

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

2nd 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

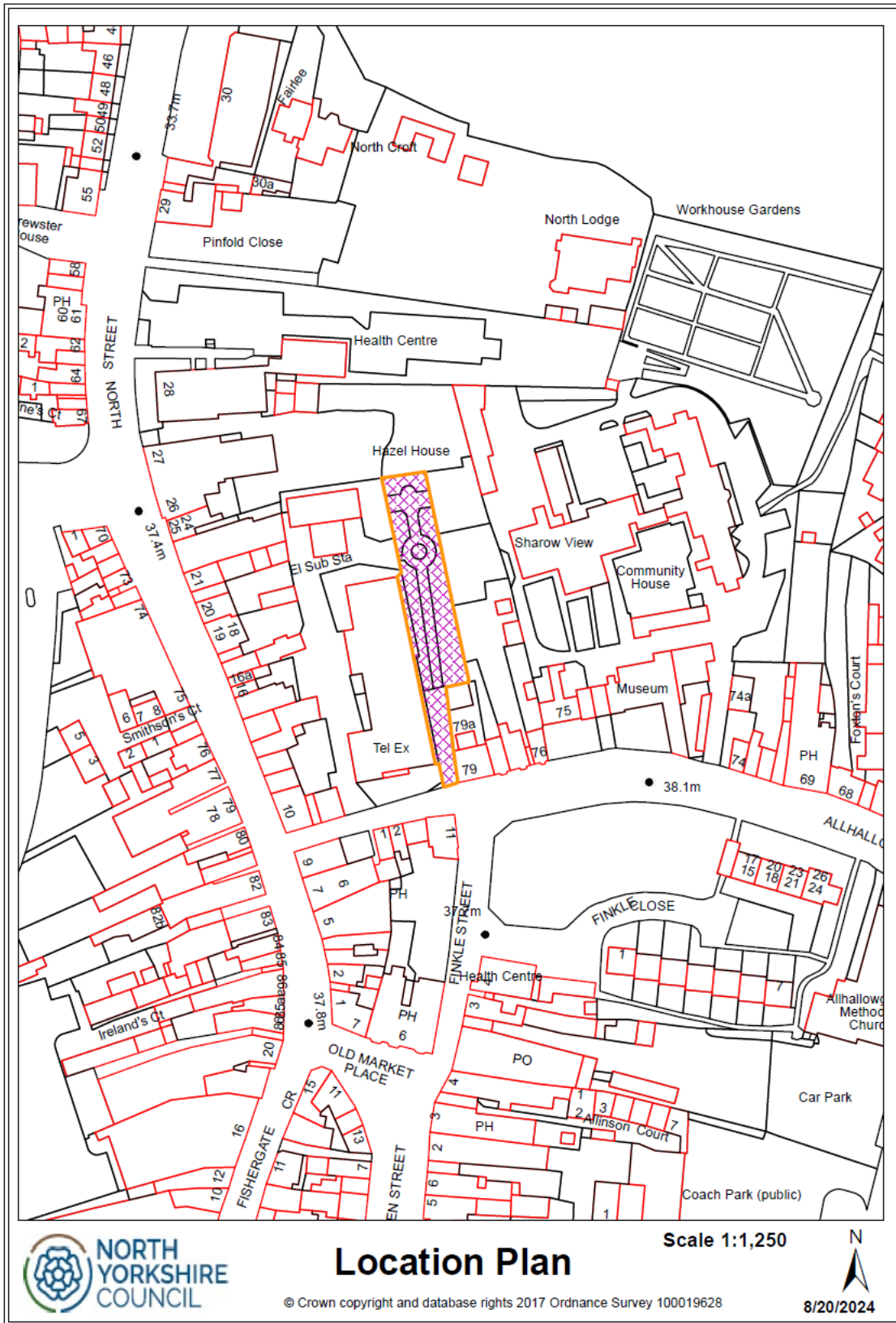
- 1.1 To determine a planning application for the replacement of gate posts, gates and installation of fence to south entrance, removal of timber fencing and replacement with iron fencing to west boundary, removal of broken benches and broken bench supports, removal of six trees and installation of two 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.



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 13th 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 18th and 19th 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 (10th 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/backings 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: 6th September 2024

Case Officer: Emily Brown
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