

North Yorkshire Council

Community Development Services

Strategic Planning Committee

11 February 2025

ZE24/00001/MFUL- Change of use of Gilling Castle and Foals Yard outbuilding to form 10no. one-bed, 10no. two-bed and 1no. three-bed later living rental apartments, erection of 6no. one-bed and 8no. two-bed dwellings following demolition of existing buildings in the grounds together with leisure and sporting facilities, associated access including temporary removal and subsequent reinstatement of the north and south grade II listed piers and attached railings off Main Street, parking, landscaping, infrastructure, substation and engineering operations

On land at St Martins Ampleforth The Castle Main Street Gilling East YO62 4HP

On behalf of The Timeless Collection Holdings Limited

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for the change of use of Gilling Castle and Foals Yard outbuilding to form 10no. one-bed, 10no. two-bed and 1no. three-bed later living rental apartments, erection of 6no. one-bed and 8no. two-bed dwellings following demolition of existing buildings in the grounds together with leisure and sporting facilities, associated access including temporary removal and subsequent reinstatement of the north and south Grade II Listed piers and attached railings off Main Street, parking, landscaping, infrastructure, substation and engineering operations on land at St Martins Ampleforth, The Castle, Main Street, Gilling East, YO62 4HP.
- 1.2. The application is referred to Strategic Planning Committee for determination as it represents a departure from the adopted Development Plan and it is recommended for approval.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed in Section 12 below

- 2.1. The proposal is for a 'later living' complex comprising 21no. apartments to be formed within the main buildings and 14no. new build dwellings ('enabling development') following the demolition of existing buildings within the grounds of the Grade I listed Gilling Castle.

- 2.2. The apartments would be formed within the Grade I listed Castle and adjoining buildings forming a courtyard on its northern side. Gilling Castle sits within a Grade II Registered Park and Garden. The site lies outside development limits (open countryside) and within the Howardian Hills National Landscape (formerly AONB).
- 2.3. The works involve the demolition of modern school buildings (classrooms) and removal of a floodlit artificial grass pitch which stand to the west and north west of the Castle to allow for the construction of 14no. new build dwellings and creation of a Wellness Centre (containing a treatment rooms, gym, pool, spa) from the former sports hall building.
- 2.4. There is policy support for the conversion of the redundant castle for residential purposes. However, there is conflict with policies of the Development Plan arising from the proposed new build residential development in an open countryside location without the Local Needs Occupancy Condition or any affordable housing provision (Policies SP2, SP3 and SP21).
- 2.5. The application is also subject to objections from Sport England due to the loss of playing pitches and also the Howardian Hills National Landscape Manager who considers that the new build would result in a detrimental impact on the historic gardens and parkland setting of Gilling Castle in the wider setting of the Howardian Hills. In addition the Gardens Trust object to the new build dwellings.
- 2.6. The application is accompanied by a viability assessment which has been independently reviewed on behalf of the Council. The viability assessment considered a number of alternative development options which have been deemed unviable. It concludes that the proposed retirement living village scheme represents the 'optimal viable use' for the Castle.
- 2.7. The viability work has revealed that this proposal to convert the existing buildings to form 21no. 'later living' apartments also results in a Conservation Deficit and, therefore, 'enabling development' is required i.e. new build accommodation deemed necessary to ensure the delivery of the scheme and resultant conservation of the heritage asset. The viability work has concluded that the proposed enabling development in the form of 14no. new build dwellings is not excessive and is necessary in order to deliver the scheme.
- 2.8. The conclusions in respect of viability confirm that the scheme cannot support local needs occupancy restrictions, an affordable housing contribution or any other Section 106 contribution.
- 2.9. Officers are satisfied that there are no unresolved issues in relation to design, residential amenity, highway safety, protected species/BNG or drainage.
- 2.10. The Local Planning Authority supports the reuse of Gilling Castle in a manner which reflects and responds to its significance as a designated heritage asset, set within a protected landscape. As a Grade I listed building, with associated registered parkland situated in the Howardian Hills National Landscape, the retention of the key buildings and the prevailing landscape setting is, in the view of Officers, a key consideration in the benefit of the scheme proposed and afforded significant weight in the planning balance.
- 2.11. The Local Planning Authority can depart from the development plan if material considerations outweigh the impact of that departure. In this case it is considered that the development gives rise to public benefits which outweigh the harm of departing from policies of the Development Plan and approval is recommended.

3.0 Preliminary Matters

- 3.1. The application was registered as valid on 2 January 2024. Access to the case file on Public Access can be found here:- <https://planningregister.ryedale.gov.uk/caonline-applications/>
- 3.2. During the course of processing the application the description of the proposed development was amended to refer to 'later living' (accommodation aimed for active and able-bodied individuals, aged 55 years and over) and to add reference to the works to the Grade II listed gate piers and railings at the eastern entrance off Main Street to accommodate construction traffic.
- 3.3. In addition to a number of re-consultation exercises the application has been publicly advertised as major development and a departure from the adopted development plan. In addition public notices have detailed that the proposal involves development within the setting of a listed building.
- 3.4. The proposal is also the subject of an application for Listed Building Consent ref. ZE24/00002/LBC which is currently under consideration and, pending the outcome of this full application, will be progressed under delegated powers.
- 3.5. The proposal has evolved through extensive pre-application discussions (ref. 22/00930/PREAPP) which took place between September 2022 and November 2023.
- 3.6. The site has a long history of planning permissions relating to the former school use for development including new classrooms, gymnasium, boarding dormitory and various other applications in connection with the provision of sports pitches and buildings within the grounds. None are directly relevant to the current proposal.

4.0 Site and Surroundings

- 4.1. The application site is located to the west of Gilling within the parish of Gilling East. Gilling Castle is a Grade I Listed country house dating back to the 14th century. The Castle is U-shaped in nature formed of a northern and southern wing and a main central block. The Gilling Castle site was most recently in use as St Martins School (a private preparatory school for Ampleforth College) until its closure in 2018. The site was first used as a school in 1929. The building has been empty for over 6 years. A 1930s service wing adjoins the castle on its northern side. The wing incorporates former stables and a clock tower situated around an irregular shaped courtyard. This was subsequently extended in the 1980s to form a new building to support the school.
- 4.2. The application site area extends to 39.22 hectares. The site lies outside development limits and within the Howardian Hills National Landscape. In addition to the Grade I listed castle, within the application site there is also the adjoining Grade II listed stables/foal yard; Grade II listed clocktower; Grade II listed stone bench within the southern terrace; and Grade II listed gate piers at the eastern entrance off B1363/Main Street.
- 4.3. Gilling Castle is situated on high ground at approximately +90.0m AOD which rises in the west to a high point of +145.0m AOD known as The Scar. Gilling Castle sits within a Grade II Registered Park and Garden. The park has medieval origins, and its gardens likely date to the early 18th century. Gardens and grounds surround the castle, with terraced gardens to the south and east, featuring formal layouts, stone-edged flower beds, glasshouses and a ha-ha separating the garden from the southern park. The east side has terraced grass platforms and wooded grounds. The park extends to the south and west of the castle and the estate's former function as a school has resulted in many modifications to both the built form and the parkland grounds. There are playing fields to the west (cricket pitch and hard surface tennis court); modern classroom buildings (interconnected Blackden and Savill

buildings) along with a flood lit artificial grass pitch. There is a golf course within the southern section of the parkland. The sports hall/gymnasium (constructed in the 1990's) is located in a wooded former quarry to the north west of the castle frontage. The park boundary is marked by plantations to the north (Northside plantation) and south (The Rookery). To the west of the Castle is The Avenue, a significant, one kilometre long tree-lined corridor that is designed to direct a channelled vista to the Castle architecture set against the Howardian Hills landscape backdrop. There are areas of semi-natural Ancient Woodland within the Registered Park and Garden along with estate woodland and a number of identified Veteran Trees.

- 4.4. The principal entrance to the site is from Main Street in the village leading to the north side of the castle. The eastern entrance off Main Street falls within an area of land identified as a Visually Important Undeveloped Area (VIUA). This encompasses the access road and land flanking to the north and south to protect views of the entrance threshold and lower section of the east avenue driveway to Gilling Castle.
- 4.5. Public footpath no. 25.40/1/1 skirts along the south-eastern edge of the application site through The Rookery woodland.
- 4.6. The application site lies approximately 2.3km south of the North York Moors National Park boundary.
- 4.7. The site is wholly within Flood Zone 1, the area at the lowest risk of flooding.

5.0 Description of Proposal

- 5.1. This application seeks planning permission for the change of use of Gilling Castle and Foals Yard outbuilding to form 10no. one-bed, 10no. two-bed and 1no. three-bed later living rental apartments, erection of 6no. one-bed and 8no. two-bed dwellings following demolition of existing buildings in the grounds together with provision for leisure and sporting facilities, associated access including temporary removal and subsequent reinstatement of the north and south Grade II Listed piers and attached railings off Main Street, parking, landscaping, infrastructure, substation and engineering operations.
- 5.2. The proposed development covers the creation of a total of 35no. 'later living' rental accommodation units across existing and new builds along with onsite amenities including a Wellness Centre and sports and recreational facilities. The development involves the demolition of modern school classroom buildings (Blackden and Savill buildings), the refurbishment of the remaining buildings (Gilling Castle, adjoining foal yard comprising castle link/stables/clocktower buildings, 1980s extension and the Gilbert Scott extension) and the installation of PV panels on the flat roof of the main buildings of Gilling Castle.
- 5.3. The supporting statement explains that the applicant (Timeless Collection Holdings Limited) has recently launched a new premium later living rental model, which will be available to active and able-bodied individuals, aged 55 years and over. The rental model means that The Timeless Collection Holdings Limited retain ownership of the building and therefore ensure Gilling Castle is protected and maintained long term.

Gilling Castle conversion

- 5.4. The majority of the proposed 7no. apartments in the Castle are to be located on the 1st and 2nd floor within what was previously existing dorm rooms or school staff accommodation. Each apartment within the Castle Building is a single bed unit with ensuite.
- 5.5. Each apartment has been designed to retain (where present) existing historical detailing such as panelling, cornice and ceiling features. The apartments are also designed to have

open plan kitchen/dining areas to minimise sub-division of the original footprint. Existing elements of pre-exposed historic fabric will be retained on show as part of new apartment décor.

- 5.6. The existing ground floor kitchens, storage and preparation space and staff room are to remain in place and will be subject to refurbishment. The ground floor of the south wing would be for staff with space for secure storage/lockers, changing, showers and WCs. The ground floor of the north wing would contain recreational and communal space for uses such as a cinema room, arts and crafts and a golf simulator.
- 5.7. The conversion would retain the first-floor central core rooms for communal space comprising reception hall, lounges (including within the Great Chamber), bar and open galleries. The first floor of the south wing would be the long gallery dining room the first floor of the north wing would contain apartments 2 & 3.
- 5.8. The second floor of the central core rooms would contain apartments 5 & 6. The second floor of the south wing (former chapel) would be apartment 7 and the second floor of the north wing would contain apartment 4.
- 5.9. Window repairs will take place throughout the entire Castle and Foal Yard. Where required period style secondary glazing will be implemented. Where possible there will be acoustic and thermal upgrades to the new apartments. The main Castle is also proposed to include 2no. internal lifts to access the first and second floors.
- 5.10. The 1930's Gilbert Scott extension off the South Wing (formally classrooms) will be converted to form a two bed apartment with adjoining guest room. The apartment will include open plan kitchen and dining space with the orientation to suit the existing room configuration, retaining existing historic fabric.
- 5.11. Air source heat pumps and the associated external plant would be installed on an existing area of hardstanding at the base of the existing stone boundary wall to the rear of the foal yard. The external plant will be screened by the wall and existing tree line on the boundary of the formal lawn to the east of the castle.

The Foal Yard

- 5.12. The two storey Foal Yard buildings comprising the castle link, clock tower building and stable block which previously housed education staff accommodation, classrooms and dorm rooms will be converted to form 11no. residential duplex apartments. A further 3no. duplex apartments would be formed in the existing 1980's extension building adjoining the Foal Yard to the rear of the Stable Block.
- 5.13. A formal central lawn would be restored within the yard.

The Wellness Centre

- 5.14. It is proposed that a Wellbeing Centre is formed within the quarried enclave and along the mid slopes of the wooded escarpment of Northside woodland approximately 140 metres north west of the castle. It would be located below and adjacent to the quarry face in the position currently occupied by the sports hall/gymnasium building.
- 5.15. The sports hall/gymnasium building would be extended to the south and the east via the creation of an entrance porch for the building, extended roofing on the first floor, and a new timber car parking area proposed to the west. Once complete the Wellness Centre would measure 38 metres in length by 17 metres in width (1,538m² GEA). The Wellness Centre would be three-storey height and would be positioned at the same ground level as the

existing sport hall/gymnasium. The proposed building would stand 15 metres high to the apex of the pitched roof.

- 5.16. Externally the Wellness Centre would be a stone and timber clad building with contemporary features and would have the appearance of a large chalet, with floor to ceiling curtain walling, outdoor balcony seating areas and wrap round glazing to the first-floor swimming pool. The building would have a slate covering with solar PV fixed to the pitched roof.
- 5.17. The elevation drawings show that horizontal timber louvres within the oak frame design to the main front façade along with a “green wall” / “planting” system on wires. The plans initially included a link bridge extending out at second floor level providing access to adjacent higher ground, however, this has been deleted from revised plans. The amount of glazing at second floor level was also reduced as part of those revisions.
- 5.18. The Wellness Centre would contain an exercise studio, treatment rooms, spa and changing facilities and heated swimming pool. An outdoor terrace area will provide elevated views across the woodland. The Wellness Centre provides parking for 38 vehicles based upon 22 internal, under-croft parking bays within the ground floor part of the building and 16 external covered spaces utilising existing hard standing area adjacent the existing Sport Hall/Gym. EV chargers would also be provided.

New build dwellings

- 5.19. The quantum of development for the 14no. dwellings would comprise 11no. two storey built form units, comprising 6no. one-bed semi-detached units and 8no. two bed detached units sited along the existing northern woodland edge in a position to the west of the castle frontage. The new dwellings would have a total Gross External Area of 1,930m².
- 5.20. The new builds would be arranged on a general east-west axis but with an irregular layout and are designed to appear as a collection of estate cottages. The dwellings would be constructed in the area currently occupied by the Blackden and Savill buildings (interconnected, 1.5 storey classrooms) and the artificial grass pitch. The eastern most dwelling would be approximately 90 metres north west of the front of the castle.
- 5.21. During the course of the application it was agreed to swap the detached dwelling in plot 1 at the eastern end of the cottages with the enclosed garden at the western end so to lessen the impact of new built form on the setting of the castle frontage.
- 5.22. The units in plots 1, 2, 5, 6, 9, 10, 11 and 14 would be detached and the units in plots 3 & 4, 7 & 8 and 12 & 13 would be semi-detached. There would be three different units sizes: detached dwellings with a rectangular footprint; detached dwellings with a more square footprint; and semi-detached dwellings with narrow frontages. The application is accompanied by detailed drawings of the individual dwelling types together with CGI visuals.
- 5.23. The smaller detached dwellings would have a frontage width of 11 metres and gable depth of 8 metres. The larger detached units would have the same frontage width but gable depths increased to 9.8 metres. The detached dwellings would stand 5.5 metres to the eaves with the smaller units having a ridge height of 8.1 metres and the larger units a ridge height of 8.6 metres.
- 5.24. The semi-detached dwellings would have a frontage width of 6.5 metres and gable depth of 8.5 metres. The dwellings would stand 5.5 metres to the eaves and 8.2 metres to the ridge.

- 5.25. The new dwellings would be constructed at the same ground level as the existing Blackden and Savill buildings.
- 5.26. Externally the new dwellings would comprise square cut stone to the walls and natural slate to the pitched roof. The dwellings would have timber sash and bay windows and timber doors. Detailing would include stone heads and cills, dummy chimneys and stone portico to the front entrance.
- 5.27. During the course of the application amendments to plans have been agreed to remove roof fascia and barge board detailing from the design and confirm the dummy chimneys as being of brickwork construction.
- 5.28. Each dwelling would be fully self-contained with kitchen, lounge, dining areas and bathroom, utility and study space on the ground floor and ensuite bedrooms to the first floor. There would be no vehicular access or parking areas within the curtilage of the individual plots. Each dwelling would have a private, enclosed garden to the rear (north). There would be a curved footway and landscaped area (communal 'pocket park') to the front (south) and a dry stone wall to the frontage running the length of the access lane. A stone ha-ha would be constructed to the south of the linear 'pocket park' to mark a transition from the woodland to the formal parkland to the south.
- 5.29. A substation (4m by 4m) of natural stone walling and slate pitch roof (apex height 4.5m) would be sited at the eastern end of the row of new builds.

Demolition work

- 5.30. There are no proposals to demolish any listed buildings. As part of the re-development it is necessary to demolish the two modern school classroom buildings known as the Blackden and Savill buildings which were constructed in 2004 and 2009 respectively. The demolition work would allow for the construction of the 14no. new build dwellings.
- 5.31. As part of those works the existing hard standing car parking to the front edge of the Blackden and Savill buildings and within the Registered Park and Garden would be removed and the area re-landscaped. The artificial grass pitch, mesh fencing and flood lights would also be removed along with the tennis court and associated fencing and railings situated on the grass to the front of the castle.
- 5.32. The existing sports hall/gymnasium building located in a former quarry in the northern part of the site would re-developed to form the Wellbeing Centre.

Site parking

- 5.33. There would be no vehicular access or parking areas within the curtilage of the individual new build plots.
- 5.34. Parking areas would be provided in three parts of the site. Firstly, the Wellness Centre would include parking for 38 vehicles. An existing area of hardstanding adjacent to the Golf clubhouse could provide space for up to 12 vehicles and an area adjacent to the existing ground staff store could be used as overspill staff parking for 6 vehicles.
- 5.35. It is proposed that the site would be operated with a valet parking system for all residents. This would involve electric street shuttle vehicles/ transport buggies which will run between the Castle, new build development area and the Wellbeing Centre to provide access to all areas when required. There would be no parking in the area to the front (west) of the castle.

Landscape works and recreational facilities

- 5.36. The proposed development includes a comprehensive scheme of landscape enhancement and restoration. In addition, there would be long term management and maintenance of significant green spaces that contribute towards the setting of the castle and the Registered Park and Garden.
- 5.37. The dilapidated existing greenhouse pavilion along with the southern terrace kitchen gardens would be reinstated.
- 5.38. Modern day interventions have resulted in levelling of parts of the parkland to accommodate school facilities. The existing artificial grass pitch and tennis court near the castle frontage would be removed and there would be remodelling of areas of parkland landform to more natural, smooth flowing contours including to the front of the castle.
- 5.39. The cricket pitch would be retained and the pavilion restored and returned to use. To the west of the pavilion, within an enclosed wooded area, two tennis courts and crown green bowling facility would be formed. There would be continued maintenance of Ampleforth Golf Course and Club House.
- 5.40. There would be improved and formalised pedestrian routes throughout the site with removal of tarmac surfacing and parking away from the heritage asset.

Employment

- 5.41. The application explains that once operational the development will create at least 15 full time jobs across the residential and leisure offer. There would also be temporary job creation during the construction phase and for future maintenance.

Supporting documents

- 5.42. The application is accompanied by the following support documents:-
- Archaeological Desk-Based Assessment
 - Preliminary Arboricultural Report
 - Arboricultural Report, Impact Assessment, and Method statement
 - Design and Access Statement
 - New Well-being Centre Energy Usage & Sustainability Statement
 - New Build Houses Energy Usage & Sustainability Statement
 - Heritage Proposals and Impact Assessment
 - Heritage Technical Advice Note
 - Heritage Summary
 - Landscape and Visual Impact Assessment
 - Radon Measurement Report
 - Energy Statement
 - External Lighting Design
 - Quantity Surveyor Construction Costs Report
 - Fire Solutions Document
 - Ball Strike Assessment*
 - Sports Needs Assessment
 - Transport Assessment
 - Travel Plan
 - Demolition and Construction Management Plan*
 - Window survey
 - Visual Structural Inspection Report
 - Phase 1 desk study and Phase 2 ground investigation report

- Flood Risk and Drainage Assessment*
- Drainage Assessment Relating to Proposed Conversion Works
- Proposed Drainage Concept
- Preliminary Ecological Appraisal (PEA)*
- Badger survey report
- Barn Owl survey report
- Biodiversity Net Gain (BNG) assessment*
- Bat Survey Report*
- Bat Mitigation Strategy*

**Revised during application process*

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:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP3 Affordable Housing

Policy SP4 Type and Mix of New Housing

Policy SP11 Community Facilities and Services

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP18 Renewable and Low Carbon Energy

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy Restrictions

Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide 2021
- Howardian Hills AONB Management Plan 2019-2024
- Historic England (2020) GPA4: Enabling Development and Heritage Assets
- Sport England's Playing Fields Policy

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below. Please see online planning register for full comments. Consultation initially took place in early 2024 with a further consultation in Summer 2024 and mostly recently in October- November 2024.

7.2. **Building Conservation Officer-** No objections subject to conditions

The Council's BCO is supportive of the conversion and restoration of the castle. The BCO initially (27.02.2024) highlighted some concerns with aspects of the internal alterations to the Castle which would result in loss of historic fabric and features which contribute to the significance of the listed building. The BCO also sought clarification on certain elements of the internal works within the Castle.

The BCO has no objection to the demolition of the late 20th century Blackden and Savill buildings as they make no contribution to the setting of the listed building nor make a positive contribution to the Registered Park and Garden.

The BCO also stated concern regarding the erection of 14 new build dwellings ('enabling development') to the north-west of the castle due to their harmful impact on the Registered Park and Garden and setting of the listed building.

The BCO gave support to robust scrutiny of the applicant's viability assessment to establish whether this is the minimum amount of 'enabling development' necessary to support an optimum viable use for the castle.

The BCO highlighted particular concern with Unit 1 of the new builds due to its prominence and proximity to the listed building.

The BCO explained that the amount of glazing at high level of the Wellbeing Centre could result in light spill giving rise to harm to the Registered Park and Garden. This could be mitigated by reducing the amount of glazing or external baffling. Additionally, the degree of external balcony/terrace should be reduced. The roof to the bridge should be deleted in order to reduce visual impact. It appears from the visuals that the lighting to the driveway is excessive.

In terms of noting the benefits and balancing the harm the BCO stated the following:

"The benefits of the proposal to include the demolition of the Blackden/Savill buildings are noted alongside my assessment that lesser weight be given to the removal of more ephemeral negative interventions such as floodlighting and netting. The proposed refurbishment of significant historic elements within the registered park to include retaining terrace walls and the glasshouse is significant.

Taken the above, in my opinion there will be harm to the setting of the listed building and the registered park by the introduction of permanent development in locations and of a scale where it has not existed historically. The degree of harm can be identified to be towards the mid-low end of less than substantial".

The BCO welcomed (04.07.2024) revisions to the plans which provide additional screen planting; remove the fascia/bargeboard detailing from the new build dwellings and add brick chimneys to those new dwellings; and the retention of the infilled 'blind window' in the long gallery dining room.

The BCO has stated that notwithstanding the concerns, in my opinion the general locational approach and design of the dwellings has responded to the local context to help mitigate some of the harms related to this element of the proposal in addition to the positive benefits of restoration to the Registered Park and Garden.

The BCO is aware of the outcome of the viability review exercise. The BCO notes (07.11.2024) that the questions in respect of whether the proposed conversion of the castle to create apartments represents the optimal viable use; the requirement for enabling development; and ensuring that the level of enabling development is not excessive have been satisfactorily addressed.

The BCO acknowledges that Unit 1 has been re-positioned at the western end of the new builds which overcomes the previous concerns in respect of harm to the setting of the castle.

In terms of conditions the BCO has highlighted that, in order to secure the conservation benefits of the application, it is important that a condition requiring the phased build out of new build house plots in conjunction with repair works to the garden and castle should be attached to a permission.

With regard to the additional works to the Grade II listed gate piers the BCO is of the opinion that temporary removal and re- instatement of the gate piers is acceptable in order to facilitate the development. The re-instatement of the gate piers and railings in accordance with the submitted Method Statement should be secured.

7.3. **Georgian Group-** No objection

The Georgian Group undertook a site visit (21.02.2024) to gain an understanding of the proposals and impact on the listed buildings and specifically the impact on built fabric dating between 1700 and 1837.

In their initial response (26.02.2024) the Georgian Group confirmed that they welcome the scheme and offer no objection in principle but raised significant concerns with certain elements of the proposed scheme of works. In summary the concerns related to the following aspects of the works:

- To form a new opening in the wall of the main entrance hall necessitating the loss of historic fabric from the wall and the loss of a fireplace from the adjacent room.
- To form a window opening in the long gallery 1F (existing blind window).
- To seal/infill doorways throughout the building with removal of doors.

The Georgian Group advised that the abovementioned proposed works have the potential to cause significant and irreversible harm to the building's historic fabric, evidential and historic value, and its overall special architectural and historic significance as a Grade I listed heritage asset.

The Georgian Group made further comments (05.07.2024) in relation to the scheme of works to the listed building.

The Georgian Group note that the revised plans and further information have addressed their concerns omitting the formerly proposed doorway and offering clarifications regarding doors throughout the building (proposals to retain and fix shut historic doors).

However, the Georgian Group maintain significant concerns on heritage grounds with regard to the proposed formation of a new window in the long gallery.

Following a further re-consultation on the revised scheme of works to the listed building on the Georgian Group made further comments (November 2024). The Georgian Group have stated that they welcome the revision to delete the proposal to open the existing intentional blank window in the Long Gallery. The Georgian Group have confirmed that all previous objections and concerns have been withdrawn.

7.4. **Historic England-** Supports, subject to conditions

Historic England (HE) strongly support bringing Gilling Castle and its associated heritage assets back into an active new use compatible with its conservation.

In their initial response (01.02.2024) HE underlined the importance of independent assessment of the application and viability report to establish whether the proposal represents the optimum viable use and that the 'enabling development' ensures harmful impacts are minimised and benefits are secured.

HE request a condition that restricts the use of the occupancy of the new dwellings until the Grade I listed building has been repaired and brought up to an acceptable condition.

HE confirm that the proposed use is compatible with the heritage significance of the site.

Historic England underline the importance of balancing private and publicly accessible space inside and around the Castle noting that the high status rooms that display historic fabric and features of the highest heritage significance will be accessible to all visitors. HE suggest a condition to formalise 'open days' and details of public access routes throughout the site.

Historic England initially set out aspects of the internal works which require further detail and explanation to ensure no harm to significance, adverse visual impacts or loss of historic fabric. In summary this relates to:-

- Vacuum lifts
- New services
- Protection of medieval fabric in the basement
- Proposals to remove historic doors
- Installation of fire curtain
- Wall and ceiling finishes to kitchen and installation of 2no. dumb waiters
- Installation of dropped ceiling in dining room
- New stud wall partitions and fixings to historic fabric

HE have confirmed no objection to the removal of the modern school buildings, sport pitches, areas of car parking and floodlighting.

HE also consider the form, design detailing and materials proposed for the new build dwellings to be in-keeping with the character and appearance of the local area and sympathetic to the setting of the castle.

HE note that a grant of permission should secure the external works including repair and maintenance of the gardens and glasshouses.

In a further response (01.07.2024) HE acknowledge that the amended plans show important details on the internal works to each of the areas of concern previously highlighted (01.02.2024). HE state that the supporting information explains further how impacts on historic fabric have been avoided where possible and then minimised where some intervention is necessary. HE recommend a condition is attached in relation to wall linings and cladding systems.

In their most recent response (09.12.2024) HE confirm that the temporary works to the listed gate piers and railings are acceptable subject to a method statement being secured by condition. HE reiterate that they strongly support bringing Gilling Castle and its associated heritage assets back into an active new use compatible with its conservation.

7.5. **The Garden Trust-** Objection to the new build dwellings

Comments have been provided on behalf of both the Gardens Trust (GT) and the Yorkshire Gardens Trust (YGT).

The GT have confirmed (31.01.2024) that there are no concerns in relation to the works to the Foals Yard buildings and acknowledge that areas of the landscape have been degraded in the past with the insertion of modern structures. The GT welcome the removal of the modern school buildings; removal of astro turf; some regrading work; change of tarmac to bound gravel in some areas; and the removal of parking from the front of the castle. The GT and YGT consider the design of the proposed wellness centre to be out of keeping and inappropriate in the Registered Park and Garden, but accept that, located in the former quarry, it will be screened and unlikely to have an impact on the historic landscape.

However, the GT have major concerns with the proposed insertion of new build housing (14no. dwellings) into the Registered Park and Garden considering that the impact on the Registered Park and Garden has not been sufficiently considered and accordingly can only object to this element of the application.

The GT request that the new build development is omitted, or at least the units reduced in number, but if considered essential on economic grounds we can only advise that alternative locations are considered to reduce the impact.

The GT also question the need for a 'curvy path', with the small amount of additional traffic likely to be generated, it would appear that pedestrians can walk down the road safely.

In further comments (22.03.2024) the GT accept the design of the proposed housing units as being more sympathetic than the school buildings but still consider they are intrusive elements in the registered landscape. The GT reiterate their objection to the new build dwellings which they consider result in harm to the Grade II Registered Park and Garden Gilling Castle and the setting of Grade I Listed Gilling Castle which cannot be outweighed by the Public Benefit.

The GT state that if the 14no. new build dwellings are considered Enabling Development essential to the success of the project, we can only advise that alternative more secluded locations are investigated within the landscape to reduce the visual impact and consequent less than substantial harm to the Registered Park and Garden.

In their most recent comments (25.10.2024) the GT have confirmed that they have reviewed the applicant's 'Landscape Capacity: SWOT Analysis' of the various options considered for the location of the new build element.

The GT asks the Council to assure themselves that this is indeed the minimum number of dwellings required to ensure the economic viability and the success of the overall development.

The GT have considered the five layout options considered in the applicant's SWOT analysis. The GT agree with the applicant that the revised layout (option 3) with unit 1 relocated away from the castle frontage would cause less harm to the significance of Gilling Castle Registered Park and Garden, through the reduction of impact on outward views from the Castle.

The GT reiterates concerns over whether the sinuous footpath between the new houses and parkland is necessary. The GT state that its removal would allow for both strengthening of planting between the houses and parkland and removal of the proposed lighting, reducing light-spill from the development and its impact on the Registered Park and Garden.

7.6. Howardian Hills National Landscape Manager (HHNL)- Objection to new build dwellings

In the consultation response (13.03.2024) the HHNL Manager has confirmed that there is no objection to the change of use of Gilling Castle and the Foals Yard outbuildings to form the apartments. Furthermore, the proposed leisure and wellbeing centre is not likely to impact the historic landscape setting within the wider National Landscape and the demolition of these unsightly buildings is welcomed.

However, there are concerns about the 14 new build dwellings, which are considered to be major development, and the access road which are considered to have a significant adverse impact on the scenic beauty, landscape and special qualities of the Howardian Hills. The HHNL Manager does not consider that the detrimental impact on the historic gardens and parkland setting of Gilling Castle in the wider setting of the Howardian Hills is outweighed by any public benefit. Therefore, the HHNL Manager objects to these proposals.

Subsequent responses (13.05.2024 & 11.11.2024) and have confirmed that the HHNL Manager's views are unchanged.

7.7. Police Designing Out Crime Officer (DOCO)- No objection

The Police DOCO has carried out an analysis of crime and disorder for a 12-month period (1 January 2023 to 31 December 2023) for an area within a 1km radius of the site and has also reviewed the proposed development applying the principles of Crime Prevention Through Environmental Design (CPTED).

The Police DOCO initially requested (01.02.2024) that a condition is imposed to secure crime prevention measures. The applicant subsequently provided a detailed response (08.03.2024) on the matters raised by the Police DOCO. Following review the Police DOCO confirmed (21.05.2024) that they are satisfied with the submission noting that the applicant has taken all reasonable measures to reduce the potential for the development to suffer from crime and disorder. The Police DOCO has also made comments (25.06.2024) on ensuring lighting levels are compatible with the CCTV system which will be included as an informative.

7.8. Highways North Yorkshire- Recommend conditions

The LHA initially recommended refusal (16.07.2024) due to concerns in relation to the construction access route via Pottergate. The further information (Construction Management Plan) subsequently confirmed the use of the B1363 Main Street (via the eastern entrance) for all construction related traffic. The LHA have issued a further response (03.12.2024)

recommending conditions in respect of adherence to the Construction Management Plan and the creation and maintenance of access, parking, manoeuvring and turning areas.

7.9. **Sports England-** Objection (loss of playing field and sport facilities)

In their initial response (02.02.2024) Sport England note that the proposal will result in the loss of some grass playing field, the artificial grass pitch (AGP), the sports hall and removal of the tennis court and, therefore, Sport England object.

Sport England do not consider that any exceptions to policy apply such as demonstration that the playing fields and facilities are surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality.

Sport England also requested that ball strike is assessed (cricket pitch) and that any required ball stop mitigation is resolved prior to any permission being granted.

Sport England advise that *'Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit'*.

A further response was received from Sport England (13.06.2024) following consideration of additional information provided by the applicant in May 2024. In summary, Sport England reiterated that they maintain their objection and requested further clarification on ball strike, evidence that the sports hall is surplus to requirements and more detail on the new/relocated tennis courts and the bowling green.

In a further response (22.08.2024) Sport England forwarded the comments of England Hockey who wish to see the artificial pitch retained or replaced.

In their most recent response (28.11.2024) Sport England have considered the ball strike risk assessment and Sports Needs Assessment (SNA) submitted by the applicant.

Sport England state that the applicant's SNA is not a robust assessment of needs in respect of the loss of the AGP, as it has failed to take into account the demand for sport and the correct level of supply.

Sport England is satisfied that there would be no harm to any sporting provision brought about by the loss of the sport hall.

Lack of information on the tennis courts and bowling green (location and specification)

The ball strike assessment is acceptable. However, there are no details of the ball strike risk mitigation (design, specification and layout). Sport England have been re-consulted (20.01.2025) on the updated ball strike assessment which sets out the proposed risk mitigation. No further comments have been received.

Sport England maintains its objection due to the loss of the AGP.

7.10. **NYC Natural Services** No objections, recommend conditions

In the initial response (18.01.2024) the Council's Ecologist explained that the various recommendations referred to in the applicant's Preliminary Ecological Appraisal (PEA) need to be 'firmed up' in order to properly understand the impacts of the development and, thereafter, reflected in the submitted plans. The Council's Ecologist also highlighted that the habitat survey was undertaken outside of the recommended season.

The Council's Ecologist is satisfied with the surveys undertaken for barn owls and recommends a condition to secure the mitigation recommended in the survey report.

Further information was requested in relation to Great Crested Newts and the applicant's approach to licensing. The Council's Ecologist also made the applicant aware that the application will need to demonstrate policy-compliant delivery of Biodiversity Net Gain (BNG).

In response (15.05.2024) to further information provided by the applicant the Council's Ecologist confirmed that comprehensive bat surveys have now been completed. However, the Council's Ecologist requested more detail on the proposed mitigation measures especially in relation to compensatory roost habitats to be provided. The Council's Ecologist also highlighted the potential effect of external lighting on roosting bats and requested that the applicant's ecologist review the lighting proposals to confirm that they are acceptable prior to determination.

The Council's Ecologist has noted that the revised Biodiversity Net Gain (BNG) assessment projects a 3.81% uplift in area-based habitat units with a 2.03% uplift for hedgerows if recommendations for new native hedgerow planting are adopted. This would produce a net gain compliant with policy (application pre-dates mandatory BNG).

In a further response (05.11.2024) the Council's Ecologist reiterated the need for an updated ecological appraisal with a clear set of recommendations for mitigation and enhancement based on the completed surveys and relating to the finalised plans.

By early December 2024 the Council's Ecologist was able to confirm (05.12.2024) that the key recommendations can be secured by condition and construction-phase ecological mitigation measures incorporated into the CEMP condition. However, the Council's Ecologist pointed out the continued lack of detail concerning mitigation/compensation measures for roosting bats.

The Council's Ecologist has also noted (23.12.2024) that, in relation to GCN, the applicant proposes adopting Reasonable Avoidance Measures, i.e. working methods intended to minimise risks to this species instead of using District Level Licensing. The Council Ecologist confirmed that *this "seems a reasonable and proportionate approach"* and supports the use of a condition to adhere to the Great Crested Newt Reasonable Avoidance Measures Method Statement dated 12 December 2024.

The Council's Ecologist reiterated that bat mitigation should involve 'like for like' replacement for lost roosting places noting that, generally, tree-mounted boxes are not considered an appropriate substitute for roosting places in voids and crevices in buildings. The Council's Ecologist explained that the LPA needs to be confident Natural England would grant a protected species mitigation licence based on the applicant's approach.

In the most recent response (20.01.2025) the Council's Ecologist recommends a condition to adhere to the revised Bat Mitigation Strategy (which sets out precautionary measures and mitigation and compensation for roosting bats) on the understanding that details may change during the licensing process as a result of Natural England's requirements.

7.11. Gilling East Parish Council- fully support the application.

In their response (22.02.2024) in addition to confirming support for the proposal the Parish Council set out a number of queries and concerns as follows:-

- The unsuitability of Pottergate to accommodate construction traffic and that the alternative route off Main Street through the gateposts should be used.

- Vehicle Charging point provision
- Ground sourced heating should be considered as opposed to air source.
- Will drainage arrangements be adequate for the new residential community?
- Public access to parts of the building and grounds should be provided.
- Lighting during the construction phase should be controlled
- Local people should be employed in the construction phase

In July 2024 the applicant facilitated a site visit with the Parish Council and provided a written response to the Parish Council summarising the benefits of the proposed development. The Parish Council has made no further comment to the LPA.

7.12. Archaeology Section- No objection

The Council's Archaeologist has reviewed the archaeological desk-based assessment which accompanies the application. In the consultation response (05.02.2024) the Council's Archaeologist states that the majority of the new build elements of the proposal are in areas of land disturbed by previous buildings or landscaping/terracing in the 20th century. Therefore, the proposal is unlikely to have a significant impact on heritage assets of archaeological interest.

7.13. Tree & Woodland Section- Recommend condition

The consultation response confirms that the information provided in respect of arboricultural matters is appropriate to the site but the successful integration of the development within the treed areas will be dependent on a comprehensive Arboricultural Method Statement which should be the subject of a condition. The response also notes that whilst the loss of a small number of 'B' classification individual trees is regrettable it is not considered that their loss is hugely significant in landscape terms.

7.14. Yorkshire Water- Recommend conditions

In their consultation response (18.01.2024) Yorkshire Water request standard foul and surface water drainage conditions are imposed in order to protect the local aquatic environment and Yorkshire Water infrastructure.

7.15. Flood Risk (LLFA)- Recommend condition

The LLFA initially requested (31.07.2024) further information in respect of run-off destinations; infiltration rates; peak flow control; designs for exceedance flows and a maintenance plan.

The LLFA subsequently reviewed the further information provided by the applicant (Technical Note) and in their most recent consultation response (19.11.2024) confirm that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommend a pre-commencement condition to secure the final detail of the foul and surface water drainage scheme.

7.16. Natural England- No objection

In their consultation response (02.02.2024) Natural England confirm that the development will not have significant adverse impacts on statutorily protected nature conservation sites. The Natural England response also includes generic advice on other natural environment issues.

7.17. Environmental Health- Recommend conditions

The EHO has reviewed the Phase 1 and Phase 2 ground investigation reports. In the consultation response (12.07.2024) the EHO notes that due to the residential end use and the presence of polycyclic aromatic hydrocarbons (PAH) there is a need to remediate garden/amenity areas as this could be a viable pathway to site end users.

This could be achieved by incorporating a cover system which can be secured by condition along with the standard 'watching brief' condition in case any unexpected contamination is found during the development phase.

The EHO has been notified (20.01.2025) of the ball strike assessment and the proposed risk mitigation. No further comments have been received.

7.18. Public Rights of Way- Recommend informative

The PRow team have highlighted the position of the public footpath no. 25.40/1/1 which skirts along the south eastern edge of the application site. In their response (23.01.2024) they request the standard informative is imposed to advise the applicant that the footpath must be protected and kept clear of any obstruction.

7.19. Local Representations

7.20. The LPA has received a total of three representations in response to the application. The representations are from a local resident; a representative of Gilling Miniature Railway; and the Chair of Gilling Castle Golf Club. All of the representations confirm support for the application. A summary of the comments is provided below, however, please see website for full comments.

7.21. Support:

- The proposed development will have a positive impact on the village, as long as the deliveries of building materials etc. during construction are managed correctly.
- There is hope that the increased number of people in the village arising from the development may result in the reinstatement of a bus route through the village.
- Gilling Miniature Railway has a membership of around 70 people and provides a recreational facility for those members, supporting their mental and physical well-being. The proposed development would benefit the Gilling Miniature Railway in terms of increased foot-fall and more visitors to the village.
- The proposed development will preserve the castle in the long term after a period of gradual decline and deterioration.
- The proposed development will ensure the upkeep, maintenance and enhancement of the surrounding parkland which incorporates the golf course.
- The proposed development includes new and enhanced local amenities such as a restaurant, wellness spa and tennis and bowling facilities to complement the golfing offer.
- The proposed development would provide opportunities for health, social and sporting activities at the golf course and within the wider parkland.
- The new owners have maintained the golf course impressively.
- The development will help secure the future of the golf club.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

- Principle of the development;
- Local Needs Occupancy Condition (LNOC);
- Affordable housing;
- Enabling development and viability;
- Heritage impacts;
- Design, form and scale and impact on the Howardian Hills National Landscape;
- Playing pitch provision and loss;
- Highways impacts;
- Protected Species and Biodiversity Net Gain (BNG);
- Residential amenity;
- Flood Risk and drainage;
- Contamination;
- Archaeological impact;
- Trees and arboricultural matters;
- Community Infrastructure Levy (CIL); and
- Application of the Town & Country Planning (Consultation) (England) Direction 2021.

10.0 ASSESSMENT

Principle of the development

- 10.1. The Ryedale Plan-Local Plan Strategy (2013) sets out the strategy for the distribution of development during the plan period. Policy SP1 (General Location of Development and Settlement Hierarchy) sets out a hierarchy of settlements and seeks to focus new housing within the Principal Towns, Market Towns and Service Villages. The application site lies within the open countryside.
- 10.2. Policy SP1 of the RPLPS (2013) states that development in the open countryside will be restricted to that:
- which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
 - which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or
 - which is justified through the Neighbourhood Planning process
- 10.3. Policy SP2, which is concerned with the delivery and distribution of housing, identifies that housing delivery in open countryside locations is generally restrained, and is subject to the following circumstances being met:

- New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified
- Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy

10.4. The NPPF (2024) at paragraph 84 sets out circumstances where there is support for homes in the countryside, this includes where:-

- “b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting”;*

10.5. The Local Planning Authority supports the reuse of Gilling Castle in a manner which reflects and responds to its significance as a designated heritage asset set within a protected landscape. As a Grade I listed building, with associated Registered Park and Garden situated in the Howardian Hills National Landscape, the retention of the key buildings and the prevailing landscape setting which is, in the Local Planning Authority’s view, a key consideration in the benefits of the scheme proposed. For the conversion/change of use of redundant or traditional rural buildings where this would lead to an enhancement of the immediate setting, this can, in principle, be achieved through the sustained re-use of this listed building and its grounds. Therefore, the redevelopment of Gilling Castle aligns with the general aims of Policy SP2 and the support for the conversion of redundant or disused traditional rural buildings.

10.6. With regard to the particular type of residential accommodation proposed the RPLPS (2013) acknowledges that an ageing population presents a specific issue for the (former) district and diversifying the range of open market accommodation suitable for older people is an important Local Plan requirement.

10.7. Policy SP4 (Type and mix of new housing) states that *“New housing sites in Ryedale will provide increased housing choice and contribute to the provision of a balanced housing stock”*. The supporting text contained within the RPLPS (2013) specific to Policy SP4 identifies the provision of smaller open market dwellings and new retirement apartment schemes as part of the range of homes that will assist in addressing the requirements of older people and support independent living.

10.8. It is also important to acknowledge that the development does involve the re-use of previously developed land and buildings as supported by paragraph 124 of the NPPF (2024) and Policies SP2 and SP17 of the RPLPS (2013).

10.9. However, this is a proposal which has elements which are not aligned with policies of the Development Plan. There are new build dwellings being proposed in an open countryside location, and it is whether, in viability terms the new builds are required from a development viability perspective following detailed consideration of the evidence.

10.10. There are other areas of the proposal which are also in conflict with the approach of the Development Plan- these are in relation to the policy principles concerning the application of the Local Needs Occupancy Condition (LNOC) and requirements for a proportion of affordable housing. Concerning the application of the local needs occupancy condition on the dwellings it is the view of Officers that, based on anticipated occupier profiles, and the geographic operation of the local needs occupancy condition, the proposed occupier’s circumstances would not align with the eligibility criteria which would be imposed on residential conversion schemes in the open countryside.

Local Needs Occupancy Condition (LNOC)

10.11. The wording of the relevant local policy (SP21) and resulting condition is as follows:

Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock, or*
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the Parish after leaving military service; or*
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.*

10.12. To not impose the condition on the proposed units represents a departure from the Development Plan, and there would have to be material considerations of sufficient weight to demonstrate to the Local Planning Authority that the imposition of the Local Needs Occupancy Condition is outweighed by the viability issues and incompatibility with the delivery of the scheme to warrant the condition not being imposed on each residential unit.

10.13. The Local Planning Authority is asked to make this judgement based on the viability assessment and business model considerations provided with the application and on the basis that the application of the condition would be harmful to the delivery of the scheme and its intended re-use of Gilling Castle and its grounds.

Affordable housing

10.14. Policy SP3 requires 35% on site affordable housing provision and within the parish of Gilling East it would also be subject to an additional 5% commuted sum for affordable housing.

10.15. The business plan indicates that the proposed scheme is for a very specific occupier profile and no affordable housing provision has been identified as being provided on this scheme.

10.16. Therefore, the proposal is in conflict with the Development Plan in this respect and there would have to be material considerations of sufficient weight to demonstrate to the Local Planning Authority that the affordable housing provision is outweighed by the viability issues and incompatibility with the delivery of the scheme to warrant a departure from the policy.

10.17. The Local Planning Authority can make this judgement based on the viability assessment and business model considerations provided with the application and on the basis that to do so would be harmful to delivery of the scheme and its intended reuse of Gilling Castle and its grounds.

Enabling development and viability

10.18. Paragraph 15 of Historic England's enabling development advice document (Historic England (2020) GPA4: Enabling Development and Heritage Assets) states that 'The

defining characteristic of enabling development is that it would secure the future conservation of a heritage asset if other reasonable efforts have failed, and the balance articulated in NPPF paragraph 202 is met, i.e. the future conservation of the asset is secured and the disbenefits of departing from conflicting planning policies are outweighed by the benefits’.

10.19. Policy SP12 of the RPLPS (2013) states:

‘Proposals for Enabling Development necessary to secure the future of a heritage asset which would be otherwise contrary to the policies of this Plan or contrary to national policy will be carefully assessed against the policy statement and guidance provided by English Heritage - Enabling Development and the Conservation of Significant Places. In addition to the criteria embodied within the national statement, in considering the extent to which the benefit of an Enabling Development proposal outweighs a departure from this Plan or national policy, the following local criteria will also be used to inform the decision making process –

- The Enabling Development proposed can be accommodated without material harm to the character of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty and landscapes identified as being of local value*
- Enabling Development proposed at or within villages is well related to their form, character and landscape setting*
- In cases where there is a need to secure the future of multiple heritage assets within a single ownership, that Enabling Development proposals are:*
 - Based upon an up-to-date conservation management plan for the assets in their ownership aligned with an up to date business plan*
 - Prioritised to address the needs of those assets identified as being at greatest risk unless it can be demonstrated and agreed that the Enabling Development proposal secures the future of a significant asset in conjunction with income generating development that would in turn, support a reduction in conservation deficit*
 - Affordable housing contributions will be negotiated as part of residential Enabling Development schemes on sites which would trigger the application of Policy SP3. Consideration will be given to varying the form of contributions sought through Policy SP3 so as not to prejudice the heritage benefits of the Enabling Development proposal’.*

10.20. The 14no. new build dwellings form the ‘enabling development’ which the applicant identifies as being necessary to support the wider development and conversion and restoration of Gilling Castle and its grounds.

10.21. Historic England and the Council’s Building Conservation Officer have requested that the applicant’s viability report is independently assessed to establish that the proposal represents the ‘optimal viable use’ and that the case for enabling development is robust.

10.22. The application is accompanied by a viability assessment which has been independently reviewed on behalf of the Council.

10.23. The viability process has tested a number of development scenarios for the castle as follows:-

- Continuation as a school
- Conversion to form a single dwelling
- Conversion to form 11 large dwellings
- Conversion to form 21 apartments
- Conversion to form a hotel
- Conversion to form offices

- Conversion to form 21 over 55s apartments

- 10.24. The assessment has considered construction costs and development value. All scenarios produced a negative residual land value and are, therefore, not considered to be viable.
- 10.25. The viability work reveals that this proposal to convert the existing buildings to form 21no. 'later living' apartments results in a Conservation Deficit and, therefore, 'enabling development' is required i.e. new build accommodation necessary to ensure the delivery of the wider scheme.
- 10.26. The viability assessment concludes that the proposed retirement living scheme represents the 'optimal viable use' for the property acknowledging that the rental model includes a service charge which provides a fund for on-going maintenance of the Castle and its grounds.
- 10.27. The viability work has concluded that the proposed enabling development in the form of 14no. new build dwellings is not excessive and is required in order to deliver the scheme including the conservation benefits.
- 10.28. The viability conclusions confirm that the optimal use scenario could not support affordable housing or any other planning policy occupancy restrictions. It is important to note that the evidence shows that the proposals, even with enabling development, are not sufficiently viable to support affordable housing. In order to make provision for affordable housing it would necessitate a significantly greater degree of enabling development than is currently proposed. A greater level of enabling development would likely cause heritage and landscape harm and would likely be unacceptable.

Heritage impacts

- 10.29. The application site includes the Grade I Listed Gilling Castle, a country house dating back to the 14th century. In addition to the Grade I listed castle, within the application site there is also the adjoining Grade II listed stables/foal yard; Grade II listed clocktower; Grade II listed stone bench within the southern terrace; and Grade II listed gate piers at the eastern entrance off Main Street. Gilling Castle sits within a Grade II registered historic park and garden.
- 10.30. The application is accompanied by a Heritage Impact Assessment and the application and the various revisions to details have been the subject of consultation with the Council's Building Conservation Officer, Historic England, the Georgian Group and the Gardens Trust.
- 10.31. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.32. The setting of a heritage asset is defined within the Annex 2 of the NPPF (2024) as:
- 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.*
- 10.33. Policy SP12 of the RPLPS (2013) states that designated historic assets will be conserved and where appropriate, enhanced. Local Policy and the NPPF (2024) sets out that proposals which would result in less substantial harm will only be agreed where the public

benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.

- 10.34. Policy SP12 also states *'The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including:*
- *Large country houses and associated estates and estate villages, with Castle Howard being of international importance*
 - *Work with and support local estates to identify appropriate ways in which to manage their historic landscapes, features and buildings*
 - *Support new development proposals aimed at educating and raising awareness of Ryedale's historic environment.'*
- 10.35. Gilling Castle is a Grade I listed country house dating back to the 14th century. Grade I buildings are of exceptional interest. Grade I listed buildings only make up around 2.5% of listed buildings in the UK.
- 10.36. The Castle is U-shaped in nature formed of a northern and southern wing and a main central block. On the ground floor the Castle remains configured to the use of the former school and, therefore, contains within it, areas formerly used for classrooms, changing areas, showers, kitchens and storage of plant and equipment. The first floor retains some of its historic layout, featuring a reception, sitting room and dining room.
- 10.37. Gilling Castle has stood empty for over 6 years. It is evident that the condition of the Castle has deteriorated in recent years with significant repair works required. Original features have been removed over time and, overall, the building, outbuildings and grounds are in a poor condition.
- 10.38. The detailed drawings accompanying the application illustrate that the castle exterior and interior structure will remain largely unchanged.
- 10.39. There would be some internal layout changes to facilitate the new use which will be achieved by the removal of several modern style doors and partition walls that were constructed for the former education use in the 1980s.
- 10.40. It is understood that the proposed changes to the Castle also arise from the requirement to adhere to Part B Building Regulations (Fire Safety) and including the formation of new doors for escape routes and to ensure corridor lengths do not exceed 9 metres. In some places doors are being removed and replaced with stud walls to facilitate the new layout. Operational requirements have brought about the need for a new lift within the central area of the castle with new raised floors within the ground floor to facilitate its function.
- 10.41. Within the Gilbert Scott classrooms on the southern side of the castle, the proposals seek to retain most of the existing doors and glazing. One existing dividing internal wall is proposed to be removed to create the living area. An internal glazed screen is also to be removed along the corridor, leaving the arched opening in situ.
- 10.42. The proposals to convert the Foals Yard are limited to the removal of some of the existing doors, partition walls and stairs (and infilling), the creation of new doorways and stairways to create self-contained rooms. Within the extension to the stable block, proposals are limited to new entrances, removal and replacement of existing doors, creation of new ensembles and creation of new escape windows. On the first floor, reinstated and new windows are proposed to provide adequate natural daylight to the rooms.

- 10.43. The proposed changes to the clock tower building comprise new and renewed doors, new partition walls, a new stair opening and a new floor over existing stair openings.
- 10.44. During the course of the application the heritage-focused consultees have sought clarification on aspects of the internal works which may result in loss of historic fabric and features which contribute to the significance of the listed building. This includes, amongst other things, the retention of the infilled 'blind window' in the long gallery dining room of the Castle. It is acknowledged that the conversion avoids impacts on historic fabric where possible and, where some intervention is necessary, it is minimal.
- 10.45. It is clear that Historic England and the Council's Building Conservation Officer support bringing Gilling Castle and its associated heritage assets back into an active new use compatible with its conservation.
- 10.46. The application drawings and supporting assessments articulate that the works proposed to the Castle, stable block and associated buildings will be sensitively undertaken and any new materials will be carefully designed to match the existing. A number of conditions can be imposed to secure construction details. Any grant of permission will also secure the external works including repair and maintenance of the gardens and glasshouses.
- 10.47. There are no objections to the demolition of the late 20th century Blackden and Savill buildings as they make no contribution to the setting or significance of the listed building nor make a positive contribution to the registered park. The principal concern of Historic England, The Gardens Trust and the Council's Building Conservation Officer has been the harmful impact of the 14 new build dwellings ('enabling development') on the Registered Park and Garden and setting of the listed building.
- 10.48. The Council's Building Conservation Officer is satisfied with the general locational approach and design of the new dwellings which helps mitigate some of the harms related to this element of the proposal in addition to the positive benefits of restoration of the Registered Park and Garden. The BCO's request for Unit 1 to be re-positioned at the western end of the new builds has also been incorporated in the revised plans which overcomes the previous concerns in respect of harm to the setting of the castle frontage.
- 10.49. The Council's Building Conservation Officer is aware of the outcome of the viability review exercise. The BCO notes that the questions they raised have been satisfactorily addressed in respect of whether the proposed conversion of the castle to create apartments represents the optimal viable use; the requirement for enabling development; and ensuring that the level of enabling development is not excessive.
- 10.50. The Council's Building Conservation Officer and Historic England have highlighted that, in order to secure the conservation benefits of the application, it is important that a condition requiring the phased build out of new build house plots in conjunction with repair works to the garden and castle should be attached to a permission. Similarly, the proposals to provide managed public access to specific 'high status' rooms within the Castle is also a notable benefit and will allow members of the public the ability to further appreciate the special interest and significance of the building. This is an important matter raised by both the Council's Building Conservation Officer and Historic England and a condition should be imposed to secure how public access will be facilitated in a manner that balances public access with the privacy and security expectations of residents.
- 10.51. Historic England and the Council's Building Conservation Officer have confirmed that the temporary works to the listed gate piers and railings are acceptable subject to a method statement being secured by condition.

- 10.52. The application is accompanied by a 'remedial works schedule' which will target immediate and urgent remedial and repair work required to the listed Castle. This is expected to involve investigative works, repairs, opening up and strip out, and generally make the castle water tight. In addition, it will allow the site to be secure and a site compound to be set up as soon as is practicable after a grant of permission. The LPA has no objection to this approach and conditions will be worded to allow specific initial works to the listed Castle and grounds to progress.
- 10.53. In summary, the Council's Building Conservation Officer and the Gardens Trust have identified harm to the setting of the Grade I listed building and Registered Park and Garden. The harm is considered to be 'less than substantial' due to location, design, landscaping and materials. The heritage benefits of repairing the castle/grounds and securing its Optimal Viable Use to include areas of the highest heritage significance in the castle having public access are weighed heavily and, in the view of Officers, are considered to outweigh the harm caused to the setting of the Grade I listed building and Registered Park and Garden in compliance with the requirements of Policy SP12 of the RPLPS (2013) and the NPPF (2024).

Design, form and scale and impact on the Howardian Hills National Landscape

- 10.54. The site is within the Howardian Hills National Landscape (HHNL) which is afforded the highest level of protection in planning policy terms. North Yorkshire Council have a statutory duty to ensure that any proposals affecting the Howardian Hills National Landscape 'seek to further the purposes' of the designation, a strengthened duty defined within the Levelling Up and Regeneration Act 2023 relating to the purpose to 'conserve and enhance the natural beauty' of the area.
- 10.55. Paragraph 135 of the NPPF (2024) states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 10.56. Policy SP16 (Design) of the RPLPS (2013) states:

"Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *Topography and landforms*
- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the*

development proposed significantly outweigh the loss or damage to the character of the settlement

- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail”.*

- 10.57. Policy SP20 of the RPLPS (2013) also requires that *"New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses"*.
- 10.58. Policy SP13 of the RPLPS (2013) requires that development does not detract from the natural beauty and special qualities of landscapes. The policy highlights a commitment to conserving and enhancing the natural beauty of the Howardian Hills National Landscape, supporting proposals that align with National Landscape objectives and contribute to the well-being of the area, while expressing resistance to development that may harm the National Landscape's special qualities unless clear benefits outweigh adverse impacts and alternative locations are less damaging, with major developments facing consideration only in exceptional circumstances according to national policy.
- 10.59. The NPPF (2024) affords 'great weight' to the conservation and enhancement of landscape and the scenic beauty in National Landscapes, giving them the highest status of protection in planning policy terms.
- 10.60. Paragraph 190 of the NPPF (2024) advises that *"When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest"*.
- 10.61. The relevant footnote within the NPPF (2024) confirms that *"For the purposes of paragraphs 190 and 191, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined"*.
- 10.62. For the purposes of paragraph 190 of the NPPF (2024) the determination of whether a development is a "major development" is an exercise in planning judgment based on all the circumstances, taking into account the potential impact that the development may have on the National Landscape by reason of its nature and scale.
- 10.63. Examples of development that might be classed as major in the context of decision making include mineral workings or waste disposal operations, large scale renewable or energy generating schemes, large scale housing development and significant road schemes or infrastructure projects.
- 10.64. The application site is wholly within the National Landscape. The proposals centre on converting a redundant, disused rural building in the form of a Grade I Listed Building (Gilling Castle). The proposals seek to bring the heritage asset back into active use, sustaining its long-term future with a viable residential development and enhance its setting within the Registered Park and Garden. There is a degree of enabling development that has been demonstrated to be necessary to facilitate the conversion and re-use of the Castle and restoration of the wider Registered Park and Garden. The proposed development involves previously developed land and the new build dwellings have been subject to a locational assessment to minimise harm to the identified heritage assets. There are minimal impacts in relation to the environment, highways network and flood risk and drainage as discussed later in this report.

- 10.65. Taking account of the scale, character and nature of the proposed development it is considered that the potential landscape and visual impacts, amenity impacts and traffic implications would be localised and would not cause a significant adverse impact on the visual qualities and essential characteristics for which the area has been designated.
- 10.66. In respect of the principle policy tests in the NPPF (2024) and, notwithstanding the views of the HHNL Manager, the application is not considered to constitute “major development” in the context of paragraph 190.
- 10.67. The site is relatively close to the boundary with the North York Moors National Park. However, there is no inter-visibility between the new development and the National Park 2.3km to the north and the LVIA confirms that there would be no adverse effects on its setting.
- 10.68. The HHNL Manager has no objection to the change of use of Gilling Castle and the Foals Yard outbuildings to form apartments. In addition, the HHNL Manager confirms that the proposed leisure and wellbeing centre is not likely to impact the historic landscape setting within the wider National Landscape and *“the demolition of these unsightly buildings is welcomed”*.
- 10.69. The Wellness Centre would be located in the position currently occupied by the sport hall/ gymnasium. The siting is discreet and well landscaped to ensure minimal interference with the Registered Park and Gardens and the Castle. The potential for light spillage from this three storey building has been addressed via timber louvres within the oak frame design to the main front façade along with the proposal for a “green wall” /“planting” system on wires to again mimic the natural surroundings of the woodland.
- 10.70. The HHNL Manager objects to the 14 new build dwellings, which are considered to have a significant adverse impact on the scenic beauty, landscape and special qualities of the Howardian Hills not outweighed by any public benefit.
- 10.71. Officers consider that it is important to recognise that the new dwellings would be constructed on previously developed land. In landscape and visual amenity terms it is beneficial to remove the flood lit artificial pitch, the tennis court, the former school buildings (comprising the Blackden and Savill classroom blocks) and the associated hardstanding parking area. These modern additions have, cumulatively, compromised the historical and visual integrity of this part of the Registered Park and Garden.
- 10.72. The new build dwellings seek to adopt a traditional cottage style form with simple pitched slate roof, simple window features and a small single storey addition of an orangery style structure to the rear constructed out of timber to mimic the natural surroundings these houses are sited within. The dwellings are of suitable proportions and compliant with nationally described space standards. The individual plots are well-spaced and the curvilinear layout and orientation of the dwellings is well considered to limit the impact on the setting of the Castle and the wider parkland landscape.
- 10.73. The dwellings would be constructed in local stone to assimilate with the adjacent castle, with the addition of simple stone quoins and window heads and cills. The windows will be of a traditional timber heritage sash style with the addition of bay windows at ground floor following the local vernacular in their design. Additional detailing will include dummy chimneys.
- 10.74. The individual plots will not have driveways, parking areas or garages. The on-site car parking arrangements would ensure the appearance of the row of new dwellings is ‘car-free’ which is a sensitive approach to development on the northern edge of the formal parkland.

The dwellings would be situated on a curving rural lane fringed with traditional cottage gardens and dry stone walling to the frontage with a traditional ha-ha wall feature to the parkland edge. In addition, a tree lined 'pocket park' would visually soften the appearance of the new development.

- 10.75. The Avenue is the western, tree-lined approach from Park Wood to the castle. The proposed new dwellings will sit on the periphery of the designed view between the eastern end of The Avenue and the western elevation of Gilling Castle. There would be no impact on this significant route which will continue to provide a central focal point within the designed views both to and from The Castle. The design of the development area has sought to minimise impacts to this view through the layout, materials and planting. The new build elements have been designed so as to not compete with the dominance of Gilling Castle within the landscape.
- 10.76. The application is accompanied by a Landscape and Visual Impact Assessment which notes that the park's landform has been significantly modified to accommodate sports pitches/court to the west of the Castle. There are man-made plateaus and engineered embankments to the south and west of the proposed dwellings. The removal of the artificial grass pitch and tennis court would allow for the remodelling of peripheral areas of the parkland landform to more natural contours including to the front of the castle.
- 10.77. The proposals include a wider landscape restoration strategy that seeks to remove hardstanding associated with the former school use and restore formal gardens and terraces, glasshouses and kitchen gardens. The approach seeks to re-establish historical elements within the setting of the castle.
- 10.78. It is acknowledged that there will be initial disruption to the site's landscape during the construction phase. The location and design of temporary site compounds, lighting, signage and perimeter screen fencing, combined with effective project management would seek to ensure that potential landscape effects are mitigated and minimised. These aspects of the construction phase can be controlled by condition to ensure no long term adverse impacts.
- 10.79. The applicant has completed a SWOT analysis for the development options for the new builds and, as acknowledged by the Gardens Trust, it has established that the new dwellings are to be located at one of the least sensitive areas of the site in terms of topography, views, and landscape setting. The design of the new dwellings has considered the location of existing harmful development and is a significant improvement over the existing built development.
- 10.80. Overall, the key features and views that positively contribute to the Registered Park and Garden and the setting within the National Landscape will be preserved and enhanced and the modern interventions reversed. In order to make the re-use of the Castle viable enabling development is necessary. It is considered that the enabling development is proportionate and represents a high quality design that reflects local vernacular without adversely impacting upon the special qualities of the National Landscape designation.
- 10.81. Once construction is complete and the site is operational it is considered that the development would have a limited landscape impact given the site is well contained within the surrounding woodland setting. The development also restores historical sightlines to benefit the visual setting of the parkland landscape and castle.
- 10.82. It is considered that the proposal accords with Policies SP12, SP13, SP16 and SP20 of the RPLPS (2013) and the NPPF (2024) as, on the whole, the development and enabling development can be delivered on site in a sensitive manner that, in the view of Officers, would conserve and enhance the National Landscape.

Playing pitch provision and loss

- 10.83. The proposed development would have impacts on the existing sports facilities associated with the former school use. To the west of the castle frontage is a tennis court beyond which is a cricket pitch. To the west of the Blackden and Savill buildings is a floodlit artificial grass pitch (AGP). The sports hall/gymnasium is within a wooded area to the north west of the castle. All of these facilities were last used by the school which closed in 2018. It is accepted that despite not being used for over 6 years the site does contain land that has a status as playing field.
- 10.84. The AGP is sand based and measures 89 metres in length by 51 metres in width and it is understood that it was used by the school for hockey although it is not a full size pitch suitable for competitive hockey. The dimensions are not suitable for football. The applicant's supporting document explains that the AGP has *"no changing provision and therefore has no community value... and was only ever used by the Prep School"*. The applicant states that due to disuse and lack of maintenance the pitch quality has deteriorated and fallen into disrepair.
- 10.85. The NPPF (2024) explains that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. At paragraph 104 of the NPPF (2024) it states that:
- "Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:*
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use"*.
- 10.86. Sport England has a statutory responsibility for planning applications involving playing fields. The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that Sport England are to be consulted in a statutory context on development which:
- 'is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or*
- (ii) is on land which has been—*
- a. used as a playing field at any time in the five years before the making of the relevant application and which remains undeveloped; or*
- b. allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or*
- (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.'*
- 10.87. Sport England have confirmed that they are satisfied that there would be no harm to any sporting provision brought about by the loss of the former school sport hall/gymnasium.
- 10.88. However, Sport England note that the proposal will result in the loss of some grass playing field, the artificial grass pitch and the tennis court to the front of the castle and, therefore, Sport England object.
- 10.89. Sport England have explained that they do not consider that any exceptions to policy apply such as a demonstration that the playing fields and facilities are surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality.

- 10.90. Sport England have stated that the development should not be granted permission until the Council has completed a Playing Pitch Strategy (PPS) so to fully understand the supply and demand position for sports pitches for the Authority.
- 10.91. The Council's PPS, once complete, will set out an up-to-date assessment of the need for open space, sport and recreation facilities to inform planning policies. It should be noted that a PPS is a material consideration, but it would not be a Development Plan document. At the current time the PPS is not expected to be completed until January 2026 at the earliest. It is considered to be unreasonable to hold up the determination of planning applications in the meantime and there would be no justification for refusal based on the absence of an up to date PPS.
- 10.92. In the absence of an up to date PPS the applicant has completed a Sports Needs Assessment (SNA). The applicant's SNA includes an audit of AGPs which shows that there are 8 AGPs within a 25 mile radius of the application site.
- 10.93. The SNA also highlights that there is an AGP suitable for hockey at Ampleforth College (3 miles from Gilling Castle) which offers full community use. The applicant's position is that the former sand based AGP at Gilling Castle is surplus to requirements, in line with the NPPF, and that a deficiency in provision would not be created by its loss.
- 10.94. Sport England are of the view that the applicant's SNA is not a robust assessment of needs in respect of the loss of the AGP, as it has failed to take into account the demand for sport and the correct level of supply.
- 10.95. Policy SP11 of the RPLPS (2013) seeks to protect existing local community and recreational facilities from redevelopment. However, in this case there is no evidence that the existing facilities have been used by the community and therefore the policy is not applicable. If evidence did show that there has previously been a degree of community use it is considered that there is no longer a need for the AGP facility which is illustrated by the lack of evidence to demonstrate interest in using the facility and the current condition of the pitch and suitable and accessible alternatives exist (Ampleforth College).
- 10.96. The application proposals include new leisure facilities contained within the Wellness Centre (a gym, pool, spa) and two LTA compliant tennis courts and a bowling green within the grounds along with the retention of the existing cricket pitch and restoration of the cricket pavilion. It should be noted that Sport England is satisfied with the cricket ball strike assessment completed by the applicant. The applicant has confirmed that it would not be viable to re-instate the AGP, given its current condition and lack of community ancillary facilities. The detail of the two new tennis courts and the bowling green will be secured by condition.
- 10.97. The objection of Sport England is noted and the harm that is considered to arise from the development will be considered in the planning balance.

Highway impacts

- 10.98. Policy SP20 of the RPLPS (2013) advises that *"Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads"*.

- 10.99. Paragraph 116 of the NPPF (2024) advises 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”*.
- 10.100. The operational traffic is not expected to have any adverse impact on the local highway network. The duration of the construction phase for the development is expected to be three years.
- 10.101. The Parish Council stated concerns about the suitability of Pottergate to accommodate construction traffic. Pottergate is a residential street with a footpath along the north side. There is no footway and a limited verge width and stone wall along the south side. The carriageway width measuring between 5 metres and 5.3 metres. The north side of the street is frequently utilised by residents and visitors for the purpose of on street parking which reduces the carriageway to single vehicle width along the majority of its length toward the B1363/Main Street.
- 10.102. The concerns of the Parish Council were shared by the Local Highway Authority who initially recommended refusal due to the increase in HGV and construction traffic and the unsuitability of Pottergate giving rise to conditions detrimental to highway safety.
- 10.103. The applicant revised the Demolition and Construction Management Plan (DCMP) to confirm construction traffic would only access the site via B1363/Main Street, turning into the site through the existing access road (eastern entrance) continuing to the front hardstanding of Gilling Castle. Vehicles would retrace the route to leave the site. The revised DCMP is accompanied by a method statement for the temporary dismantling of the gate piers and railings at the eastern entrance followed by re-construction at the end of the construction phase. There are also vehicle tracking plans to show the access is suitable for HGVs.
- 10.104. The LHA are satisfied with the revised DCMP and construction access arrangements and have been able to recommend conditions in respect of adherence to the Construction Management Plan and the creation and maintenance of access, parking, manoeuvring and turning areas. The proposed development can be accommodated without resulting in unsafe highway conditions or congestion and the proposal complies with the NPPF and Policy SP20 of the RPLPS (2013).

Protected Species and Biodiversity Net Gain (BNG)

- 10.105. Policy SP14 of the RPLPS (2013) aims to conserve and enhance biodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features. The application is accompanied by an ecological appraisal and protected species surveys.
- 10.106. A number of the buildings onsite support bat roosts. The revised Bat Mitigation Strategy sets out the precautionary measures to be taken during the works in order to minimise the potential for disturbing, injuring or killing bats. The measures include a site induction and toolbox talk by a qualified ecologist for all contractors; on-site ecological supervision during soft strip of existing roofs; sensitive site lighting and timing of works to avoid active bat season and the core hibernation period.
- 10.107. In addition, the Council's Ecologist has worked with the applicant's ecologist to agree suitable mitigation and compensation measures to ensure no net loss of roosting opportunities and 'like-for-like' replacements.

- 10.108. The revised Bat Mitigation Strategy confirms that there will be no net loss of bat roosts with the development incorporating a number of bat boxes in trees, raised roof tiles and bat access tiles across the development.
- 10.109. The Council's Ecologist has confirmed approval of the revised Bat Mitigation Strategy and requested that a condition is applied to ensure works are undertaken in accordance with the strategy. The proposed mitigation is considered to be proportionate and deliverable and the LPA can be confident that mitigation is sufficient to meet the 'Favourable Conservation Status' test set out in the Conservation of Habitats & Species Regulations 2017. A Natural England protected species mitigation licence will be required for the works.
- 10.110. The site lighting strategy including the layout, design and operation of the lighting for the development has been designed to minimise the impact of the external lighting on emerging and foraging bats.
- 10.111. The Council's Ecologist has also requested conditions to secure a Construction Environmental Management Plan (for construction-phase mitigation) and a Landscape and Ecology Management Plan.
- 10.112. Policy SP14 of the RPLPS (2013) and the NPPF require a net gain in biodiversity to be provided as part of new development schemes. This is not a scheme which is subject to the mandatory requirement for Biodiversity Net Gain by virtue of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) due to the application being made prior to the regulations being enacted.
- 10.113. Nevertheless, the application is accompanied by a Biodiversity Net Gain (BNG) assessment which projects a 3.81% uplift in area-based habitat units with a 2.03% uplift for hedgerows if recommendations for new native hedgerow planting are adopted. This would produce a net gain compliant with Policy SP14 of the RPLPS (2013).

Residential amenity

- 10.114. As required by Policy SP20 (Generic Development Management Issues) of the RPLPS (2013) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.
- 10.115. The plans show that the site can be developed with sufficient private amenity space for individual plots and that the 14no. dwellings will be of proportions and orientations that do not result in loss of light, overlooking or loss of privacy to future occupants of the new development in accordance with Policies SP4 and SP20 of the RPLPS (2013).
- 10.116. Each dwelling would be served by suitable parking and turning areas and occupants would have access to the wider grounds, sport and recreational facilities and open space.
- 10.117. The site is relatively remote in relation to existing residential receptors. The application is accompanied by a Demolition and Construction Management Plan which sets out the expected phasing of work; hours of works and potential impacts. Any impacts (such as noise, vibration, dust) arising from the construction phase are not expected to impact on living conditions of occupants of any existing residential property in the vicinity of the site. Once occupied it is anticipated that the development would not result in any unacceptable risks in terms of pollution or disturbance in compliance with Policy SP20 of the RPLPS (2013).

- 10.118. The matter of ball strike from the existing cricket pitch has been considered with the applicant undertaking a specialist assessment. The proposed mitigation takes the form of relocating the cricket square two metres further south than existing. This would result in a distance of 88.5 metres between the stumps/batting crease at the southern end of the cricket square and the boundary with the new residential properties to the north. In their response Sport England highlighted instances around the country where cricket ball strike has been considered a nuisance to nearby residents. The LPA has consulted with the EHO and no objections or concerns have been raised in respect of the applicant's assessment and proposed mitigation.
- 10.119. Construction traffic would access the site from the B1363 Main Street (via the eastern entrance) and as a result there would be no adverse impact on the occupants of properties on Pottergate during the construction phase. A condition should be imposed to secure a Construction Management Plan. Overall, it is considered that the development would not give rise to conditions prejudicial to residential amenity and complies with Policy SP20.

Flood Risk and drainage

- 10.120. The site is within Flood Zone 1 but the site exceeds 1 hectare in size and as a result a Flood Risk Assessment has been completed which confirms the low risk of flooding.
- 10.121. The NPPF (2024) and Policy SP17 of the RPLPS (2013) requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.
- 10.122. The application is accompanied by Flood Risk and Drainage Assessment. At present both foul and surface water discharge to the public combined water sewer. It is proposed that foul water will continue to discharge to the public combined water sewer but the applicant's conceptual design for surface water drainage for the 14no. new-build elements has shown that infiltration is viable.
- 10.123. The applicant has confirmed that the detailed drainage design will seek to separate the foul and surface water in line with the surface water disposal hierarchy with a sustainable drainage solution being explored for the latter.
- 10.124. Yorkshire Water have requested standard foul and surface water drainage conditions are imposed in order to protect the local aquatic environment and Yorkshire Water infrastructure. If it is necessary for *surface water to discharge to public combined water sewer it would be via storage with restricted discharge of 40.5 litres/second*. The Lead Local Flood Authority are satisfied that the proposal demonstrates a reasonable approach to the management of surface water on the site and would accept the submission of detailed designs as part of a pre commencement condition. It is considered that the development aligns with policy approach to sustainable drainage and complies with Policy SP17 of the RPLPS (2013) and the NPPF (2024).

Contamination

- 10.125. Policy SP17 of the RPLPS (2013) supports new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place. Policy SP20 of the RPLPS (2013) states that developers will be expected to address the risks/potential risks posed by contamination in accordance with recognised national and international standards and guidance.
- 10.126. The application site involves previously developed land and the proposals are accompanied by a Phase 1 desk study and Phase 2 ground investigation report.

- 10.127. The Council's EHO notes that the ground investigation of the site found that there are elevations of polycyclic aromatic hydrocarbons (found in coal, oil, gasoline, and other fossil fuels) exceeding the generic assessment criteria limit for residential with homegrown produce due to made ground.
- 10.128. The Council's EHO highlights that the developer will need to remediate garden/amenity areas as there could be a viable pathway to site end users. It is understood that this would likely be by adopting a cover system, which should be 600mm in depth. The EHO has recommended imposing a condition to secure a cover system strategy alongside a 'watching brief' condition in case any unexpected contamination is found during the development phase. It is considered that the risks have been suitably assessed and that conditions can ensure appropriate remediation is completed and, therefore, the development complies with Policies SP17 and SP20 of the RPLPS (2013).

Archaeological impact

- 10.129. Policy SP12 of the RPLPS (2013) states that distinctive elements of North Yorkshires historic environment should be conserved and, where appropriate, enhanced. The NPPF (2024) requires applications to be accompanied by an appropriate level of assessment.
- 10.130. The application is accompanied by an archaeological desk-based assessment. This demonstrates that the majority of the new build elements of the proposal are in areas of land disturbed by previous buildings or landscaping/terracing in the 20th century.
- 10.131. The Council's Archaeologist has stated that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest. The Council's Archaeologist has no objections and therefore, it is considered that the development is in compliance with Policy SP12 of the RPLPS (2013) and the NPPF (2024).

Trees and arboricultural matters

- 10.132. The application is accompanied by an Arboricultural Report, Impact Assessment, and Method statement.
- 10.133. It is acknowledged that there will be a loss of a number of predominantly early mature trees to accommodate new development. However, landscape proposals will include mitigation with provision of extensive new tree planting. New woodland edge flowering species, in conjunction with a select limited number of larger growing specimens, will be planted at appropriate sizes to help integrate new built form into the woodland fringes of Northside woodland.
- 10.134. Appropriate methods will be adopted to protect trees and vegetation during the construction phase based upon guidance contained within BS 58376.
- 10.135. The LPA has received advice from an arboricultural specialist that confirms that whilst the loss of a small number of 'B' classification individual trees is regrettable it is not considered that their loss is hugely significant in landscape terms. To ensure successful integration of the development within the treed areas a comprehensive Arboricultural Method Statement will be secured by condition.

Community Infrastructure Levy (CIL)

- 10.136. The market housing would be CIL liable which attracts a charge of £85 per square metre (to be adjusted for indexation). Apartments are excluded from CIL charges.

The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction)

- 10.137. Planning practice guidance explains that a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State.
- 10.138. The application was registered as valid on 2 January 2024 and, therefore, the 2021 Direction is relevant and not the more recent 2024 Direction which came into force on 26 January 2024.
- 10.139. The LPA has considered whether the Town and Country Planning (Consultation) (England) Direction 2021 (the Direction) applies to this application and whether the proposal is 'playing field development for the purposes of the direction.
- 10.140. The Direction 2021 states the following:
- '7. For the purposes of this Direction, "playing field development" means development of a description mentioned in paragraph (z) of the Table in article 10 of the Order where –*
-
- (a) the land (or any part of the land) which is the subject of the application –*
- (i) is land of a local authority; or*
- (ii) is currently used by an educational institution as a playing field; or*
- (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and*
- (b) the English Sports Council ("Sport England") has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –*
- (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;*
- (ii) that the proposed development would result in such a deficiency; or*
- (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost'.*
- 10.141. The Direction also states:
- '10. Where a local planning authority does not propose to refuse an application for planning permission to which this Direction applies, the authority shall consult the Secretary of State'.*
- 10.142. The LPA has been provided with written confirmation from the Ampleforth Abbey Trust that the on-site sports facilities (sports hall, tennis court, cricket pitch, football pitch and 3G pitch) were used exclusively by the school. Ampleforth Abbey Trust have also confirmed that Gilling Castle ceased to be used as a school at the end of the 2017/18 academic year and the facilities (including playing fields) have not been used since the school closed. The application was received on 2 January 2024 which is more than 5 years since the site was used by an educational institution as a playing field.
- 10.143. Taking account of the requirements set out by the Direction, although the application is subject to an objection from Sport England, the proposal is not "playing field development" for the purposes of the Direction as none of the circumstances listed in 7(a)(i-iii) apply in this case.

- 10.144. It is, therefore, concluded that the application is not a form of “playing field development” that would require referral to the Secretary of State for Housing, Communities and Local Government (the Secretary of State).

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.
- 11.2 The application site is within the open countryside where residential development is restricted except for in specific circumstances.
- 11.3 The proposals centre on converting a redundant, disused rural building in the form of the Grade I Listed Gilling Castle to provide residential apartments. Gilling Castle stands empty and is in a deteriorating condition since it closed as a school in 2018.
- 11.4 Policy SP12 of the RPLPS (2013) acknowledges *‘The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including (inter alia): large country houses and associated estates and estate villages, with Castle Howard being of international importance’*.
- 11.5 Gilling Castle may not be of recognised international importance but, nonetheless, it is a Grade I Listed country house of exceptional interest dating back to the 14th century. Grade I is the highest level of listing and is acknowledgement that the building is of national importance.
- 11.6 Policy SP12 of the RPLPS (2013) encourages the LPA to *‘work with and support local estates to identify appropriate ways in which to manage their historic landscapes, features and buildings’*.
- 11.7 The proposals are unique and seek to bring the principal heritage asset back into active use, sustaining its long-term future with a viable residential development and enhances its setting within the Registered Park and Garden. These benefits are afforded significant weight in the planning balance.
- 11.8 However, there is conflict with policies of the Development Plan arising from the proposed new build residential development in an open countryside location without the Local Needs Occupancy Condition or any affordable housing provision (Policies SP2, SP3 and SP21 of the RPLPS). In addition, Sport England object to the loss of land and facilities identified as playing field.
- 11.9 Notwithstanding the above, Development Plan policy and the NPPF does provide support for development that represents the optimal viable use of a heritage asset and policy acknowledges that appropriate enabling development can secure the future of heritage assets.
- 11.10 In this case it is considered that the proposed residential use and the proposed rental modal represents the most viable optimum use for the heritage asset whilst ensuring it remains in single ownership with future upkeep and maintenance costs secured.
- 11.11 The viability evidence supporting the application, which has been independently assessed on behalf of the Council, confirms that the redevelopment of Gilling Castle is faced with a Conservation Deficit and that there is a clear requirement for enabling development. The

level of enabling development proposed as part of this application is deemed to be proportionate and not overstated.

- 11.12 The scheme is unviable with the local occupancy restriction set by Policies SP2 and SP21 of the RPLPS (2013) and cannot offer any S106 contributions, for instance, to offset the harm identified by Sport England. Furthermore, it has been demonstrated that the proposals, even with enabling development, are not sufficiently viable to support affordable housing and in order to make provision for affordable housing it would necessitate a significantly greater degree of enabling development than is currently proposed. A greater level of enabling development would likely cause heritage and landscape harm and would likely be unacceptable, further threatening the long-term viability of Gilling Castle.
- 11.13 Detailed consideration is to be given to the impacts of the proposal on the listed buildings, their setting and the Registered Park and Garden, and wider landscape setting considerations within the National Landscape.
- 11.14 The proposed enabling development can be accommodated without material harm to the character of the Howardian Hills National Landscape and is well related to the setting of the Grade I Listed castle and the wider Registered Park and Garden.
- 11.15 The harm that has been identified to the heritage asset is considered to be 'less than substantial harm' and planning policy sets out that development will only be acceptable where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset. It should be noted that any harm to the significance of the designated heritage asset must be given great weight and importance in the planning balance in accordance with the requirements of the NPPF.
- 11.16 There are clear benefits arising from the proposed development with the most significant being the long-term preservation and enhancement of the Grade I listed Castle and Grade II Registered Park and Garden. Further benefits include the re-use of previously developed land and buildings; provision of specialist accommodation for an ageing population and enhanced recreational amenities for on-site occupants and the local community; creation of temporary and long term employment; public access (by appointment) to principal rooms in the Castle (such as the Great Chamber) and the maintenance and improvement to the grounds, footpaths, amenities and the Golf Course. In addition, the design incorporates improved environmental sustainability and carbon-reduction in comparison to the existing arrangements on site and will provide a policy compliant level of biodiversity net gain.
- 11.17 Returning to the objection lodged by Sport England it is clear to Officers that the existing sports facilities and pitches at Gilling Castle are associated with its former use as a prep school and have been unused for a number years and, as a result, have fallen into disrepair. The redevelopment of the site for a 'later living' residential use is acceptable in principle and it is considered that the wellness centre, cricket pitch, 2no. tennis courts (net gain) and bowling green is proportionate and compatible with the proposed land use. Furthermore, as noted earlier in this report, there are landscape and heritage enhancements arising from the restoration of the Registered Park and Garden to the front of the castle which is currently occupied by a tennis court. The status of the land as playing field is not in dispute although there is a disagreement between Sport England and the applicant on the matter of whether the AGP is surplus to requirements. Any conflict with paragraph 104 of the NPPF (2024) needs to be weighed in the balance alongside the landscape and heritage benefits and the provision of new facilities appropriate to the 'later living' residential development.
- 11.18 The development wholly aligns with the requirements of the NPPF (paragraph 84) in respect of the circumstances where housing in the countryside is supported and this is a material consideration that weighs in favour of granting permission.

- 11.19 With Section 38(6) of the Planning and Compulsory Purchase Act 2004 in mind the application gives rise to clear conflict with policies of the Development Plan in respect of new build dwellings in the open countryside; lack of affordable housing provision and that the housing is not proposed to meet an identified local need. However, the policies of the Development Plan are read as a whole and enabling development and securing the optimal viable use of heritage asset form an important part of planning policy considerations in this case. The LPA can depart from policies of the Development Plan if material considerations justify this.
- 11.20 Great weight should be given to the heritage assets conservation and that can be achieved through securing a sustainable and viable long term use for the castle complex and grounds. The enabling development has been assessed as being crucial to the scheme and the resulting benefits of the development as a whole outweigh the harm identified to the playing fields and the National Landscape.
- 11.21 The impacts arising from the development in respect of drainage, ground conditions highways safety, ecology/protected species, trees and archaeology have been appropriately assessed and the development incorporates suitable mitigation secured by condition.
- 11.22 In light of the above assessment and the weighing of the harm against the benefits, it is considered that, on balance, the proposal is acceptable and complies with Policies SP1, SP4, SP12, SP13, SP14, SP16, SP17, SP18, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy (2013) and the National Planning Policy Framework (2024).

12.0 RECOMMENDATION

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

Recommended conditions:

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Reference	Rev
SITE - OS MAP (LOCATION PLAN)	GILC-SHP-A-FP-CA-XX-00.001	*
PROPOSED BLOCK PLAN SHEET 1	GILC-SHP-A-FP-CA-XX-00.015	*
PROPOSED BLOCK PLAN SHEET 2	GILC-SHP-A-FP-CA-XX-00.016	P01
PROPOSED BLOCK PLAN SHEET 3	GILC-SHP-A-FP-CA-XX-00.017	P01
PROPOSED BLOCK PLAN SHEET 4	GILC-SHP-A-FP-CA-XX-00.018	*
PROPOSED BLOCK PLAN SHEET 5	GILC-SHP-A-FP-CA-XX-00.019	*
PROPOSED BLOCK PLAN SHEET 6	GILC-SHP-A-FP-CA-XX-00.020	*
PROPOSED BLOCK PLAN SHEET 7	GILC-SHP-A-FP-CA-XX-00.021	*
PROPOSED BLOCK PLAN SHEET 8	GILC-SHP-A-FP-CA-XX-00.022	*

PROPOSED BLOCK PLAN SHEET 9	GILC-SHP-A-FP-CA-XX-00.023	*
PROPOSED BLOCK PLAN SHEET 10	GILC-SHP-A-FP-CA-XX-00.024	*
MAIN CASTLE - BLOCK PLAN	GILC-SHP-A-FP-CA-XX-00.030	*
PROPOSED HEAT-PUMP LOCATION	GILC-SHP-A-FP-CA-XX-00.031	*
BLOCK PLAN & SITE SECTIONS - NEW BUILD	GILC-SHP-A-FP-ZZ-XX-00.041	P01
SITE PLAN - PROPOSED	GILC-SHP-A-FP-ZZ-XX-00.042	P01
SITE PLAN - GOLF CLUB HOUSE & OVERSPILL CASTLE PARKING	GILC-SHP-A-FP-ZZ-XX-00.043	P01
SITE PLAN - STAFF PARKING ZONES	GILC-SHP-A-FP-ZZ-XX-00.044	P01
SITE PLAN - REFUSE AREA	GILC-SHP-A-FP-ZZ-XX-00.045	P01
SITE PLAN - SUB STATION DETAILS	GILC-SHP-A-FP-ZZ-XX-00.046	P01
LANDSCAPE MASTERPLAN	9420-L-01B	
LANDSCAPE LAYOUT	9420-L-02B	
LANDSCAPE LAYOUT	9420-L-03B	
GROUND FLOOR - DEMO	GILC-SHP-A-FP-CA-L00-01.005	*
FIRST FLOOR - DEMO	GILC-SHP-A-FP-CA-L01-01.006	P02
SECOND FLOOR - DEMO	GILC-SHP-A-FP-CA-L02-01.007	P01
STABLE BLOCK GROUND FLOOR - DEMO	GILC-SHP-A-FP-FYSB-L00-01.008	*
STABLE BLOCK FIRST FLOOR - DEMO	GILC-SHP-A-FP-FYSB-L00-01.009	*
80s BUILDING EXISTING & DEMOLITION	GILC-SHP-A-FP-FYEX-ZZ-01.012	*
CLOCKTOWER EXISTING & DEMOLITION	GILC-SHP-A-FP-FYCT-ZZ-01.014	*
PROPOSED GROUND FLOOR GA PLAN - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-L00-02.001	P03
PROPOSED FIRST FLOOR GA PLAN - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-L01-02.002	P01
PROPOSED SECOND FLOOR GA PLAN - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-L02-02.003	P01
GILBERT SCOTT CLASSROOMS - DEMO & PROPOSED LAYOUTS	GILC-SHP-A-FP-GS-LB-02.005	*
GROUND FLOOR - PROPOSED	GILC-SHP-A-FP-CA-L00-02.006	*
FIRST FLOOR - PROPOSED	GILC-SHP-A-FP-CA-L01-02.007	P02
SECOND FLOOR - PROPOSED	GILC-SHP-A-FP-CA-L02-02.008	P02
STABLE BLOCK GROUND FLOOR - PROPOSED	GILC-SHP-A-FP-FYSB-L00-02.009	P01
STABLE BLOCK FIRST FLOOR - PROPOSED	GILC-SHP-A-FP-FYSB-L01-02.010	P02
80s BUILDING PROPOSED GA PLANS	GILC-SHP-A-FP-FYEX-ZZ-02.015	P01

80s BUILDING PROPOSED LOOK & FEEL IMAGERY	GILC-SHP-A-FP-FYEX-ZZ-02.016	*
CLOCKTOWER PROPOSED GA PLANS	GILC-SHP-A-FP-FYCT-ZZ-02.020	*
CLOCKTOWER PROPOSED LOOK & FEEL IMAGERY	GILC-SHP-A-FP-FYCT-ZZ-02.021	*
BASEMENT - GILBERT SCOTT PROPOSED UNIT 1 - SHEET 1 OF 2	GILC-SHP-A-FP-GS-LB-02.045	*
BASEMENT - GILBERT SCOTT PROPOSED UNIT 1 - SHEET 2 OF 2	GILC-SHP-A-FP-GS-LB-02.046	*
GROUND FLOOR - KITCHENS & STORES SHEET 1 OF 3	GILC-SHP-A-FP-CA-L00-02.050	P02
GROUND FLOOR - KITCHENS & STORES SHEET 2 OF 3	GILC-SHP-A-FP-CA-L00-02.051	P02
GROUND FLOOR - KITCHENS & STORES SHEET 3 OF 3	GILC-SHP-A-FP-CA-L00-02.052	P02
GROUND FLOOR - NEW KITCHEN HOLDING PREP	GILC-SHP-A-FP-CA-L00-02.053	P01
GROUND FLOOR - PROPOSED UNITS 08 & 09 SHEET 1 OF 2	GILC-SHP-A-FP-FYCL-L00-02.054	P01
GROUND FLOOR - PROPOSED UNITS 08 & 09 SHEET 2 OF 2	GILC-SHP-A-FP-FYCL-L00-02.055	P01
GF NORTH WING PROPOSED WORKS - SHEET 1 OF 2	GILC-SHP-A-FP-CA-L00-02.056	P01
GF NORTH WING PROPOSED WORKS LOOK & FEEL IMAGERY SHEET 2 OF 2	GILC-SHP-A-FP-CA-L00-02.057	*
FIRST FLOOR - LOUNGE 01 PROPOSED WORKS SHEET 1 OF 2	GILC-SHP-A-FP-CA-L01-02.060	P01
FIRST FLOOR - LOUNGE 01 PROPOSED WORKS SHEET 2 OF 2	GILC-SHP-A-FP-CA-L01-02.061	P01
FIRST FLOOR - LOUNGE & GREAT CHAMBER SHEET 1 OF 2	GILC-SHP-A-FP-CA-L01-02.062	*
FIRST FLOOR - LOUNGE & GREAT CHAMBER SHEET 2 OF 2	GILC-SHP-A-FP-CA-L01-02.063	*
FIRST FLOOR - MAIN STAIR & REAR ROOMS	GILC-SHP-A-FP-CA-L01-02.064	*
FIRST FLOOR - MAIN RECEPTION & BAR SHEET 1 OF 2	GILC-SHP-A-FP-CA-L01-02.065	P01
FIRST FLOOR - MAIN RECEPTION & BAR SHEET 2 OF 2	GILC-SHP-A-FP-CA-L01-02.066	*
FIRST FLOOR - FINISHING KITCHEN SHEET 1 OF 2 (EXISTING SHOWN)	GILC-SHP-A-FP-CA-L01-02.067	*
FIRST FLOOR - FINISHING KITCHEN SHEET 2 OF 2 (PROPOSED SHOWN)	GILC-SHP-A-FP-CA-L01-02.068	P01
FIRST FLOOR - LONG GALLERY DINING & PRIVATE DINING SHEET 1 OF 3	GILC-SHP-A-FP-CA-L01-02.069	P01
FIRST FLOOR - LONG GALLERY DINING & PRIVATE DINING SHEET 2 OF 3	GILC-SHP-A-FP-CA-L01-02.070	P01
FIRST FLOOR - LONG GALLERY DINING & PRIVATE DINING SHEET 3 OF 3	GILC-SHP-A-FP-CA-L01-02.071	P01
FIRST FLOOR - UNIT 2 NORTH WING	GILC-SHP-A-FP-CA-L01-02.072	P01
FIRST FLOOR - UNIT 3 NORTH WING SHEET 1 OF 2	GILC-SHP-A-FP-CA-L01-02.073	P01
FIRST FLOOR - UNIT 3 NORTH WING SHEET 2 OF 2	GILC-SHP-A-FP-CA-L01-02.074	P01
FIRST FLOOR - PROPOSED UNITS 08 & 09	GILC-SHP-A-FP-CA-L01-02.075	P01
SECOND FLOOR - PROPOSED UNIT 4	GILC-SHP-A-FP-CA-L02-02.080	*
SECOND FLOOR - PROPOSED UNIT 5	GILC-SHP-A-FP-CA-L02-02.081	P01
SECOND FLOOR - PROPOSED UNIT 6	GILC-SHP-A-FP-CA-L02-02.082	P01

SECOND FLOOR - PROPOSED UNIT 6 LOOK & FEEL IMAGERY	GILC-SHP-A-FP-CA-L02-02.083	*
SECOND FLOOR - PROPOSED UNIT 7	GILC-SHP-A-FP-CA-L02-02.084	P02
SECOND FLOOR - PROPOSED UNIT 7 - DETAILS & SECTION	GILC-SHP-A-FP-CA-L02-02.085	P01
SECOND FLOOR - PROPOSED VISITORS	GILC-SHP-A-FP-CA-L02-02.086	P01
STABLE BLOCK - PROPOSED UNIT 15 & 16	GILC-SHP-A-FP-FYSB-ZZ-02.090	P01
STABLE BLOCK - PROPOSED UNIT 15 & 16 SECTIONS & DETAILS	GILC-SHP-A-FP-FYSB-ZZ-02.091	P01
STABLE BLOCK - PROPOSED APARTMENT UNIT 15 LOOK & FEEL IMAGERY	GILC-SHP-A-FP-FYSB-ZZ-02.092	P01
STABLE BLOCK - PROPOSED UNIT 17 & 18	GILC-SHP-A-FP-FYSB-ZZ-02.093	P01
STABLE BLOCK - PROPOSED UNIT 17 & 18 SECTIONS & DETAILS SHEET 1	GILC-SHP-A-FP-FYSB-ZZ-02.094	P01
STABLE BLOCK - PROPOSED UNIT 17 & 18 SECTIONS & DETAILS SHEET 2	GILC-SHP-A-FP-FYSB-ZZ-02.095	P01
NEW BUILD DETACHED PLANS - 1750sqft	GILC-SHP-A-FP-NB01-L00-02.125	P02
NEW BUILD DETACHED PLANS - 2150sqft	GILC-SHP-A-FP-NB01-L00-02.126	P02
NEW BUILD SEMI-DETACHED PLANS	GILC-SHP-A-FP-NB02-L00-02.127	P02
TYPICAL CASTLE SECTION	GILC-SHP-A-FP-CA-ZZ-03.001	*
TYPICAL CASTLE LINK SECTION	GILC-SHP-A-FP-CA-ZZ-03.002	*
PROPOSED SECTION A - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-ZZ-03.025	P01
PROPOSED SOUTH WEST & OUTBUILDING NORTH EAST ELEVATIONS	GILC-SHP-A-FP-CA-ZZ-4.020	*
PROPOSED OUTBUILDING SOUTH WEST ELEVATIONS	GILC-SHP-A-FP-CA-ZZ-4.021	*
PROPOSED CLOCKTOWER - FRONT & REAR ELEVATIONS	GILC-SHP-A-FP-FYCT-ZZ-4.022	*
PROPOSED 80s BUIDLING ELEVATIONS	GILC-SHP-A-FP-FYEX-ZZ-4.023	*
PROPOSED NORTH EAST ELEVATION	GILC-SHP-A-FP-CA-ZZ-4.024	*
PROPOSED SOUTH EAST ELEVATION 04 & PROPOSED NORTH WEST ELEVATION 03	GILC-SHP-A-FP-CA-ZZ-4.025	*
PROPOSED ELEVATIONS NORTH & EAST - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-ZZ-04.037	P01
PROPOSED ELEVATIONS SOUTH & WEST - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-ZZ-04.038	P01
PROPOSED VISUALS	GILC-SHP-A-FP-WBC-ZZ-04.039	*
NEW BUILD DETACHED ELEVATIONS - 1750sqft	GILC-SHP-A-FP-NB01-ZZ-04.050	P03
NEW BUILD DETACHED ELEVATIONS - 2150sqft	GILC-SHP-A-FP-NB01-ZZ-04.051	P03
NEW BUILD SEMI-DETACHED ELEVATIONS	GILC-SHP-A-FP-NB02-ZZ-04.052	P03

FIRE KEY NOTES AND REFERENCE PLAN	GILC-SHP-A-IN-ZZ-LXX-5.001	*
FULL SITE FIRE TENDER ACCESS PLAN	GILC-SHP-A-IN-ZZ-LXX-5.002	*
CLASSROOM BLOCK FIRE PLANS	GILC-SHP-A-IN-GS-LB-5.003	*
GROUND FLOOR FIRE PLAN	GILC-SHP-A-IN-CA-L005.004	*
GROUND FLOOR FIRE PLAN TRAVEL DISTANCES	GILC-SHP-A-IN-CA-L00-5.005	*
FIRST FLOOR FIRE PLAN	GILC-SHP-A-IN-CA-L01-5.006	*
FIRST FLOOR FIRE PLAN TRAVEL DISTANCES	GILC-SHP-A-IN-CA-L01-5.007	*
SECOND FLOOR FIRE PLAN	GILC-SHP-A-IN-CA-L02-5.008	*
SECOND FLOOR FIRE PLAN TRAVEL DISTANCES	GILC-SHP-A-IN-CA-L02-5.009	*
STABLE BLOCK & 80s EXTENSION GF FIRE PLAN	GILC-SHP-A-IN-FYSB-L00-5.010	*
STABLE BLOCK & 80s EXTENSION FF FIRE PLAN	GILC-SHP-A-IN-FYSB-L01-5.011	*
STABLE BLOCK & 80s EXTENSION FIRE PLAN TRAVEL DISTANCES	GILC-SHP-A-IN-FYSB-ZZ-5.012	*
CLOCK TOWER GF FIRE PLANS	GILC-SHP-A-IN-FYCT-L00-5.013	*
CLOCK TOWER FF FIRE PLANS	GILC-SHP-A-IN-FYCT-L01-5.014	*
CLOCK TOWER FIRE PLAN TRAVEL DISTANCES	GILC-SHP-A-IN-FYCT-ZZ-5.015	*
PROPOSED ROOF PLAN	GILC-SHP-A-FP-CA-LRF-08.002	*
PROPOSED GA ROOF PLAN - WELLBEING CENTRE	GILC-SHP-A-FP-WBC-LRF-08.005	P01
NEW BUILD DETACHED (1750sqft) - WINDOW PLANNING DETAILS	GILC-SHP-A-FP-NB01-ZZ-10.001	P01
NEW BUILD DETACHED (2150sqft) - WINDOW PLANNING DETAILS	GILC-SHP-A-FP-NB01-ZZ-10.002	P01
NEW BUILD SEMI-DETACHED - WINDOW PLANNING DETAILS	GILC-SHP-A-FP-NB02-ZZ-10.003	P01

Reason: For the avoidance of doubt and in the interests of proper planning.

Construction phasing

- 3 No development, except for the works set out in the 'remedial works schedule' and any other minor works otherwise agreed in writing by the Local Planning Authority, shall commence until a detailed construction phasing plan (including conversion works for existing buildings) has been submitted to and approved in writing by the Local Planning Authority.

The phasing of works shall provide for progressive restoration of the castle and grounds in conjunction with the build out of 14no. dwellings hereby approved.

Within 12 months of substantial completion of all new builds, castle works must be complete to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory progression of construction and conversion works in compliance with Policy SP20.

Notice of commencement of development

- 4 Within 7 days of the commencement of the development, except for the works set out in the 'remedial works schedule' and any other minor works otherwise agreed in writing by the Local Planning Authority, the developers/persons carrying out the works shall provide written notice to the Local Planning Authority to confirm the date on which the development began.

Reason: To ensure a satisfactory progression of construction and conversion works in compliance with Policy SP20.

Limit on occupation of new build dwellings (completion of castle works)

- 5 Unless otherwise agreed in writing by the Local Planning Authority no more than 10 of new build plots shall be occupied prior to the completion of the Castle conversion and restoration works.

Reason: To ensure a satisfactory progression of construction and conversion works in compliance with Policy SP20.

Limit on occupation of new build dwellings (restoration of garden structures and glasshouses)

- 6 Unless otherwise agreed in writing by the Local Planning Authority no more than 10 of new build plots shall be occupied prior to the completion of the restoration of garden structures and glasshouses as referred to in Condition 27.

Reason: To ensure a satisfactory progression of restoration works in compliance with Policies SP13 and SP20.

Levels

- 7 Prior to the commencement of the development of the 14no. new build dwellings hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20.

Material samples

- 8 Prior to the commencement of any aboveground construction work for the new build dwellings or the wellness centre details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20.

Sample panel(s)

- 9 Prior to the commencement of any aboveground construction work for the new build dwellings the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling (and mortar) to be used in the construction of buildings. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20.

Repairs to stonework

- 10 Prior to stonework repair a detailed specification and schedule of remedial repairs to stonework shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Mortar mix

- 11 Prior to stonework repair detail of the mortar mix for the repair of the castle walls shall be submitted to and approved in writing by the Local Planning Authority.

North wing

- 12 Prior to installation detail of the proposed tanking to north wing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Great Chamber paint finish

- 13 Prior to restoration precise details of the paint finish to the Great Chamber ceiling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Windows and doors

- 14 Prior to installation details of all windows and external doors including means of opening, depth of reveal and external finish (including cross sections at 1:10 scale) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20.

Window repairs

- 15 Unless otherwise agreed in writing by the Local Planning Authority the repair of the windows shall be undertaken in accordance with the Window schedule as per Pinnacle survey report reference PC23125/WS/001 and recommended works dated June/July 2023.

Reason: To preserve the listed building and comply with Policy SP12.

Great Chamber Stained Glass Window

- 16 Prior to this element of the works precise details of the repair works to the stained glass in the Great Chamber shall be submitted and approved in writing by the Local Planning Authority. This shall be broadly in line with the recommendations in the 'Stained Glass and Decorative Glazing at Gilling Castle' document by Woodside Stained Glass Studio, dated 30th June 2023 submitted with the application.

Reason: To preserve the listed building and comply with Policy SP12.

Wellbeing Centre windows

- 17 The windows of the wellbeing centre (as shown on the approved drawing) shall be permanently tinted prior to the building being first brought into use and shall be retained as such for the lifetime of the development.

Reason: In the interests of visual amenity and reducing light pollution to comply with Policy SP20.

Solar PV removal

- 18 The roof mounted photovoltaic panels hereby permitted on the listed building shall be removed as soon as reasonably practicable when no longer needed for micro generation.

Reason: To preserve the listed building and comply with Policy SP12.

External lighting

- 19 Prior to installation details of all public lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in general accordance with the External Lighting Design document and the External Lighting Layout drawing ref. 23/4256/E63/AA01 Rev A, dated 14.11.2023 and shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure safe access across the site in compliance with Policies SP16 and SP20.

Means of enclosure/ boundary treatments

- 20 Prior to installation full details of the materials, colour finish, height and design of all means of enclosure; methods for the delineation of individual plots; and boundary treatments for the site as a whole including gates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwellings and maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the appearance of the locality, as required by Policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

Surfacing

- 21 Prior to installation full details of the proposed ground surfacing materials across the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP20 of the Ryedale Plan- Local Plan Strategy (2013).

EV charging points

- 22 Prior to installation a scheme for the provision of electric vehicle charging points across the site and within the curtilage of the private dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the EV charging points shall be installed in accordance with the approved details prior to occupation of each dwelling.

Reason: To promote sustainable transport and in accordance with the development principles for the site in compliance with Policy SP18.

Fire safety

- 23 Unless otherwise agreed in writing by the Local Planning Authority the development shall be undertaken in accordance with the recommendations set out in the Innovative Fire Engineering- Fire Solutions Document ref 2308104L.

Reason: To preserve the listed building and comply with Policy SP12.

Fire safe doors

- 24 Prior to installation details of fire upgrading of existing historically significant doors and panelling shall be submitted and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Wall linings and cladding

- 25 Prior to installation a detailed schedule of works for the installation of wall linings and cladding systems shall be submitted and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Entrance piers and railings

- 26 The phasing and detailed schedule of works for the deconstruction and re-instatement of the entrance piers and railings shall be carried out in accordance with the Method Statement produced by Pinnacle Conservation Consultants titled 'Deconstruction and Rebuild of the Entrance piers at Gilling Castle Rev 3'.

Reason: To preserve the listed building and comply with Policy SP12.

Garden structures and glasshouses

- 27 Prior to the commencement of this element of the works a phasing plan and detailed schedule of works and methodology for the repair, restoration and maintenance of the gardens, garden structures, retaining walls, glasshouses, kitchen gardens on the southern terrace to be submitted and approved by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Conservation Management Plan

- 28 Prior to occupation a Conservation Management Plan of the Registered Park and Garden shall be submitted to and approved in writing by Local Planning Authority.

Reason: To preserve the listed building and Registered Park and Garden and comply with Policies SP12 and SP13.

Public access

- 29 Prior to occupation details of public access and community/recreational use shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the public benefits of the development and comply with the NPPF and Policy SP12.

Installation of services

- 30 Prior to installation a detailed method statement for the installation of services within the converted castle building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Thermal and acoustic upgrading

- 31 Prior to installation details of proposed thermal and acoustic upgrading for the castle to include wall insulation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the listed building and comply with Policy SP12.

Crime prevention measures

- 32 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be implemented and operated in accordance with the crime prevention measures set out in the document (including appendices) ref. 047-1-2024 MR produced by Stonehouse Projects Ltd, dated 08.03.2024.

Reason: To provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour and to comply with Policy SP16.

Ball strike mitigation

- 33 Unless otherwise agreed in writing by the Local Planning Authority ball strike mitigation shall be carried out in accordance with the details contained within the approved Ball Strike Assessment prepared by Labosport Ltd (dated 18.12.2024). The agreed mitigation shall be undertaken prior to the occupation of any of the approved new build dwellings and thereafter maintained for the lifetime of the development.

Reason: In the interests of safety and the provision of suitable sports facilities to comply with Policy SP11.

Works to the pavilion

- 34 Prior to the commencement of this element of the works a detailed schedule of works for the restoration of the existing cricket pavilion to enable its return to use shall be submitted to and approved in writing by Local Planning Authority.

Reason: To provide improved sporting facilities at the site in line with the NPPF and Policy SP11.

Tennis courts/bowling green

- 35 Prior to the commencement of this element of the works a detailed schedule of works (including the precise location, specification, timescale for completion and details of any

community use) for the 2no. tennis courts (LTA compliant) and the bowling green as shown on SITE PLAN - PROPOSED drawing ref. GILC-SHP-A-FP-ZZ-XX-00.042 P01, dated 24.09.2024 shall be submitted to and approved in writing by Local Planning Authority.

Reason: To secure the provision of new sport and recreational facilities at the site in line with the NPPF and Policy SP11.

Landscaping

- 36 Prior to the substantial completion of construction work plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in general accordance with the Landscape Masterplan ref. 9420-L-01B and Landscape Layout ref's. 9420-L-02B & 03B, dated 16.01.2025 and shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. The plans shall detail all areas of hardstanding to be removed. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in compliance with Policies SP13, SP16 and SP20.

- 37 All planting, seeding or turfing set out in the details approved in Condition 36 shall be carried out in accordance with the approved phasing plan and beginning the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in compliance with Policies SP13, SP16 and SP20.

Tree protection

- 38 Notwithstanding the details already submitted, prior to the commencement of the development (including demolition and all preparatory work), except for the works set out in the 'remedial works schedule' and any other minor works otherwise agreed in writing by the Local Planning Authority, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The document should be in accordance with the Arboricultural Report, Impact Assessment, and Method statement and appendices, dated December 2023. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.

- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping

Reason: In the interest of tree protection and amenity and to comply with Policies SP13 and SP16.

Ecology

- 39 Prior to the commencement of any aboveground construction work a Landscape and Ecology Management Plan shall be submitted to the Local Planning Authority for approval in writing setting out how newly created/retained habitats would be established, managed and monitored over a period of at least 30 years after completion of the development.

Reason: To comply with the requirements of Policy SP14.

- 40 Works should be undertaken in accordance with the ecological mitigation recommendations set out in section 4.4. of the Preliminary Ecological Appraisal by ECUS Ltd (Version 3.1, November 2024), with the exception of measures relating to bats and Great Crested Newt, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Council's Ecologist.

Reason: To comply with the requirements of Policy SP14.

- 41 Works should be undertaken in accordance with the Great Crested Newt Reasonable Avoidance Measures Method Statement prepared by Acer Ecology and dated 12 December 2024.

Reason: To comply with the requirements of Policy SP14.

Bat mitigation

- 42 Works should be undertaken in accordance with the Bat Mitigation Strategy by Acer Ecology dated 17 January 2025 subject to any changes as required by Natural England as part of the licensing process.

Reason: To comply with the requirements of Policy SP14.

Barn Owls

- 43 Works should be undertaken in accordance with the recommendations set out in Section 4.3 of the Barn Owl survey report (ECUS, December 2023) which include advice on what to do in the unlikely event that Barn Owls are encountered during works and the installation of 1 tree-mounted Barn Owl nesting box as ecological enhancement.

Reason: To comply with the requirements of Policy SP14.

Construction Environmental Management Plan

- 44 Prior to the commencement of the development, except for the works set out in the 'remedial works schedule' and any other minor works otherwise agreed in writing by the Local Planning Authority, a Construction Environmental Management Plan (for construction-phase mitigation) in relation to ecology and biodiversity is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the measures recommended in the submitted and approved Preliminary Ecological Appraisal Report. The approved CEMP shall be adhered to and implemented throughout the construction period in strict adherence with the approved details.

Reason: In the interests of the ecology and biodiversity of the area to comply with the requirements of Policy SP14.

Construction Management Plan

- 45 Unless otherwise agreed in writing by the Local Planning Authority development should be undertaken in accordance with the approved Demolition and Construction Management Plan and the Method Statement Rev 03 with construction phase traffic gaining access only via the eastern entrance off Main Street B1363 with no use of Pottergate.

Reason: In the interest of public safety and amenity and to comply with Policy SP20.

Contractors compound/site set up

- 46 Unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in accordance with the 'Site Works, Repair Works and Remedial Works' document, dated 23.01.2025. Site set up for the construction phase shall be as detailed in the drawings contained within the approved document which shows the position of site cabins, welfare units and areas for parking, storage of plant and materials. Upon completion of the construction phase all cabins, skips, plant and stored materials shall be removed and the land restored to the condition as shown on the approved drawings.

Reason: In the interest of public safety and amenity and to comply with Policy SP20.

Access and parking areas

- 47 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at St Martins Ampleforth, The Castle, Main Street, Gilling East, YO62 4HP have been constructed in accordance with the approved details. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to comply with Policy SP20.

Restriction on parking areas

- 48 Unless otherwise agreed in writing by the Local Planning Authority on-site parking areas shall be limited to those shown on 'Site Plan- Parking Areas' drawing ref. GILC-SHP-A-FP-ZZ-XX-00.044 P01 and 'Site Plan- Golf club house & overspill castle parking' drawing ref. GILC-SHP-A-FP-ZZ-XX-00.043 P01. There shall be no parking of resident or staff vehicles to the front of the castle or along the lane to the front of plots 1-14 and no vehicular access/driveways or parking areas formed within the curtilage of the individual new build plots.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to comply with Policy SP20.

Contamination (cover system)

- 49 Prior to the occupation of any new build dwelling hereby approved the remediation of private garden areas shall be completed in accordance with the remediation requirements set out in Section 13.8 (cover system strategy) of the Phase 1 Desk Study & Phase 2 Ground Investigation Report ref. 627014-GI, dated September 2023.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to satisfy Policy SP17 and the NPPF.

Contamination (unforeseen)

- 50 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to Local Planning Authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and 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 receptors and to satisfy Policy SP17 and the NPPF.

Drainage

- 51 Development shall not commence, except for the works set out in the 'remedial works schedule' and any other minor works otherwise agreed in writing by the Local Planning Authority, until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk and to satisfy Policy SP17.

- 52 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage and to satisfy Policy SP17.

- 53 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to satisfy Policy SP17.

Removal of permitted development rights (development)

- 54 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse *

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse *

Class G: chimneys, flues etc on a dwellinghouse

Class H: microwave antenna on a dwellinghouse

** the removal of the permitted development right shall not apply to the rear gardens (northside) of plots 1-14*

Reason: To protect and preserve appearance of the new dwellings and the setting of the listed building and Registered Park and Garden and comply with Policies SP12, SP13, SP16 and SP20.

Removal of permitted development rights (gates, fences, walls)

- 55 Notwithstanding the provisions of Part 2 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) with the exception of the rear gardens (northside) of plots 1-14, no gates, fences, or walls other than that authorised by this permission shall be erected within the curtilage of any dwellinghouse without approval in writing by the Local Planning Authority following a specific application in that respect.

Reason: To protect and preserve appearance of the new dwellings, lane frontage and the setting of the listed building and Registered Park and Garden and comply with Policies SP12, SP13, SP16 and SP20.

Removal of permitted development rights (temporary structures)

- 56 Notwithstanding the provisions of Part 4 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order), no marquees or tents shall be erected within the application site without the prior written approval of the Local Planning Authority in respect of siting, size, appearance and duration.

Reason: To ensure that the appearance of the area and setting of the listed building is not prejudiced by the introduction of unacceptable structure(s) to satisfy the requirements of Policies SP12, SP13, SP16 and SP20.

Rental model

- 57 The 35no. residential units hereby approved shall be operated as a rental model based on an integrated retirement community.

Reason: To ensure the development is the optimal viable use generating funds for on-going maintenance of the Castle and its grounds in compliance with Policy SP12 and the NPPF.

INFORMATIVES

Water Supply

The developer should be made aware that if any of the proposed units require a significant non-domestic supply that cannot be met by the existing available network capacity then Yorkshire water reserve the right to carry out required network improvements at the cost of the applicant.

Highways

The LHA recommend that the internal road layout is constructed to adoptable standards.

Public Rights of Way

- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the plan attached to PRow consultation response.
- ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order is required. Please contact the Council or visit their website for an application form.
- iv) the existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.

- vi) If there is a “claimed” Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council’s Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

Protected species

The developer should liaise with their ecologists regarding bat and badger licensing, which may require additional survey work after permission is granted.

External lighting

As per section 2.4 of the approved Bat Mitigation Strategy (Jan, 2025) external lighting shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers publication ‘Guidance Notes for the Reduction of Obtrusive Light’ and those within ‘Bats and artificial lighting in the UK’ issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Trees

In the event that any additional tree removal is required the developer should be mindful of the advice contained in paragraph 4.4.4. of the bat survey report produced by Ecus Ltd, dated March 2024.

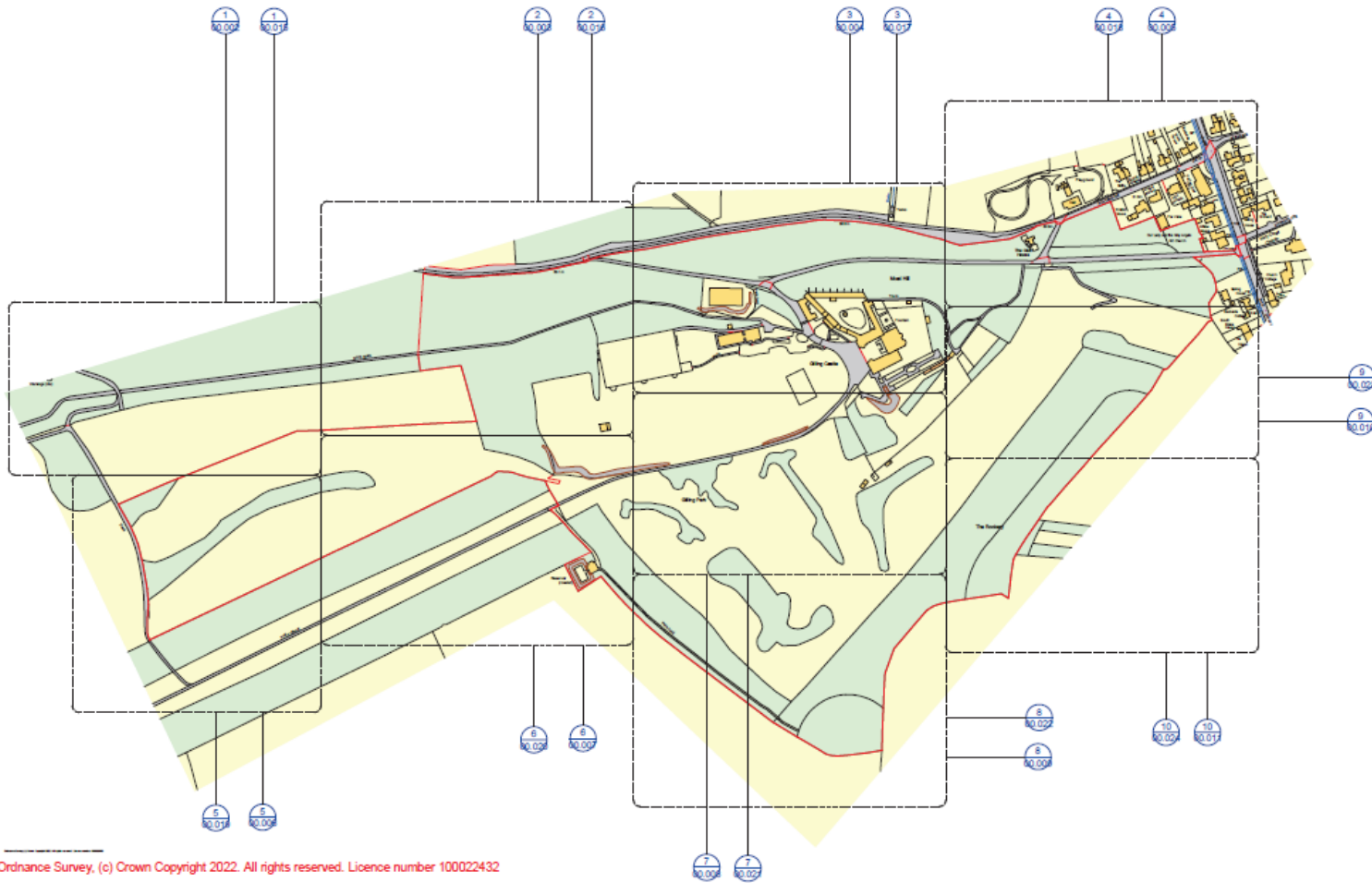
Crime Prevention (external lighting & CCTV system)

The Police Designing out Crime Officer recommends that the applicant liaise with the CCTV provider/installer to ensure that the proposed lighting levels will be compatible with the CCTV system to ensure that there is no loss of picture quality or colour rendition.

Target Determination Date: 02.04.2024 (Extension of time agreement until 14.02.2025)

Case Officer: Alan Goforth, alan.goforth@northyorks.gov.uk

Appendix A – Plans



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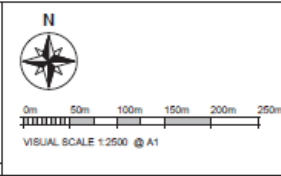
1 SITE - OS MAP (LOCATION PLAN)
1:2500



Drawing Title SITE - OS MAP (LOCATION PLAN)	
Project Name & Address Gilling Castle Conversion Gilling East, York, YO62 4HP	
Client THE TIMELESS COLLECTION HOLDINGS LIMITED	

Drawing No. S/C 2134	Drawing Type Site - OS Map
Date 09/05/23	Scale 1:2500
Author A	Check A
Drawn A	Approved A

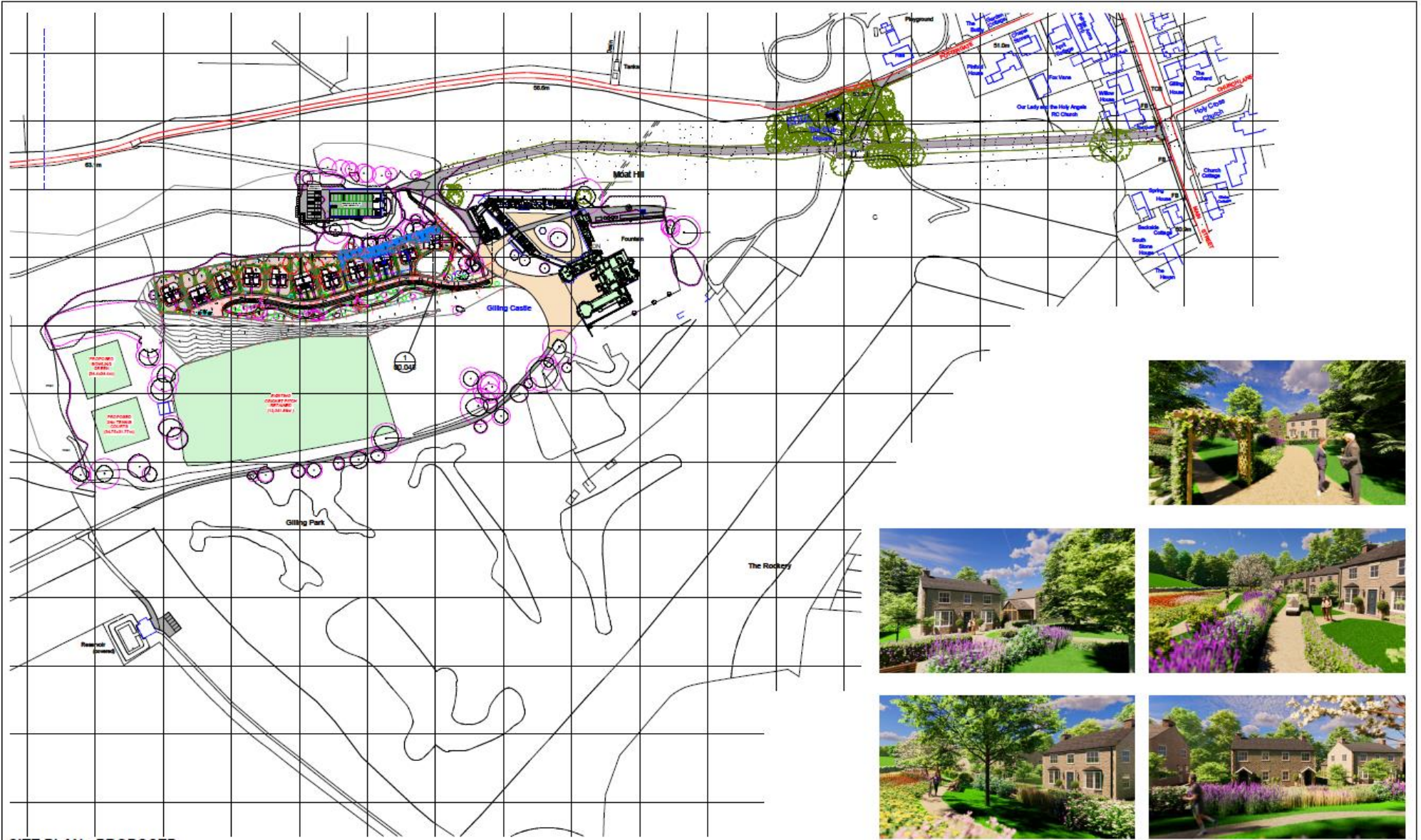
DRAWING PHASE: PLANNING	
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NOTES
All dimensions to be checked on site by the Principle Contractor and any discrepancies notified to the designer prior to commencement of works. Do not scale from this drawing.

RISK ASSESSMENT	
This drawing has been reviewed for risks with the following assessment:	<input checked="" type="checkbox"/>
No foreseeable residual risks have been identified with the information provided by this drawing.	<input type="checkbox"/>
Foreseeable residual risks have been identified in the information contained within this drawing and are each deemed to be low risk on the basis of the principle contractor.	<input type="checkbox"/>
This information is indicative of the preliminary information and risk assessments are currently being carried out.	<input type="checkbox"/>
Assessment Date	
Reviewed By	



SITE PLAN - PROPOSED
1: 1250



CGI VISUALS OF NEW BUILD DEVELOPMENT

STONEHOUSE
SPACES REDEFINED

Building A, Home Farm
The Avenue, Apperly Bridge
West Yorkshire
BD17 7JH
T: 01274 612 903
W: stonehouseprojects.co.uk

Drawing Title SITE PLAN - PROPOSED	Project Name & Address Gilling Castle Conversion Gilling East, York, YO12 4BP	Client THE TIMELESS COLLECTION HOLDINGS LIMITED
Drawing Date 20/11/2020	Scale 1:1250	Revision 01
Author GAP	Check GAP	Drawn By GAP
Project Manager GAP	Project Engineer GAP	Project Architect GAP
Project Designer GAP	Project Surveyor GAP	Project Planner GAP
Project Quantity Surveyor GAP	Project Environmental GAP	Project Health & Safety GAP
Project Traffic GAP	Project Acoustic GAP	Project Energy GAP
Project Flood GAP	Project Air Quality GAP	Project Other GAP
Project Other GAP	Project Other GAP	Project Other GAP

Overall WTS	Drawing Type
9420-01/02	9420-01/02
Scale	Scale
1:1250	1:1250
Author	Author
GAP	GAP
Check	Check
GAP	GAP
Drawn By	Drawn By
GAP	GAP
Project Manager	Project Manager
GAP	GAP
Project Engineer	Project Engineer
GAP	GAP
Project Architect	Project Architect
GAP	GAP
Project Designer	Project Designer
GAP	GAP
Project Quantity Surveyor	Project Quantity Surveyor
GAP	GAP
Project Environmental	Project Environmental
GAP	GAP
Project Health & Safety	Project Health & Safety
GAP	GAP
Project Traffic	Project Traffic
GAP	GAP
Project Acoustic	Project Acoustic
GAP	GAP
Project Energy	Project Energy
GAP	GAP
Project Flood	Project Flood
GAP	GAP
Project Other	Project Other
GAP	GAP

PLANNING

0m 25m 50m 75m 100m 125m

VISUAL SCALE 1:1250 @ A1

DRAWINGS TO BE READ IN CONJUNCTION WITH LANDSCAPE DESIGN DRAWINGS :-

9420-L-01 Conceptual Masterplan
9420-L-02 New Development: Landscape Proposals
9420-L-03 Detail Extract of New Development Proposals
9420-L-04 Proposed Site Levels: New Development
9420-L-05 Proposals for Outdoor Spaces

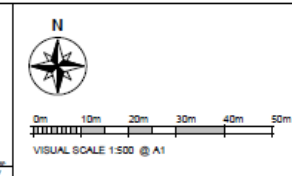
COPYRIGHT This drawing and all the information contained herein is the sole property of Stonehouse Projects Ltd. Reproduction in any form is forbidden unless prior consent is obtained.	RISK ASSESSMENT This drawing has been reviewed for risks with the following assessment: - No foreseeable material risks have been identified with the information provided by this drawing. - Foreseeable material risks have been identified with the information provided by this drawing, and all such risks have been identified, assessed and mitigated by the principal contractor.
WARNING All dimensions to be checked on site by the Principal Contractor and any discrepancies notified to the designer prior to commencement of works. Do not scale from this drawing.	ASSIGNMENT DATE Reviewed By:



Drawing Title BLOCK PLAN - NEW BUILD	Overall MTS Project No: 970-0758 Drawing No: 9420-L-05
Project Name & Address Gilling Castle Conversion Gilling East, York, YO62 4BP	Drawing Title Drawing No: 9420-L-05 Scale: 1:500 Date: 16/05/23 Author: JG Checker: JG Designer: JG Project Manager: JG Drawing No: 9420-L-05
Client THE TIMELESS COLLECTION HOLDINGS LIMITED	DRAWING PHASE: PLANNING

Drawing Title BLOCK PLAN - NEW BUILD	Overall MTS Project No: 970-0758 Drawing No: 9420-L-05
Project Name & Address Gilling Castle Conversion Gilling East, York, YO62 4BP	Drawing Title Drawing No: 9420-L-05 Scale: 1:500 Date: 16/05/23 Author: JG Checker: JG Designer: JG Project Manager: JG Drawing No: 9420-L-05
Client THE TIMELESS COLLECTION HOLDINGS LIMITED	DRAWING PHASE: PLANNING

Drawing Title BLOCK PLAN - NEW BUILD	Overall MTS Project No: 970-0758 Drawing No: 9420-L-05
Project Name & Address Gilling Castle Conversion Gilling East, York, YO62 4BP	Drawing Title Drawing No: 9420-L-05 Scale: 1:500 Date: 16/05/23 Author: JG Checker: JG Designer: JG Project Manager: JG Drawing No: 9420-L-05
Client THE TIMELESS COLLECTION HOLDINGS LIMITED	DRAWING PHASE: PLANNING



DRAWINGS TO BE READ IN CONJUNCTION WITH LANDSCAPE DESIGN DRAWINGS :-

9420-L-01 Conceptual Masterplan
 9420-L-02 New Development: Landscape Proposals
 9420-L-03 Detail Extract of New Development Proposals
 9420-L-04 Proposed Site Levels: New Development
 9420-L-05 Proposals for Outdoor Spaces

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WARNING
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RISK ASSESSMENT This drawing has been reviewed for risks with the following assessment: - No foreseeable residual risks have been identified with the information provided for this drawing. - Foreseeable residual risks have been identified in the information contained within this drawing and all such risks have been taken into account by the principal contractor. This information is issued for the preliminary information and the assessment can currently being carried out. Assessment Date: _____ Reviewed By: _____	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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