

**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Area Planning Committee**

**4<sup>th</sup> February 2025**

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

**Report of the Assistant Director – Planning**

**1.0 Purpose of the Report**

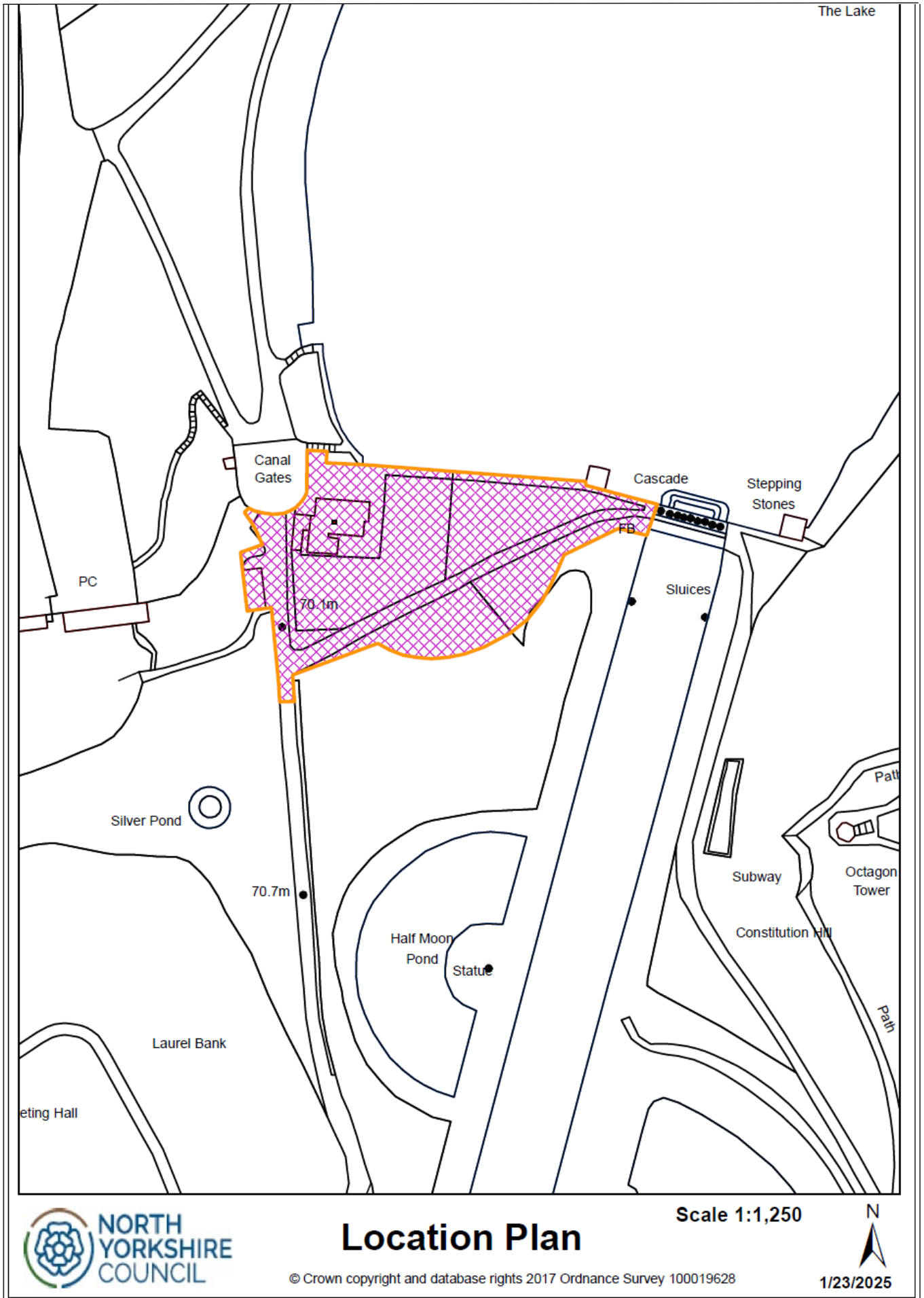
- 1.1. To determine an application for listed building consent for the remodelling of the interior and exterior of Canal Gates/Studley tea-room including landscaping; Demolition of single storey extensions and ancillary structures -retail hut, ticket office, LPG tank, fencing, hardstanding; Extension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

**2.0 EXECUTIVE SUMMARY**

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

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

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



### **3.0 Preliminary Matters**

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

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

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

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

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

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

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

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

### **4.0 Site and Surroundings**

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

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

## **5.0 Description of Proposal**

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

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

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

### Guidance - Material Considerations

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

## **7.0 Consultation Responses**

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

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

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

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

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



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

### Local Representations

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

7.15. Objections:

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

- Biodiversity harm in deer park, harm to habitats.

## **8.0 Main Issues**

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

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

## **9.0 ASSESSMENT**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

## **10.0 PLANNING BALANCE AND CONCLUSION**

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

## **RECOMMENDATION**

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

### **Recommended conditions:**

**Condition 1 Time Limit**

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

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

**Condition 2 Approved Plans**

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

Location Plan; received 01.08.2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Condition 3 Window details**

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

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

### **Condition 4 Protection of Discovered Historic Features**

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

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

### **INFORMATIVES**

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

**Target Determination Date:** 7 February 2025

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