

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

4th February 2025

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

Report of the Assistant Director – Planning

1.0 Purpose of the Report

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

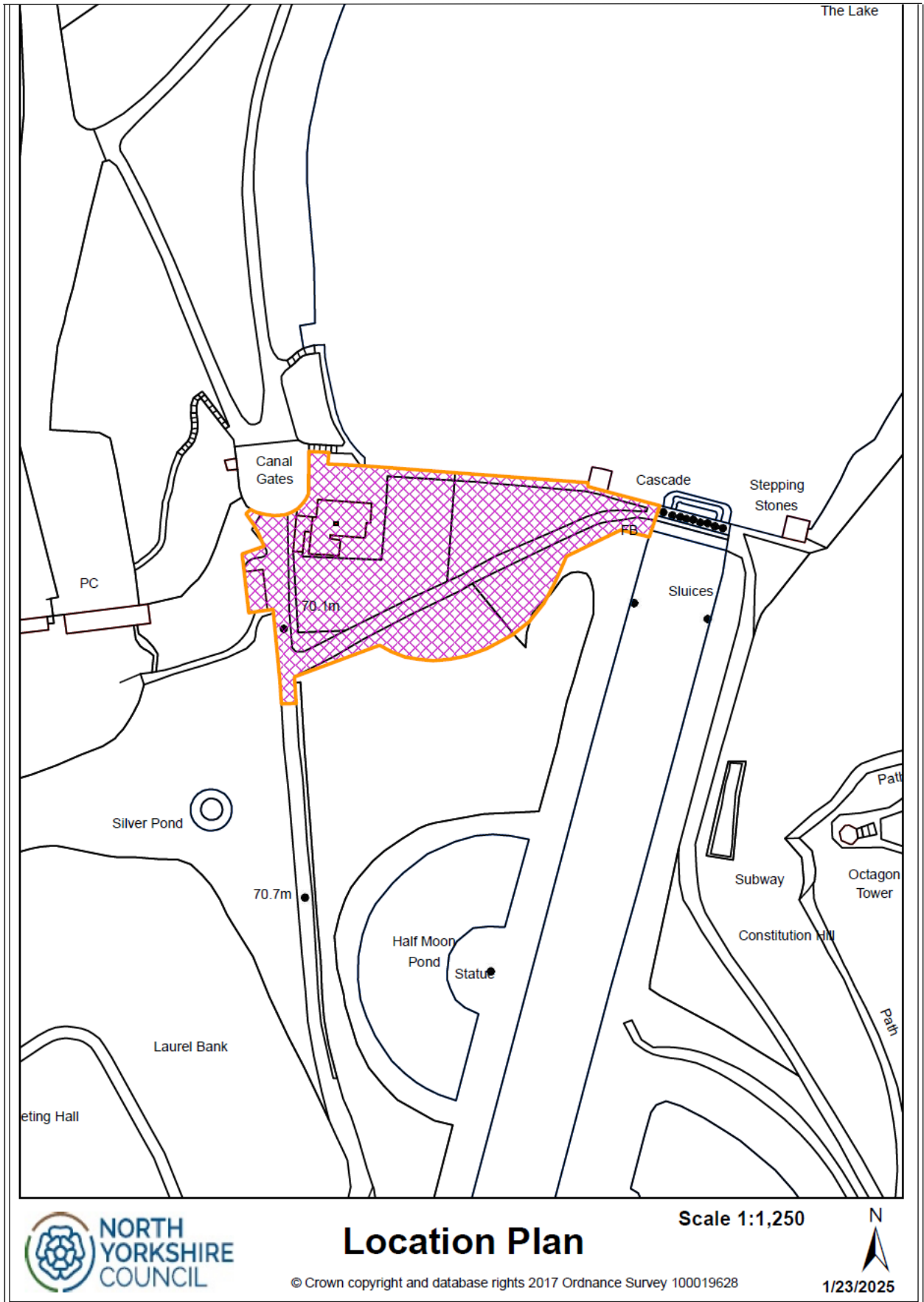
2.0 EXECUTIVE SUMMARY

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

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

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

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



3.0 Preliminary Matters

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

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

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

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

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

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

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

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

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

4.0 Site and Surroundings

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

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

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

5.0 Description of Proposal

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

6.0 Planning Policy and Guidance

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

Adopted Development Plan

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

Guidance - Material Considerations

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

7.0 Consultation Responses

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

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

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

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

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

Local Representations

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

7.23. Observations:

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

7.24. Support:

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

7.25. Objections:

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

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

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

10.0 ASSESSMENT

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.61. Impact on Arboriculture

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

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

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

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

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

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

11.0 PLANNING BALANCE AND CONCLUSION

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

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

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

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 Time Limit

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

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

Condition 2 Approved Plans

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

Location Plan; received 01.08.2023

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

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

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

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

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

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

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

Condition 3 Materials

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

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

Condition 4 Finished Floor Levels

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

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

Condition 5 Flood Risk Mitigation

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

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

Condition 6 Arboricultural Method Statement

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

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

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

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

Condition 7 Monitoring of Tree Protection

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

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

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

Condition 8 Extractor Details

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

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

Condition 9 Construction Management Statement

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

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

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

Reason; In the interest of public safety and amenity.

Condition 10 Unexpected Land Contamination

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

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

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

Condition 11 Removal of trees outside of nesting season

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

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

Condition 12 Bat Roost Mitigation

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

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

Condition 13 Landscaping Scheme

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

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

Condition 14 Planting Replacement

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

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

Condition 15 External furniture and parasol details

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

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

Condition 16 Cycle details

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

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

INFORMATIVES

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

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

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

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

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

We recommend that developers should:

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

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

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

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

Target Determination Date: 7 February 2025

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