band of obscure glazing is proposed to minimise the visual impact of the floor.

- 10.29. The roller shutter at the east end of the south elevation would be removed and the two window openings formed, to reflect the design of the original building as illustrated on the 1852 Perkin and Backhouse drawing (see heritage statement).
- 10.30. As part of the revised proposals, the layout of the parking has been redesigned to reduce its impact on the setting of the listed buildings. On the southern side, the number of spaces would be reduced, and a paved area created into front of the entrance bay.
- 10.31. To the north, the proposal is to re-route the existing footpath through the Site. This will improve the amenity of the proposed residential units and enable private curtilage to be provided immediately adjoining the units.
- 10.32. On the north elevation, seven of the blind window openings will be altered to form doorways and the central window will be removed and two new doorways to units 43 & 44. In addition, a series of conservation rooflights are proposed at high level on the north elevation. The units have been designed to provide a full height space in the centre of the building, reflecting the design of the existing roof trusses and these rooflights will provide natural light into this area.
- 10.33. The increase in the number of units will result in a greater degree of alteration to the north elevation than the approved scheme. On the south elevation, obscure panels will also be introduced to the centre of the windows either side of the central archway. These alterations need to be balanced against the improvements to the external works and parking, the omission of the new glazed screen on the south elevation and the retention of some full height spaces with the omission of the second floor.
- 10.34. The Conservation and design officer has confirmed that there are no objections to the detailed design nor upon the form and fabric of the listed structure. It is considered the proposal accords with the Local Plan Policy HP2.
- 10.35. The Stable Block
- 10.36. The approved scheme is for the conversion of the building to provide 4no. small offices with a new covered walkway to provide access to the welfare facilities. Parking was provided to the south and west of the building. The revised proposal is to convert the building into two residential units. The living room and bathrooms for Unit 40 would occupy the whole of the original part of the stable block, and extend eastwards, with a new door opening into the former open sheds to provide access to the two bedrooms. The central courtyard would be private amenity area for this unit.
- 10.37. The second unit would occupy the remainder of the open sheds to the south and east, with a small extension at the west end of the south elevation (where the substation on the approved scheme was proposed). Access to this unit would be from the south, through a small walled garden created on the site of the former coal depot. A number of new openings are proposed in the south wall. To the courtyard elevations of the former sheds, the modern blockwork columns would be replaced in stone to match the original and oak cladding provided to the infill panels between the columns. The reinstatement of the stone columns would result in some enhancement to the building and replacement of modern doors and cladding will result in an enhancement to the building. The remnants of the stall partitions within the stables block will be retained and exposed to view, preserving some of the historical character of the building.
- 10.38. The retention of the original form and elements of the fabric of the structure is considered to comply with Policy HP2.



## 10.39. New Build

10.40. The approved site plan for planning permission 17/02093/DVCMAJ shows the provision of 5 new build units arranged around a courtyard in the southeast corner of the site. This includes a terrace of four units overlooking the riverside and a single detached house forming the north-west corner of the yard, to the west of the barn. The approved units all provided 3-bedroom accommodation. The proposed scheme will provide four 3 bed terraced houses and six 2-bed apartments.

10.41. The revised proposal is to create a terrace of units, to the west of the Dutch barn, on a north-south alignment. This terrace would face the pug mill and mechanics shop and provide definition to the east side of the access track. The level of car parking at the front of the barn has also been reduced in order to improve the approach to it and whereas there are no new changes proposed to the interior layout of the building or its appearance, the external alterations are considered to make a positive contribution to the spatial qualities of the area overall by reducing the extent of car parking around the core circulation routes, which in terms of layout, the main area of change (from the approved proposal) is in the south-west corner of the site where a terrace of 'new-build' housing is shown opposite the Pug mill and Mechanics Shop.

10.42. The siting of the new build element is considered to be an improvement on the approved layout, where the new build units were arranged in a courtyard to the rear of the barn, were highly visible from the riverside and in general, led to a layout for the sit which was heavily compartmentalised. In contrast, the new build terrace units will follow the orientation of the main mill, the pug mill and the mechanics shop to define the route leading from the centre of the site and down towards the riverside along the reconfigured Public Right of Way.

10.43. The scheme has been amended since the initial submission, through the deletion of a projecting gable and removal of balconies to the riverside frontage. The revised scheme is considered to represent a more industrial rather than domestic appearance in keeping with the site context and local distinctiveness. There is no objection to the design and layout of the new build element. The use of appropriate materials will aid assimilation with the conservation area and listed structure. This can be controlled by condition.

## 10.44. The Barn

10.45. Under the original planning and listed building consent, the existing barn is to be converted into 4 modest office units and this Section 73 application does not propose any changes to building itself. Externally, the arrangement of car parking has been amended to provide a more welcoming entrance to the north, which is threaded through the middle of 2 banks of 4 no. car parking spaces on either side (8 spaces, 2 per office unit).

10.46. Overall having regard to the enabling consent and amended detail sit is considered that the scheme accords with the requirements of Local Plan Policy HP2 and the revised scheme would bring back to use vacant listed buildings within the conservation area, whilst contributing towards the District's housing land supply.

10.47. The impact of the development on the grade II listed buildings within the mill complex and the Glasshouses Conservation Area, does not differ significantly from the approved scheme. The level of harm caused is 'less than substantial' and is considered to be outweighed by the public benefits of bringing the site back into use.

10.48. With regards to the Glasshouses Conservation Area, it is considered that the proposed development would preserve the character and appearance of the designated area. It would therefore satisfy the statutory duty set out in Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.

## 10.49. Impact Upon the National Landscape

- 10.50. 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.
- 10.51. Harrogate District Local Plan Policy GS6 seeks specifically to ensure that the natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (AONB – now National Landscape) are conserved and enhanced. The National Planning Policy Framework identifies that AONB's are afforded the highest level of protection.
- 10.52. The site falls within the development limits for the village and as such the development would be seen in context of the village setting. As identified above the scheme would not adversely impact the character of the village, the identified assets of the Listed buildings or Conservation Area and would through its redevelopment represent an enhancement of this part of the village.
- 10.53. Views into the site will be available from the nearby network of public right of ways. The site is contained by existing development and would not be seen as inappropriate to the locality, The site would be seen as part of the wider Glasshouses Mil complex, clearly relating to the village and having no adverse impact upon the landscape character of special qualities of the AONB.
- 10.54. Policy GS6 recognises that communities within the AONB will have development needs including the need for housing, employment, community facilities and a population sufficient to enable rural facilities and services to remain viable. The proposed development will help meet this need and is thus considered to satisfy the requirements of the Policy.
- 10.55. Public Right of Way
- 10.56. Policy HP5 seeks to protect the route of existing PROW's. Proposals for development that would affect existing public rights of way will be permitted only where it can be demonstrated that:
- A. The routes and the recreational and amenity value of rights of way will be protected, or satisfactory diverted routes that deliver a level of recreational and amenity value at least as good as the routes being replaced are provided; and
  - B. In all cases, opportunities for enhancement through the addition of new links to the existing network and the provision of improved facilities have been fully explored and, where appropriate, all reasonable and viable opportunities have been taken up.
- 10.57. There are two designated Public Rights of Way running through the Glasshouses Mill site. One passes along the riverside and has been inaccessible for a number of years. The other runs along the site's northern boundary and links the main road in the village with estate housing in Harewell Close along the back of the Stables, the Warehouse and a pair of cottages located beyond the site. In addition, there is a signposted route for walkers, which directs them through the centre of the site. It is a commonly used path but not currently a designated PROW.
- 10.58. Through this planning application, the proposal is to restore the PROW along the riverside and redirect the route that runs along the back of the Warehouse so that it passes through the main entrance to the site instead. The suggested alignment of the redirected route is shown on Drawing No. A-00-PL-01 A. It does not reduce the permeability of the site to any significant degree or the recreational value of the route.

There are, however, several advantages to the proposed changes in that they will:

- restore the riverside walkway
- formalise the commonly used path from the site entrance to the riverside
- protect the amenity of new units within the warehouse and existing cottages which lie to the north west of it by re-directing a small section that runs along their rear boundaries
- maintain a connection between the main road in the village (through the site entrance) and housing in Harewell Close

- 10.59. The scheme would not adversely impact the recreational amenity of the PROW system.
- 10.60. The use of a loose surface has been noted on the riverside frontage and the Public Right of Way officer has identified that there would be objection to the use of this material. Details can be controlled through the imposition of a condition to secure a more permanent material in this location. It should however be noted that not all PROWs are hard surfaced and many are indeed just rough tracks. A balanced view is thus required in this instance.
- 10.61. The applicants have amended the detail since original submission and the views of the Public Right of Way officer are awaited.
- 10.62. Highway Safety
- 10.63. The scheme utilises the existing access that historically has served the whole of the Glasshouses Mill site. From a Highway safety aspect this access is considered acceptable. The scheme itself has been revised with an increase in residential units together with a decrease in the amount of commercial space provided. A concern from the outset in consideration of the enabling application has been to strike the correct balance between a site that allows the historic buildings back into viable use without such a scheme becoming dominated by parking provisions thus detracting from the setting of the structures.
- 10.64. The highway authority has noted that the scheme fails to provide parking provisions in accordance with the NYC parking standards and consequently do not support the scheme.
- 10.65. Having regard to the above within Phase 1, there is a slight under provision where the small 2-bed flats are assigned a single space. The developer has argued that this has proved to be sufficient for those units, which are marketed on this basis. The level of provision in Phase 2 is based on the experience of the mill development where some of the smaller 2-bed flats (new build) are also assigned a single space. Phase 1 required a total of 62 spaces with actual provision at 55 spaces. Phase 2 required 36 spaces and 32 are provided. Overall applying NYCC parking standards 98 spaces are required with 87 indicated within the initial submission. There are opportunities within the site to increase parking provision, for example in front of the warehouse and the barn but this would result in potential over-dominance of parking provision.
- 10.66. Since receipt of the highway authority's comments the applicants have following advice from the case officer increased the parking numbers with additional spaces provided to the rear of the barn building within a courtyard created by that building, a single storey structure that is to be retained and the rear of the new build element. An additional 8 parking spaces are to be provided within this area. Whilst this brings the scheme up to an overall provision of 95 spaces, this is still below the recommended standard (an additional 3 spaces would be required),
- 10.67. A balanced view has to be taken on this aspect of the scheme with the benefits that will accrue from redevelopment. This would include securing the long-term viable use of the range of buildings throughout the Glasshouses Mill complex: enabling the regeneration of the site, improving the general environment in this part of the Conservation Area; the provision of 50 new homes on a underused brownfield site, including entry level units; re-

instatement of the riverside walk as a PROW; the provision of commercial opportunities, including a new shop for the village. The reduction in commercial activity through a residential area is also noted. The overall shortfall of 3 spaces is not considered so insufficient to prejudice highway safety in a manner to justify refusal of the scheme.

10.68. Amenity

10.69. The Harrogate and District Local Plan Policy HP4 seeks to ensure that Development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. It is considered that the proposed residential units can be provided on site without detriment to the residential amenity of either existing or proposed residents. The reduction in office space through the conversion of the stable block to residential use will result in a reduction of commercial traffic visiting the site. and through the village itself. Access to the site been via a single width (in places) steep road through the village.

10.70. Planning Conditions

10.71. The scheme is considered to be in broad accordance with the provisions of the development plan and it has been demonstrated that the alterations are acceptable. The reduction in private car parking is noted however this is balanced against the benefits of the scheme and the shortfall is not considered so crucial to justify a reason or refusal on that issue alone.

10.72. Having regard to the S73 application and suggested amendments and deletion to the identified conditions it is considered that each condition can be considered as follows:

10.73. Condition 2

10.74. This condition listed the approved plans considered as part of the enabling consent. The submitted details in their revised form are considered acceptable and should members be minded to approve the application, the plans list can be amended to accommodate the new details.

10.75. Condition 8

10.76. This condition requires the access road to be completed prior to the development coming into use. There is an issue with the current wording as the construction traffic associated with Phase 2 is likely to result in damage to the final surface. On this basis a revised wording can be agreed as it would be premature to implement the approved access prior to completing the construction process due to the high risk of damage and subsequent remedial works. The warehouse conversion works would represent the final phase of development and it is agreed that the wording can be altered to ensure that surface works are completed prior to the occupation of that final phase.

10.77. Condition 23

- 10.78. This condition references the previously approved site plan, which has been amended as part of the current submission. The revised site plan can thus be simply substituted for the original.
- 10.79. Condition 34
- 10.80. This condition required the provision of a footbridge over the discharge of the goit into the river southeast of the main mill building. As recognised by the Footpath officer the layout changes along the southern boundary of the site means that the footbridge is no longer required in order to facilitate a riverside walkway. It is agreed that the condition is no longer applicable, and the condition can be deleted.
- 10.81. Condition 36
- 10.82. This required details of works to the former chimney to be submitted within 3 months of the commencement of development. Works to the chimney area have now been completed and from part of the now mostly finished phase 1 section of the development. As works have been completed, the condition can be deleted.

#### Biodiversity Net Gain

- 10.83. 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.
- 10.84. This scheme is considered to be exempt from this condition due to being a S73 application where the original permission which the S73 application relates to was granted before 12 February 2024.
- 10.85. Local Plan Policy NE3 does, however, require development to protect and enhance features of ecological interest, whilst requiring major development to avoid any net loss of biodiversity. The vast majority of the site is occupied by hardstanding and existing buildings with limited ecological value. The original enabling consent was subject to a condition securing ecological assessment at each phase of development. This condition is repeated as part of the proposal to ensure that there is no net loss at the site and to ensure compliance with Policy.
- 10.86. Other Matters
- 10.87. The increase in quantum of residential units has resulted in a revised calculation for commuted sum provision, which will need to be controlled by a revised s106 agreement.
- 10.88. The scheme will result in the loss of proposed office space in the former stable block. Local Plan policy EC1 seeks to protect existing employment sites only permitting alternative uses if there is no impact upon the quality and quantity of employment land supply. The stable block is not currently capable of economic use and would require speculative conversion to find an end user. Previous marketing activity has not proven successful. The level of employment use offered at the Glasshouses Mill site represents only a very minor proportion of the employment land available across the district as a whole. The commercial

opportunities at Glasshouses could potentially cater for small scale requirements, they are not, however, in an accessible location, offer no real potential for expansion and involve a challenging conversion project where the standard of accommodation would not be at the same level of purpose-built facilities elsewhere. Glasshouses Mill itself is not identified a key employment site in the Local Plan. There is no objection to the loss of the small office space.

- 10.89. Drainage details remains as previously considered and the conditions attached to the enabling consent remain as published. The scheme is supported with a Flood Risk Assessment that has been the subject of consultation with both the Environment Agency and Local Lead Flood Authority (LLFA). It is noted that the new build element extends towards the river on lower ground than the original enabling consent. The southern most unit does, however, remain outside of flood zone 2 and 3 as recognised within the Environment Agencies response and the Finished Floor levels of the new build remain higher than the Flood level for 1 in 100 year (plus 30% climate change) event. The development site remains in Flood Zone 1 at the lowest probability of flooding. New residential development is acceptable in such locations.
- 10.90. Local Plan Policy CC4 requires development to be designed to reduce both the extent and impacts of climate change. The first phase of development was approved prior to the adoption of the local Plan and has now largely been built out. It is however considered that measures could be included in the second phase. Having regard to the sensitive nature of the site and its prominence on the riverbank frontage measures to reduce carbon emissions could be adopted. In this respect a scheme for the provision of electric vehicle charging points for phase 2 has been included as part of the conditional consent.
- 10.91. S106 Legal Agreement
- 10.92. As part of the original enabling consent, monetary contributions were secured for Education, Village Hall and Open space provision to be provided in three instalments at 30% occupancy (10 dwellings) and thereafter at 35% occupancy (21 dwellings) with the final instalment due prior to the occupation of 31 units. The total sums required at that time were as follows:
- Education: Total Contribution £135,960 (consisting of payments at £40,788, £47,586 and £47,586)
- Village Halls: Total Contributions £63,170.47 (consisting of payments at £18,951, £22,109.50 and £22,109.97)
- Open Space: Total contributions £52,175.79 (consisting of payments at £15,527.40, £18,115.30 and £18,116.09)
- 10.93. Phase 1 of the development has been mostly completed and 30 dwellings are now occupied. The first two instalments of the S106 monetary contributions have not been made.
- 10.94. In addition, the S106 agreement required the provision of a village shop prior to the occupation of the 31<sup>st</sup> dwelling on the site. The shop was required to have been wholly subsidised for a period of two years from the date of opening. Your officers are aware that although interest has been expressed in the premises this has not resulted in the operation of the business. The marketing strategy does not make future tenants aware of the S106 requirements and additional marketing of the premises has been requested. Given the current trigger in the existing S106 this will require revision in any new agreement should members be minded to approve the scheme.

- 10.95. The scheme in its revised form results in an increase in quantum of residential units at the site, which has resulted in a corresponding amendment to the monetary requirements in the S106. Acknowledging that the developers failed to meet the triggers on the initial scheme, the proposal represents an opportunity to redress that in a new agreement. In this respect the revised triggers for payment have been agreed (see table below). An additional clause will be required to ensure that works on Phase 2 are advanced through an agreed phasing plan to prevent the developer simply completing Phase 1 without reaching the revised trigger points.
- 10.96. The following Heads of Terms have been agreed with the applicant for this application.

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Education Contribution	£139,359	Whole contribution prior to the occupation of the 33 <sup>rd</sup> dwelling
Open Space	£61,800.04	Prior to the Occupation of the 44 <sup>th</sup> dwelling
Village Hall	£63,170.04	Prior to the Occupation of the 44 <sup>th</sup> dwelling
Village Shop		Remove obligation for shop to be provided and open for trading prior to occupation of 31 <sup>st</sup> dwelling. Include requirement for shop to be advertised for a 12-month period in line with the approved marketing strategy, after which if no interest is forthcoming then alternative uses will be considered as part of any future planning consent

- 10.97. The Heads of Terms arise from the new quantum of development proposed at the site and the requirement to provide new triggers for that element of the scheme in Phase 1 where the developer has failed to comply with the requirements of the earlier S106 agreements.
- 10.98. 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.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposed alterations have been designed in a sympathetic manner to the character and fabric of the listed buildings.
- 11.2. The impact of the development on the grade II listed buildings within the mill complex and the Glasshouses Conservation Area, does not differ significantly from the approved scheme. The level of harm caused is 'less than substantial' and is considered to be outweighed by the public benefits of bringing the site back into use.
- 11.3. The restoration of the existing warehouse and Stable block will retain these heritage assets in situ, thus enabling the historical layout of the mill complex in the northern section of the site to be retained.

- 11.4. The relocation of the new build block is considered to improve the setting of the listed buildings securing the long-term viable use of the range of buildings throughout the Glasshouses Mill complex, this in itself will enable the regeneration of the site, improving the general environment in this part of the Conservation Area. The scheme will provide 50 new homes on an underused brownfield site, including entry level units.
- 11.5. The scheme will include the re-instatement of the riverside walk as a PRoW and the diversion of an existing route which passes the rear of existing residential units thus presenting a benefit in terms of amenity.
- 11.6. The scheme retains the provision of commercial opportunities, both within Phase 1 and Phase 2, including a new shop for the village and retention of office space albeit at a reduced scale than the enabling consent. The site is not identified within the Local Plan as a key employment site under Policy EC1 and the benefits identified above outweigh the small loss of office space within Phase 2 of the development.
- 11.7. The parking provision for the site has been improved with additional spaces provide whilst ensuring that the location of such provision does not adversely affect the setting of the Grade II listed buildings nor become dominating throughout the complex as a whole.
- 11.8. The scheme in its revised is considered to be conformity of the development plan and approval of the revised scheme subject to the completion of a revised S106 Legal agreement in accordance with revised triggers for completion can be supported.

## **12.0 RECOMMENDATION**

- 12.1. That planning permission be GRANTED subject to conditions listed below and completion of a unilateral agreement with terms as detailed in Table 1.

### **Recommended conditions:**

- 1 The development hereby approved shall be carried out in accordance with the submitted details as amended by condition of consent and the following approved plans:

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27017(02)02_M	MAIN MILL - PROPOSED GROUND FLOOR PLAN
27017(02)30_C	PUG MILL - PROPOSED GA PLANS
27017(04)01_N	MAIN MILL PROPOSED ELEVATIONS 1 OF 2
27017(04)02_L	MAIN MILL PROPOSED ELEVATIONS 2 OF 2
27017(04)30_C	PUG MILL PROPOSED ELEVATIONS
27017(98)07	SITE PLAN - FENCE TYPES
27017(98)08	METAL RAILINGS
27017-2(02)10_B	STABLE BLOCK - PROPOSED GA PLAN
27017-2(04)10_C	OLD STABLE BLOCK PROPOSED ELEVATIONS
27017-2(02)20_A	OLD WAREHOUSE PROPOSED GA PLANS
27017-2(03)01	OLD WAREHOUSE PROPOSED GA SECTIONS
27017-2(04)20_C	OLD WAREHOUSE ELEVATIONS



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- 2 Notwithstanding the approved materials for Phase 1 (approved under 17/02490/DISCON), samples of the external materials to be used in the construction of the roof and walls of the subsequent phases of development shall be submitted to and approved in writing by the Local Planning Authority for each respective phase of the development. The external walling shall not be started before any such approval and the development shall thereafter be carried out using the approved materials. In the event of repair works, material to be used in the walling and roof shall match the existing. Such material shall utilise reclaimed material from the demolished structures on site in the first instance. If insufficient reclaimed material is available, samples shall at first be submitted and approved by the Local Planning Authority
- 3 All new doors and windows shall be set back a minimum of 100mm from the external face of the walls to form reveals to the satisfaction of the Local Planning Authority.
- 4 The window frames of the development hereby permitted shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.
- 5 Notwithstanding the approved specification window details for Phase 1, prior to the commencement of each subsequent phase of the proposed conversion works sectional drawings of the proposed replacement windows shall be submitted to the Local Planning Authority for approval in writing. The windows installed should be constructed in accordance with the approved details and shall be retained as such.
- 6 Prior to the commencement of Phase 2 of the development hereby approved a scheme shall be submitted for the written approval of the local planning authority specifying any proposed phasing plan of the development. The approved plan shall thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority.
- 7 There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Glasshouses. Prior to the occupation of the final phase of development agreed under condition 6 the existing access shall be improved by a carriageway build out as shown on drawing number 66058-001. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
- 8 The visibility splays at the existing access to the public highway as shown on drawing number 66058-001 shall be maintained and shall not be obstructed.
- 9 No phase of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas for that phase have been constructed in accordance with the details approved under condition number 1. Once

created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11 During construction works there shall be no:

c. Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at anytime, except between the hours of 9:00 to 16:00 on Mondays to Fridays and 8:00 to 12:30 on Saturdays.

12 The details shall be submitted for the establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site shall be implemented and thereafter for subsequent phases proposals shall have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

13 Prior to the commencement of each phase of the development, a detailed up to-date ecological survey shall be submitted for the written approval of the local planning authority and works on that phase shall not commence until such approval has been granted. The assessment shall develop the recommendations of section 4 of the BL Ecology Ecological Assessment (September 2014) and include appropriate mitigation and enhancement to avoid harm to protected species during the course of works and to ensure continuing opportunities for bats to roost and birds to nest following the redevelopment of the site.

14 Prior to the commencement of each subsequent phase of development, a Construction Method Statement for that phase shall be submitted for the approval of the Local Planning Authority. The Approved Statement shall provide for the following in respect of the phase:

a. The parking of vehicles of site operatives and visitors

b. Loading and unloading of plant and materials

c. Storage of plant and materials used in constructing the development

d. Erection and maintenance of security hoarding including decorative

displays and facilities for public viewing where appropriate

e. Wheel washing facilities

f. Measures to control the emission of dust and dirt during construction

g. A scheme for recycling /disposing of waste resulting from demolition and construction works

h. A proposal for HGV routing

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

16 Notwithstanding the approved details indicated on the site plan (drawing No A-00-PL-01 Rev A), for each subsequent phase of development, a detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted for the written approval of the Local Planning Authority within 3 months of the commencement of development. Such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required. Thereafter the development shall be undertaken in accordance with the approved scheme.

17 In the event of failure of any trees or shrubs, planted in accordance with any 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 of such species in such number as may be approved by the Local Planning Authority.

18 The development shall proceed in accordance with the approved flood risk assessment (version A dated 20/1/08) and FRA Addendum (dated March 2014) incorporating the included mitigation measures into the development's construction.

19 For each phase of development, 900mm high floodgates shall be in place on all apertures where the floor level is below 109.5mAOD. The barriers must have a maintenance and operation regime in place prior to commencement of internal works.

20 The site shall be developed with separate systems of drainage for foul and surface water.

21 Notwithstanding the drainage strategy approved for Phase 1 of the development each subsequent phase of development shall not take place until details of the proposed means of disposal of foul and surface water drainage for that phase have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

22 Prior to the building/s in each respective phase of the development being occupied full details of any intended mechanical extract ventilation system to the building/s in that phase shall be submitted for the written approval of the Local Planning Authority. Thereafter, any such system that may be approved by the Local Planning Authority shall be implemented in full accordance with the details approved and shall thereafter be retained and maintained in good working order at all times. The details of the system to be submitted for approval shall provide for:

- 1.effective odour filtration;

- 2.means to mitigate any extraneous noise from the system itself;
- 3. a point of exhaust / emission at such a height, and in such a position and manner so as to avoid nuisance.

23 Notwithstanding the details approved to discharge Parts A and B of Phase 1 of the development under 17/02281/DISCON, and unless otherwise agreed by the Local Planning Authority, no development for any subsequent phase of the scheme, other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section D has been complied with in relation to that contamination.

#### A. SITE CHARACTERISATION

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - \* human health,
    - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - \* adjoining land,
    - \* groundwaters and surface waters
    - \* ecological systems
    - \* archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. SUBMISSION OF REMEDIATION SCHEME

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **D. REPORTING OF UNEXPECTED CONTAMINATION**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirement of section A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section C.

24 Any new stonework shall match the stonework of the original building in type, size, colour, dressing, coursing and pointing to the satisfaction of the local planning authority. Prior to the commencement of development a sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the local planning authority prior to the commencement of development.

25 Notwithstanding the submitted plans, details of external works to the proposed hard landscaped area shall be submitted for written approval of the Local Planning Authority prior to the commencement of those works for each respective phase of the development. The submission shall include plans showing areas of hard surfacing and retaining walls at a scale of not less than 1:50 and sections of proposed junctions of different materials and kerbing to grassed area, and retaining walls including any necessary balustrading at a scale of not less than 1:10.

26 For each phase of the development, details of the bin stores for that phase shall be submitted for the written approval of the LPA within 3 months of the commencement of development. The submission shall include a location plan at a scale of not less than 1:250 and plans and elevations of each external storage area at a scale of not less than 1:50.

27 For each respective phase of the development, details of the external lighting scheme for that phase including a plan showing the locations of fittings at a scale of not less than 1:250, and elevations of any building to which a light fitting is to be attached at a scale of not less than 1:100, and specification of the columns, or

brackets, and lamps are to be submitted for written approval of the Local Planning Authority prior to their installation. The lighting scheme shall be implemented in accordance with the approved details.

28 The operation of the proposed restaurant/cafe shall be undertaken in accordance with the following

1. Noise attenuation should be provided between the restaurant and the residential dwellings above and adjacent as appropriate in accordance with the recommendations in the noise assessment Acoustics Report ref: 2228./10/1 August 2014 at section 6.8 in order to meet the requirements of BS8233:2014.

2. External areas of the restaurant (A3 use) shall not be used by customers for eating and drinking after 21:00 and before 08:00.

3. The restaurant premises shall only operate between the hours of 08:00 and midnight.

4. There shall be no deliveries to or dispatches from the premises or the collection of waste bottles of commercial waste outside the hours of 08:00 and 18:00.

5. Plant noise (extraction fan) must comply with the Harrogate noise design criteria of a rating level (as measured according to BS4142:1997) of 5dB below the pre-existing background level.

29 Prior to the occupation of the development approved under Phase 2 a scheme for the provision of Mode 3 type electric vehicle charging points on a dedicated circuit with a minimum current rating of 16 Amps shall be installed and made operative. The charging points and parking shall be maintained clear of any obstruction and retained as such thereafter, until in the case of electric vehicle charging facilities, they are superseded by any advanced technology.

#### Reasons for Conditions:-

- 1 To secure the satisfactory implementation of the proposal.
- 2 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 3 In the interests of visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interests of visual amenity
- 6 To ensure the satisfactory implementation of the site
- 7 In the interests of highway safety
- 8 In the interests of highway safety

- 9 In order to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
- 10 In the interests of highway safety
- 11 In the interests of highway safety
- 12 In the interests of highway safety
- 13 In the ecological interests of the site
- 14 In the interests of highway safety
- 15 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 16 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity
- 17 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 18 To mitigate the impacts of flooding.
- 19 To protect the development from flooding
- 20 To prevent pollution of the water environment.
- 21 To ensure that the development can be properly drained
- 22 In the interests of residential amenity
- 23 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
- 24 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 25 In the interests of visual amenity and the setting of the listed buildings.
- 26 In the interests of amenity
- 27 In the interests of amenity
- 28 In the interests of residential amenity

**29 In the interests of improving air quality and sustainable travel and to accord with Local Plan Policy CC4.**

**Target Determination Date:** 10 June 2024

**Case Officer:** Andy Hough, [Andy.hough@northyorks.gov.uk](mailto:Andy.hough@northyorks.gov.uk)

**Appendix A – Appendix Title**



## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Planning Committee

2<sup>nd</sup> September 2024

#### ZC24/01356/FUL - CREATION OF WILDLIFE PONDS WITHIN AGRICULTURAL PASTURE, AT BRIM HOUSE FARM, EAVESTONE, RIPON, NORTH YORKSHIRE, HG4 3HB ON BEHALF OF MR ALEX WIBBERLEY

#### Report of the Assistant Director – Planning

##### 1.0 Purpose of the Report

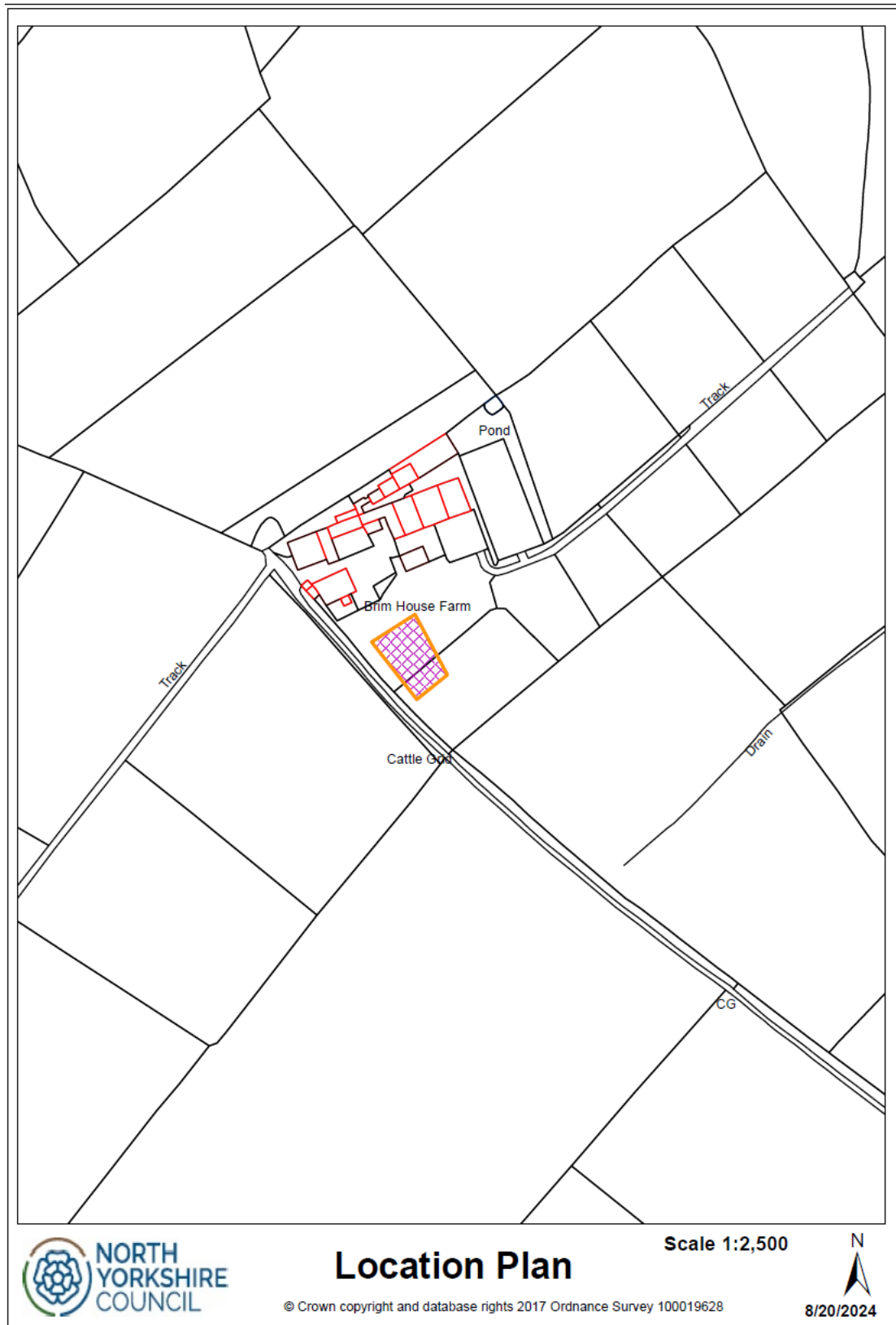
- 1.1 To determine a planning application for the creation of Wildlife Ponds within agricultural pasture at Brim House Farm, Eavestone on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee because the agent is the Nidderdale National Landscape who are part of North Yorkshire Council. It is therefore necessary that the application is considered by the Area Planning Committee.

##### 2.0 EXECUTIVE SUMMARY

**RECOMMENDATION: That planning permission be GRANTED subject to conditions.**

- 2.1. The proposal seeks full planning permission for the creation of Wildlife Ponds within agricultural pasture at Brim House Farm, Eavestone
- 2.2. The site is located within the Nidderdale National Landscape. The surrounding area is rural and is characterised by its agricultural and relatively flat and open nature.
- 2.3. The creation of ponds is part of a wetland creation project which is being facilitated by Nidderdale National Landscape and funded by a FIPL (Farming in Protected Landscapes) grant scheme. The objective of the scheme is to create a new wildlife pond with clean water to benefit a range of freshwater plants and animals.
- 2.4. The ponds are considered to be features which will integrate well within the wider rural landscape with the potential to enhance biodiversity. It is considered that the proposed works will comply with Local Plan Policies GS6, NE3, NE4, HP3 and HP4 and paragraph 180 (d) of the National Planning Policy Framework.

2.5. As such the proposal accords with policy in the National Planning Policy Framework and the policies of the Development Plan.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here:-](#)
- 3.2. There are no relevant applications or appeals in the site history.

### **4.0 Site and Surroundings**

- 4.1. The application relates to land at Brim House Farm, which is located approximately 600 metres west of Eavestone and within the Nidderdale National Landscape. The ponds will be sited in fields south of the main farm buildings.
- 4.2. The surrounding area is rural and is characterised by agricultural fields creating large areas of green open space. A public right of way runs along the same field where the ponds are to be located. The ponds will be a sufficient distance away so will not conflict with the footpath.

### **5.0 Description of Proposal**

- 5.1. The proposal seeks full planning consent for two ponds with associated spoil and a trench/dam. They will be located in a field south of the main farm.

### **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.
  - Minerals and Waste Joint Plan (Adopted 2022)

#### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.

- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

#### Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- Upper River Skell Valley Landscape Character Assessment

### **7.0 Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Natural England** - No objection.

7.3. **NYC Ecologist** - No objection. Conditions recommended.

#### Local Representations

7.4. No public representation has been received at the time of writing.

### **8.0 Environment Impact Assessment (EIA)**

8.1. The development proposed falls within the description at 10 (b) of Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment for the following reasons: Although located within a designated sensitive area (the Nidderdale National Landscape, formerly known as the Nidderdale Area of Outstanding Natural Beauty, AONB), there would be no likely significant impacts in terms of noise, waste, contamination, flooding, archaeology, ecology, heritage issues or complex construction. Given the nature, scale and location of the proposal, the impacts of the development are unlikely to be significant. The Proposed Development is therefore not EIA development.

### **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Siting and design
- Biodiversity
- Impact on amenity

## 10.0 **ASSESSMENT**

### Siting and design

- 10.1. 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.
- 10.2. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 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.
- 10.3. Policy GS6 of the Local Plan states that states that development should be supported if they do not detract from the natural beauty and special qualities of the AONB and its setting.
- 10.4. Policy HP3 of the Local Plan states that development should incorporate high quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.5. Policy NE4 of the Local Plan states that proposals that will protect, enhance, or restore the landscape character of the Harrogate district. This is achieved by requiring that development has a particular regard to maintaining the aesthetic and biodiversity of the natural heritage within the landscape such as ponds.
- 10.6. The proposal seeks the creation of wildlife ponds within an agricultural pasture at Brim House Farm. The ponds will be sited in a field south of the main farm.
- 10.7. The main pond will have a surface area of 101m<sup>2</sup>. It will be designed for wildlife, retaining up to 1 metre deep in the centre with shallow margins that can be colonised or planted by native aquatic plant species found in the local area.

- 10.8. The filtration pond will be sited to the west of the main pond. It is a linear pond which will have a surface area of 54m<sup>2</sup>. The aim of this pond is to intercept water and filter it before it enters the main pond.
- 10.9. Topsoil will be stripped from the area of the proposed ponds and banks and stacked to the sides of the working area. Good clay extracted from the footprint of the pond will be compacted in layers to form a watertight curtain trench, building up a 30cm bank.
- 10.10. The proposed ponds will be sited at the west side of the field approximately 10 metres away from the track which runs next to the field. The proposal makes effective use of space as the filtration pond will catch water coming off higher input farmland and the vehicular track and reduce the risk of sediment entering the main pond.
- 10.11. A Cross Section was submitted showing the existing ground level, new ground level and water level. It shows that the depth of each pond will be approximately 1 metre. There will therefore be minimal excavations. In consideration of the above, the design is considered acceptable for its intended use and therefore complies with Local Plan Policies HP3 and GS6.
- 10.12. The site is located within Landscape Character Assessment Area 31: Upper River Skell Valley. The assessment for this area states that development requiring earthworks that will impact upon the landform should be avoided. The earthworks required for the proposed works are only 1 metre deep so are considered minimal so will not impact on landform. The ponds will not be visible from any long-range views and are considered acceptable within the existing sites character and use. The scheme therefore complies with Local Plan Policy NE4.
- 10.13. Overall, the design and siting of the scheme is considered acceptable and would not result in harm to the character or appearance of the surrounding landscape. As such, the proposal accords with policies GS6, HP3 and NE4 of the Local Plan. The proposal is also consistent with the duty at Section 245 of the Levelling-up and Regeneration Act 2023 requiring relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of areas of outstanding natural beauty.

#### Biodiversity

- 10.14. Local Plan Policy NE3 seeks to protect and enhance feature of ecological interest with the provision of net gains in biodiversity supported.

- 10.15. Paragraph 186 d) of the National Planning Policy Framework states that “development whose primary objective is to conserve or enhance biodiversity should be supported”.
- 10.16. An Ecology Report, Biodiversity Net Gain metric and a Habitat Management and Monitoring Plan have been submitted with the application. The Ecology report states that the site currently comprises of modified grassland in moderate condition. The area is not a priority habitat and no areas of priority habitat or species-rich vegetation would be lost as a result of this scheme. It is highly unlikely that amphibians or other protected species will be present in the works area.
- 10.17. The Ecology report concludes that the ponds aim to create a clean water habitat for local wildlife, extending and connecting habitats across the Nidderdale National Landscape as part of the Wetland Creation Scheme. Habitat around the pond margins will also be recreated as a more species rich grassland. Non-priority ponds are a higher distinctiveness habitat than the existing grassland on site. The scheme will have a positive impact on local biodiversity.
- 10.18. The submitted Biodiversity Net Gain metric shows that existing habitat is modified grassland, and that the pond creation can give rise to an increase of habitat units by 49.66%.
- 10.19. The Habitat Management and Monitoring Plan outlines how the site will create/enhance habitats for Biodiversity Net Gain and manage and monitor it for 30 years. The implementation of this plan will be conditioned to ensure the development delivers a biodiversity net gain on site.
- 10.20. The proposed works are considered to comply with Local Plan Policy NE3, paragraph 186 d) of the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

#### Impact on amenity

- 10.21. Local Plan Policy HP4 ensures that development will not result in significant adverse impacts on the amenity of occupiers and neighbours. This includes overlooking, overshadowing and overbearing, as well as noise, vibration and fumes.

10.22. The ponds are sited in a field at Brim House Farm. Due to the isolated nature of the site, there are no amenity concerns. The proposed works therefore comply with Local Plan Policy HP4.

## 11.0. **PLANNING BALANCE AND CONCLUSION**

11.1. The design, siting and principal of the proposed works are considered acceptable. They will not detrimentally impact the locality or wider character of the surrounding Nidderdale National landscape. The proposal is in accordance with Local Plan Policies GS6, HP3 and NE4. It is considered that the development would have key ecological benefits due to it creating a habitat for local wildlife. This accords with paragraph 186 d) of the NPPF and Policy NE3 of the Local Plan.

11.2. The proposal will not significantly harm the amenities of neighbouring dwellings. The proposal is in line with Local Plan Policy HP4.

11.3. As such the proposal accords with policy in the National Planning Policy Framework and the policies of the Development Plan. The proposal is also consistent with the duty at Section 245 of the Levelling-up and Regeneration Act 2023 requiring relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of areas of outstanding natural beauty.

## 12.0 **RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions listed below

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before three years from the date of this permission.

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 following drawings:

.Site Plan Brim House Farm

.Cross Section Brim House Farm



.Location Plan Brim House Farm

Received by the Local Planning Authority on 24<sup>th</sup> April 2024

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

**Condition 3 Protection of species**

No works may commence on site during the ground bird nesting season (March – August, inclusive) to ensure that potential nests/chicks/breeding pairs are not disturbed by the works. Unless works are to be undertaken after 31<sup>st</sup> August, a suitably qualified ecologist should survey the site and surrounding area to ensure it is clear of ground nesting birds, which will allow for works to continue prior to this time.

Reason; To safeguard protected species during the construction phase.

**Condition 4 Biodiversity Net Gain**

The created and/or enhanced habitat specified in the approved Habitat Management and Monitoring Plan shall be managed, maintained and monitored in accordance with the approved 'Habitat Management and Monitoring Plan Version 1.0 dated 17.06.2024' for 30 years upon completion of the creation.

Reason; To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Local Plan Policy NE3.

**Target Determination Date:** 6<sup>th</sup> September 2024

**Case Officer:** Emily Brown  
emily.brown@northyorks.gov.uk

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