

Parish: Newby Wiske
Ward: Morton on Swale
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Committee date: 29 May 2019
Officer dealing: Peter Jones
Target date:

17/01286/LBC

Listed Building Consent for internal and external alterations to Buildings 1, 2A, 2B, 3, 4, 7, 8 and 9 as amended by documentations and plans received on 8th August 2018

**At Newby Wiske Hall, Newby Wiske
For PGL Travel Limited**

This application is referred to Planning Committee as it accompanies a planning application for major development that has attracted significant public comment

1.0 BACKGROUND

- 1.1 This application and an accompanying application for planning permission (17/01285/FUL) for the conversion of Newby Wiske Hall into a Children's Residential Centre for PGL were submitted to the Council on 12 June 2017. The applications were presented to Planning Committee on 9 November 2017 and at that time the Planning Committee resolved to approve both applications. The decisions were issued on 6 December 2017 following consideration of additional representations.
- 1.2 Proceedings were then brought against the Council seeking a Judicial Review of the decisions made.
- 1.3 The proceedings identified five areas of concern with regard to the processing of the two applications. With reference to the grant of listed building consent the Council agreed that one ground had merit; namely that the report had not given sufficient weight and importance to any harm to Newby Wiske Hall that might be caused by the proposed development.
- 1.4 The Council agreed that the listed building decision should be quashed on this basis. Accordingly, the decision to grant listed building consent was quashed (as was the decision to grant planning permission). The applications fall to be re-determined.
- 1.5 Since the quashing of the decision the applicant has provided an up-dated suite of supporting information for both of the applications. The determination of the application takes into consideration this up-dated submission.
- 1.6 The Council has contracted AECOM to assist the Council in the assessment of heritage matters.
- 1.7 A full re-notification and re-advertising of this and the planning application was undertaken with new site notices posted on 17 August 2018 and a press advertisement being placed in the Darlington and Stockton Times on 24 August 2018.
- 1.8 The report that follows below takes into consideration the up-dated information submitted by PGL. Please note that **all** representations made on the application both before and since the Committee resolution of 9 November 2017 are to be taken into consideration in the determination of the application.
- 1.9 The applicant intends to implement the proposal in two phases. For clarity, this application is limited to those elements of the wider proposal that involve works to listed buildings. Section 7 of the Planning (Listed Buildings and Conservation Areas)

Act 1990 states that listed building consent is required for “works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest”. As such, many of the considerations relevant to the accompanying planning application are beyond the scope of, and therefore not material to, this application.

- 1.10 It should be noted that consideration of this application by Planning Committee was programmed for the 21 March 2019 and was deferred as insufficient time was provided for third party consideration of the report and supporting documentation.

2.0 SITE, CONTEXT AND PROPOSAL

- 2.1 The site comprises a parcel of land approximately 14.5ha in size, situated at the western fringe of the village of Newby Wiske, approximately 500m to the west of the A167 which runs through the neighbouring village of South Otterington. Northallerton lies approximately 5km to the north and Thirsk is situated approximately 7.5km to the south east. The site is accessed from a junction with Newby Wiske Village Street. The site can be accessed from the north from the A684, via Warlaby Crossroads and from the east from the A167 from South Otterington over the listed River Wiske Bridge.
- 2.2 The Village Street runs along much of the eastern boundary, with a number of houses between the street and the site. Maunby Lane runs alongside the southern site boundary and a number of substantial detached residential properties lie between the eastern corner of the site and Maunby Lane and the village street. The River Wiske lies approximately 200m to the east of the site boundary.
- 2.3 The site is dominated by Newby Wiske Hall which is a Grade II Listed Building, originally constructed in 1684 by Northumbrian landowner William Reveley with successive building phases occurring over a three hundred year period. The Main Hall’s interior remains largely unchanged with the southern section of the building retaining much of its mid-19th century neo-classical splendour.
- 2.4 The Hall and its gardens and associated parkland dominate the Newby Wiske Conservation Area, of which the application site forms a significant proportion.
- 2.5 The wider site and surroundings are described in the report on application 17/01285/FUL elsewhere on this agenda. However, this application is concerned with changes to listed buildings within the site that require listed building consent.
- 2.6 The test for whether listed building consent is required is that the building must either be listed in its own right (which may include parts that are not mentioned in the listing description; attached at Appendix 1) or constitute a curtilage structure, meaning it must stand within the curtilage of the listed building and pre-date July 1948, and which may potentially be considered listed. Buildings that are attached to the host listed building, including later additions and extensions, are also covered by the listing. On this basis, the following buildings within the site are considered to be listed buildings:
- Building 1 (the main Hall dating from 1684 with 18th and 19th century additions);
 - Buildings 2A, 2B, 3 and 4 (20th century additions, connected to Building 1);
 - Building 6 (a 19th century building last used as a police forensic laboratory);
 - Building 7 (19th century stable block and Coach House);
 - Buildings 8 & 9 (the Gate Lodge and its extension); and
 - The boundary wall (probably 19th century); and
 - Various garden statuary and ha-ha (largely 19th century).

2.7 The following paragraphs set out the proposed use of each of the buildings concerned:

Building 1: This would provide three large class rooms, five offices, two guest WCs and a staff WC, a fencing hall, guest waiting hall, a server room, two standard store rooms, a kitchen with three associated stores, a large dining area with a servery along with associated staff WCs, lockers etc. The first floor would be mostly bedrooms for staff, including four en-suite bedrooms along with 19 standard bedrooms and a staff lounge. This floor would also include shared WC/shower rooms for guests in those bedrooms without sanitary provision.

The cellar and second floors would be unchanged and the ground floor would continue to be utilised as the main focal point of the Site including kitchen/dining area and reception/lounges with reversible wall partitions added to the 1st floor to create corridors and introduce accommodation.

The proposed works on the ground floor would include the removal of a modern partition wall to increase the size of the existing dining room.

Bathrooms have been planned either in or adjacent to existing services to make connections less disruptive to the building (except over the kitchen extension). There would be horizontal connections through some walls. The works would require the removal of several wooden cupboards located either side of chimney breasts in several of the rooms. The existing suspended ceilings would remain in place.

Internal alterations are proposed to the first floor where lightweight removable partitions would be installed in order to facilitate the formation of toilet and shower cubicles. The windows to these spaces would be obscure glazed in order to ensure privacy but also to obscure the appearance of the partition wall where it coincides with the position of a window. Three windows to the south elevation, five windows to the rear (west elevation) and six windows to the northern end of the front elevation of the main Hall (Building 1) would be obscure glazed by application of opaque film.

Buildings 2A and 2B: Accommodation for guests in a mixture of four, six and eight bunked bedrooms along with eight single teacher rooms and two double teacher rooms. Proposed alterations are limited to minor alterations to the layout through the moving of internal walls to create bedrooms.

Building 3: This building would provide accommodation for guests, incorporating a mixture of four, six and eight bunked bedrooms on the ground floor. Also included are five single teacher rooms. All rooms would have adjacent showers and toilets with no shared sanitary areas included. There would be a communal lounge for all guests and teachers located on the ground floor. The main alterations to the building comprise the minor sub-division of the internal spaces to form bedrooms.

Building 4: This building would provide accommodation for guests, incorporating a mixture of six-bunk bedrooms. Accommodation includes six single teacher rooms and three twin rooms per floor. All rooms would have adjacent showers and toilets with no shared sanitary areas. There would be a communal lounge for all guests and teachers located on the ground floor.

The elevations would be altered in the form of additional windows on the ground floor, replacement window panels on the first and second floors to allow for some opening windows and the obscuring of some windows using opaque film to mask new wall construction behind. Ground floor alterations also include the removal of a door and external air conditioning equipment.

Building 6: This building is not listed but is considered to be a curtilage structure. No alterations are proposed, although it is known that it would be used for accommodation for Phase 2. No plans or bed numbers are known at this time but it should be noted that as and when any alterations to this building are identified, they may require a further application for listed building consent.

Building 7: Guest accommodation. As there is currently a lack of insulation in the walls and floors, PGL proposes the use of studding, insulating and running all services behind/under the new stud work. Building 7 elevations would be altered by way of an opaque film to windows to provide privacy to WC areas. Since the original submission the internal proposals for Building 7 have been re-configured so that multiple WC/bathrooms can make use of a single set of services. Although there are no WC facilities currently in building 7, there is evidence of previous WC and bathroom drainage. Drainage from WC and bathroom facilities would be routed into the solid floors and through external walls below ground level so that external pipework can be buried. An internal corridor is proposed within the southern wing of the Stables to avoid the need to convert existing windows into doors (as was previously proposed). Within the northern side of the building, it is proposed to convert one window into a door.

Buildings 8 and 9: Staff accommodation. Currently vacant, the lodge would create accommodation for one member of staff. The original submission included an en-suite bedroom and storage space along with a lounge and kitchen. The proposals for the lodge have been re-visited and the en-suite would be re-located to be within the 1950s extension (Building 9) rather than the older Pre-20th century area of the building that was originally proposed. There is an existing WC in the 1950s part of the building therefore the existing drainage and soil vent pipe can be re-used.

2.8 The accompanying planning application proposes works to the following buildings that are not considered to be listed and those works are therefore excluded from this application for listed building consent:

- Building 5: a free-standing modern building to the rear of the site; and
- Buildings 10 to 16: free-standing modern buildings.

2.9 The applicant has submitted a detailed Heritage Statement (SLR, August 2018) and additional information by way of a letter dated 31 October 2018 which reaches the conclusions summarised below:

- Newby Wiske Hall is a Grade II Listed Building (designated in December 1985);
- Much of the visible architectural legacy of Newby Wiske Hall and the surrounding village date from the 19th century and is attributed to former landowner William Rutson;
- Despite the listing description being restricted to just the main Hall; it should be assumed that any building or structure physically attached to this building, irrespective of age and condition will fall within the listing curtilage. Buildings that are physically attached include teaching and training blocks that stand immediately west of the historic hall. Based on the current plans none of these buildings, many of which are 20th century in date will be significantly altered and therefore the main Hall and any other historic building will not be directly impacted upon;
- The proposed changes to the historic fabric of each building (the main Hall, The Stables and the Gate Lodge and, in particular to internal spaces require listed building consent; however, the changes to each building are considered minimal;
- Direct impacts to the historic building stock include:
 - Reversible opaque window coverings in washrooms within the main Hall;
 - The removal of several cupboards/shelving units within the main Hall; and

- The insertion of a new door casement within the lodge;
 - The proposed building interventions are in many cases fully reversible and represent very minimal changes. This does equate to harm under NPPF 196, however, this is considered to be less than substantial;
 - There are benefits arising from PGL proposing an acceptable use of the listed building which enables funding for maintenance and avoidance of potential decay if left vacant. There are also other public benefits including keeping the building in long term economic use;
 - The proposals would provide a beneficial re-use of the historic building and the information supplied demonstrates that minimal interventions would be necessary to achieve this; and
 - Granting consent for this proposal will secure the heritage assets long term use, and protection within a comprehensive custodianship.
- 2.10 The Heritage Statement concludes that the results of this study provide a robust evidence base for the Council to fulfil its statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, *“to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. The Statement also concludes that the scale and type of development proposed for Newby Wiske Hall are compliant with the relevant policies within the Core Strategy DPD 2007 (CP1 and CP16 and CP17), as well as policies within the Development Policies DPD 2008 (Policies DP28 and DP30).
- 2.11 The Statement also notes that Historic England’s Good Practice Guidance note 2, Section 29, refers to Listed Building Consent in these terms: *“Change to heritage assets is inevitable but it is only harmful when significance is damaged. The nature and importance of the significance that is affected will dictate the proportionate response in assessing that change”*.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 76/0164/CCC - Alterations and extensions to buildings to form new County Police Force Headquarters; Granted 10 March 1976.
- 3.2 76/0155/CCC - Listed building consent for alterations and extensions to buildings to form new County Police Force Headquarters; Granted 21 June 1976.
- 3.3 94/50812/C - Conservation Area Consent for the demolition of a former canteen/kitchen building; Granted 12 October 1994.
- 3.4 94/50813/P - Siting of a mobile office unit; Granted on a temporary basis, 3 November 1994.
- 3.5 01/00481/FUL - Slimline telecommunications tower; Granted 26 November 2001.
- 3.6 03/00263/FUL - Additional car parking areas; Granted 7 April 2003.
- 3.7 03/02205/FUL – Three-storey office building; Granted 15 March 2004.
- 3.8 05/00563/LBC – Disabled access; Granted 28 April 2005.
- 3.9 08/01746/FUL - Siting of a chemical store; Refused 5 August 2008.
- 3.10 08/02623/FUL - Siting of a chemical store; Granted 1 October 2008.
- 3.11 09/01904/LBC - Listed building consent for alterations to roof; Granted 24 September 2009.

- 3.12 09/02290/FUL - Installation of a satellite dish; Granted 13 October 2009.
- 3.13 10/01498/FUL - Formation of an area of eco-block paving to be used as a car park; Granted 25 August 2010.
- 3.14 10/02831/FUL - Alterations to lean-to extension; Granted 17 March 2011.
- 3.15 11/02774/FUL - Revised application for alterations to lean-to extension; Granted 14 February 2012.
- 3.16 17/01285/DCN - Discharge of conditions 3 (archaeological investigation), 5 (drainage), 10 (HGV routing) and 14 (tree protection) for application 17/01285/FUL; pending decision on 17/01285/FUL.
- 3.17 17/01285/FUL - Change of use to a residential training centre (Class C2), incorporating up to 550 guest bed spaces and staff accommodation; Pending consideration.
- 3.18 There have also been applications for works to be carried out to trees within the Conservation Area but these have no bearing on the current application.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 – Conservation
Development Policies DP32 - General design
National Planning Policy Framework

5.0 CONSULTATIONS

- 5.1 As noted earlier, the scope of listed building consent is limited to “works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest”. As such, Members will need to be mindful that some representations may refer to aspects of the wider proposal that do not form part of this application and are instead within the scope of the accompanying application for planning permission. Members will need to bear this in mind when considering the weight to be afforded to points made in this section of the report.
- 5.2 Maunby, Newby Wiske and South Otterington Parish Council – Previously objected on the ground that the use of frosted glass is inappropriate for the building.

The Parish Council has submitted an additional detailed statement following the updated submission and which relates to both applications. This is set out in full below:

The Parish Council has major concerns in relation to the impact of the current planning applications for Newby Wiske Hall on the Historic Environment of both the Hall and its associated grounds, as well as on the wider Conservation Area.

A major feature of the civil parish of Newby Wiske is the designated Conservation Area. The current planning application involves a single site that comprises nearly 60% of the whole Conservation Area. These applications will also directly, and adversely, affect the remainder of the Conservation Area.

The Conservation Area was established by Hambleton District Council to act as:

- *A statement of intent by the local authority, who.... Must pay 'special attention' to protecting or improving the conservation area*
- *An expression of confidence in the future of the area, offering encouragement to owners and residents who choose to invest time and / or money in their property or the area as a whole.*

The Parish Council feels that the current planning application will severely compromise these key issues as originally stated by Hambleton District Council.

Although the Parish Council understands that the members of the Planning Committee cannot take property values into account in considering planning applications, they would like to point out that a local estate agent has stated that property values in the village will be adversely affected by a 10% to 15% drop in value if this application is approved.

The Newby Wiske Conservation Area was first designated in 1985 by Hambleton District Council, and since then there has been no updated Conservation Area Appraisal / Management Plan. This is contrary to Sections 71 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 which clearly states that all Conservation Areas should undergo regular appraisals. The regularity of these appraisals is suggested as every five years in the government's Planning Policy Guidance note.

This means that under Section 71 of the above Act Hambleton District Council have failed in their statutory duty to draw up and publish proposals for the preservation and enhancement of the Conservation Area for Newby Wiske. Their failure to do this means that the local planning authority does not have an up to date Conservation Area appraisal/ Management Plan against which to set current (and potentially past) planning application. This would mean that as there is an infringement of the 1990 Act any decisions regarding planning within the Conservation Area are potentially unsound.

The Parish Council therefore urges HDC to undertake, as a matter of urgency, Conservation Area Appraisal for Newby Wiske before any potentially unsound planning decisions are made.

In addition to the Hall and the whole of the village being a designated Conservation Area, there are 14 Listed Buildings within the settlement that are all Designated Heritage Assets as defined by the National Planning Policy Framework (NPPF). There will be a severe and adverse impact on the setting of these Heritage Assets should the current proposals be approved.

The impact of inappropriate apparatus on the historic parkland, even though it is made of wood it is not in keeping with its setting. The above ground structures may be considered as temporary as they are made of wood, but the large concrete foundations are not temporary.

The increase in large vehicles will have a detrimental impact on the setting of the Conservation Area and the Listed Buildings within it. The increase in large vehicles will have a detrimental impact through vibration and pollution on the fabric and structure of the Listed Buildings in the village.

Impact of long term usage of the grade II listed Hall by young people on the surviving historic fittings – e.g. doors, door furniture, fireplaces etc.

Hambleton District Council's Core Strategy DPD (2007) states:

'Development that would significantly harm the natural or built environment, or that would generate an adverse impact will not be permitted.'

Policy CP1 supports proposals if they promote and encourage or protect and enhance:

- *'The character and quality of local landscapes and the wider countryside; and*
- *The historic and cultural features of acknowledged importance.'*

It could be argued that the current proposals do not do this and that insufficient heritage or economic gain has been demonstrated to offset the loss of amenity.

Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets. Development will not be supported if it:

- *'Has a detrimental impact on the interest of a natural or man-made asset; or*
- *Is inconsistent with principles of an asset's proper management.'*

Core Policy CP17 seeks to promote high quality design of both buildings and landscaping in the case of all development proposals. Support will be given for proposals that:

- *'Provide an attractive, functional, accessible safe and low maintenance development;*
- *Respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment, and incorporate public art where appropriate;*
- *Adopt sustainable construction principles;*
- *Facilitate access through sustainable forms of transport; and*
- *Secure improvement to public spaces.'*

Development Policy DP28 notes that heritage will be ensured by:

- *'Preserving and enhancing Listed Buildings;*
- *Identifying, protecting and enhancing Conservation Areas;*
- *Protecting and preserving Historic Battlefields and Historic Parks and Gardens; and*
- *Protecting and preserving any other built or landscape feature or use which contributes to the heritage of the District.'*

These policies will obviously be contravened by the current application through –

- The increase in heavy vehicles;
- The development of an activity centre within Newby Wiske Hall is not in keeping with it having historically been a 'country residence';
- Wear and tear on the historic building and fabric by 500+ children.

It is worth noting that Hambleton District Council Planning Committee refused planning consent in relation to a recent planning application at Brafferton, near Helperby (application reference 16/01142/OUT) for the following reasons:

The application was contrary to CP16 and CP17 and 'failed to respect the character of the settlement of Brafferton or the setting of the neighbouring properties'

'The failure to preserve or enhance the character and appearance of the Conservation Area is in conflict with the Local Development Framework Core Strategy Policies CP16, and: DP28 the scheme would harm the setting of the Conservation Area due to the scale, form and density of the proposed development.'

NOTE: This proposed development was actually outside the Conservation Area.

(Officer Note: This application was subsequently approved at Appeal).

Narrow Access Roads

Residents of Newby Wiske have adhered to the spirit of the Conservation Area designation over the last 30 plus years, and resent the pertained threat to the Conservation Area if PGL are granted planning permission for this development.

The Parish Council would wish to draw attention to the traffic problems that have been highlighted previously, on numerous occasions, associated with roadside parking at South Otterington Primary School at lunchtime and the end of the school day. PGL/SLR have indicated that coaches are advised to arrive before lunchtime when collecting guests to enable drivers to have a suitable rest break before heading home after lunch. However, their arrival could well coincide with pre-school and playgroup children being collected from the Primary School.

The Parish Council also wish to draw attention to the problems of air pollution from the diesel fumes of coaches travelling to and from the proposed PGL site.

In relation to noise if this development is allowed to proceed, the Parish Council would contend that the use of BS8233:2014 is inappropriate given the noise source of human voices. This is not a steady source of noise without character, as defined by BS8233. WHO guidelines are also generally aimed at steady continuous noise sources, and there is recognition that lower noise levels than those specified in the SLR noise assessment may be disturbing depending on the nature of the noise.

It is likely that residents in the area of the proposed site will notice noise of this type as being more obvious, based on the fact that the parkland has not historically been used in conjunction with regular school use or children playing etc.

Hambleton District Council policy CP1 states that proposals will be supported if they promote and encourage or protect and enhance: iii) the health, economic and social wellbeing, amenity and safety of the population.

The application is contrary to this section of CP1 in relation to both noise, and the effects of diesel fumes from coaches travelling through the village to the PGL site.

Maunby, Newby Wiske and South Otterington Parish Council therefore request the members of the Planning Committee to REFUSE planning permission in relation to both of these applications.

- 5.3 Newby Wiske Action Group - Separately from the Parish Council an Action Group (NWAG) has presented a detailed objection to the proposed development. The action group has provided documentary evidence that shows eight full members and 121 associate members. The Group has submitted reports on various topic areas; those reports are summarised below.

(Officer Note: the consultants' reports and letters also contain comments on the planning application and it is not always clear which points are intended to relate to

which of the two applications. As indicated earlier, Members will need to be mindful of the different range of material considerations for the two applications.)

Planning Consultant's report

- Notes that the objection is to both Planning and Listed Building applications;
- Noted that the policy position has changed owing to the new NPPF being adopted in July 2018;
- Outlines the planning policy position with reference to the relevant Core and Development Policies within the Hambleton Local Development Framework along with the relevant paragraphs of the National Planning Policy Framework;
- The Development will result in a significant negative impact on the residential amenity of residents of Newby Wiske through:
 - Noise from outdoor activities;
 - Disturbance from vehicle movements;
 - Increase in large vehicles using the local road network;
 - Outdoor areas will be used for longer periods than suggested owing to use informally before and after formal activities;
 - Evening entertainment outside until 9:30 pm;
- No mention of time limits for activities not using the formal equipment;
- The applicant has failed to provide an appropriate noise assessment in accordance with BS4141:2014;
- The character of the noise created has not been properly assessed;
- The Noise Management Plan is considered to be inadequate based on the flawed methodology of quantifying the magnitude of impact based upon guidance that is specifically designed for classifying increases in road traffic noise, not noise from outdoor activity;
- The Noise Management Plan will be impossible to enforce;
- Temporary bunds to mitigate noise issues are unrealistic and inappropriate;
- Another PGL site in Suffolk has caused numerous noise issues for local residents;
- The Hall, Grounds and Conservation Area Assessment is poor;
- Conditions about operating times would be impossible to enforce;
- Changes to traffic patterns would be harmful to residential amenity;
- The change to the type of vehicles has not been properly addressed;
- Impact from vehicle noise, vibration and air pollution;
- Owing to road restrictions in the area, vehicles will be impeded negatively impacting on the amenity of local occupiers;
- It is considered that the applicant has under-estimated the number of vehicle movements; off-site visits are not accounted for in the vehicle movements;
- Controls on the direction and time of travel of vehicles would not be enforceable owing to it being reliant on third parties not bound by a S106 or conditions;
- It is unrealistic that a significant proportion of staff would travel to the site by bike or on foot;
- Significant loss of trees and ground flora and habitat;
- Harm to the special interest of the listed and curtilage listed buildings and conservation area;
- Cumulative impacts on heritage assets;
- No evidence that this is the optimum use of the site;
- Introduction of large alien structures;
- Alterations to the pond; and
- There is no complete landscape assessment of the site.

Heritage consultant's letter

- The proposals will result in harm to the internal and external character of the Grade II listed buildings;
- The development will have a harmful impact on the designed landscape and curtilage listed buildings and therefore the significance derived from its setting;
- The proposals fail to preserve and enhance the character and appearance of the Newby Wiske Conservation Area;
- The letter sets out the policy background both local and national, assesses the heritage assets and identifies significance in terms of the listed buildings, curtilage buildings, park and gardens and the Conservation Area;
- The proposals are contrary to section 16(2), section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as they do not preserve or enhance the listed building, its setting or the Conservation Area. Indeed harm is caused to all these elements;
- The proposals are contrary to paragraph 193 of the National Planning Policy Framework as they fail to conserve the heritage assets and result in harm to their significance;
- The proposals fail to comply with paragraph 200 of the National Planning Policy Framework as they fail to preserve or enhance the Conservation Area or elements that positively contribute;
- The proposals are contrary to Core Policy CP1 within the Core Strategy Development Plan Document (DPD) (2007) as they fail to protect and enhance the character and quality of local landscapes and the historic and cultural features of acknowledged importance;
- The proposals do not comply with Core Policy CP16 as they neither preserve nor enhance the District's natural and man-made assets having a detrimental impact upon the listed building, its designed landscape, its curtilage listed buildings and the character and appearance of the Conservation Area;
- The proposals do not comply with Core Policy CP17 as the proposed children's play equipment is unsuitable in this country house setting, does not reference the designed landscape setting, does not provide an attractive environment and does not respect the local context and its special qualities;
- The proposals fail to comply with Development Policy 28 within the Development Policies DPD (2008), as they do not preserve or enhance the listed building at Newby Wiske Hall and they do not protect or enhance the Conservation Area. The numerous pieces of children's play equipment and associated shelters/structures – in particular the zip wire - introduce incongruous alien features that pay no reference to the historical landscape and built heritage context. They will result in increased traffic movement, coach parties and noise from activities on site, which will all erode the tranquillity of the Conservation Area; and
- The proposals fail to comply with Development Policy 30 as the openness, character and quality of the historic park and garden associated with the country house is detrimentally impacted upon and there is an adverse impact upon long distance views to the site from the road at the south.

Newby Wiske Hall Conservation Area Heritage Assessment – report – report by JB Archaeology

- A heritage assessment of Newby Wiske Hall, its grounds and the Conservation Area of Newby Wiske was undertaken on behalf of the Newby Wiske Action Group in order to establish a baseline of information on the surviving historic features within the Conservation Area;
- Also identified areas for the potential survival of buried archaeological remains and areas for further research and investigation;
- An assessment assets was undertaken including their setting and significance

- The village was first recorded in the 12th century with elements of the current Hall dating from at least the 17th century;
- The results of the assessment of the site showed that there are substantial and significant remains of the designed landscape associated with the early 19th century Hall;
- There is a good to high potential for elements of 17th century features to survive as well;
- The surviving features include: specimen and exotic tree plantings; formal and informal gardens; garden features along with large areas of landscaping which includes planned vistas and walks;
- There is potential for elements of a later pre-historic field system to survive in part of the grounds. The study of the Hall, its grounds and the wider Conservation Area recorded a total of 36 archaeological or historic sites. Many of which would be directly and indirectly affected by the proposals; and
- The Hall and its grounds are considered to be of regional significance due to their Grade II Listing.

Newby Wiske Hall Setting and Significance – Report by JB Archaeology analysing the setting and significance of heritage assets and their setting in Newby Wiske

- The application covers over 50% of the Conservation Area;
- High potential for harm to occur to the setting of the Hall, its Grounds and the wider Conservation Area;
- Additional evaluation was required in order to more fully assess the nature, location, condition and significance of any surviving archaeological remains and the historic buildings within the Conservation Area;
- There is a total of 35 archaeological or historic sites (heritage assets) within the Conservation Area including a significant number of Listed Buildings along with surviving elements of 17th century and later designed landscapes;
- There is unknown potential for buried archaeological remains within the Conservation Area;
- The Conservation Area as a whole has a significance that is greater than the sum of its parts;
- The form of the village is primarily the result of it having been an ‘estate village’ to the adjacent Hall and its current form is little changed from at least the mid-19th century;
- The Hall and its grounds, as well as the village, retain a high degree of inter-relationship;
- 14 Listed Buildings within the Conservation Area date from the 17th century onwards;
- All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not;
- Newby Wiske is a small but pleasant village consisting of small brick buildings, fine wide grass verges and mature trees;
- The wider landscape can also be considered an important part of the process when considering the setting of a Listed Building;
- The range and quality of both the designated and non-designated heritage assets across the whole of the Newby Wiske Conservation Area have an important bearing on the assessment of the impacts that any potential developments within the grounds of the Hall will have;
- The Setting of the Hall and grounds are inextricably linked with the adjacent village and its 14 Listed Buildings and associated, non-designated heritage assets. This connection can be seen between both the buildings in the village (their design and location) and the form of the designed landscape around the Hall;

- The fact that there have been unsympathetic developments to the rear (west) of the Hall in the past does not mean that further developments which detract from the overall setting should be permitted;
- The Conservation Area as a whole has a significant historical value in that it retains clear, well preserved and widespread evidence for the development of the village in tandem with the Hall and its Grounds. The surviving designed landscape and buildings all form part of the overall 'narrative' of this development;
- There is a high potential for the Grounds of the Hall to yield new evidence about the development of the 17th century designed landscape;
- There is a high aesthetic value to the Conservation Area that has resulted from its development as an estate village, which has seen little change in the 20th century. There is also a high aesthetic value to the Hall and its Grounds which was part of its original design;
- There is a high communal value to the Grounds of the Hall which has resulted from a combination of public access to the Grounds from the 1950s onwards coupled with the use of the Plantation as part of the Forest School for the local primary school;
- The importance of designed landscapes in relation to the setting of the associated 'grand houses' has been recognised from at least 1983 with the creation of the Register of Historic Parks and Gardens;
- An integral part of the designed landscape for the Hall is the Lake. As a man-made feature within a designed landscape, there are important considerations to be made in relation to any impact upon the current form of the Lake in respect to its historic development. A full assessment of the Lake, its evolution, setting and any deposits in and around it should be made;
- There has been no detailed assessment of the buildings within the curtilage of the Hall;
- Any change in the type and level of traffic affecting heritage assets and Conservation Areas should form an important part of assessing the impact;
- The quantitative assessment of vibration and noise impacts will derive from specialist studies in those topics. It is not only the level of noise but the type that is also important;
- Elevated potential of traffic collision with the Grade II Listed Otterington Bridge;
- As no assessment of the potential for buried archaeological remains has been undertaken within the grounds this would seem to represent an unacceptable level of potential harm to the historic environment;
- The impact of the erection of seven sets of apparatus between 15.5m and 17m high on the visual setting of the Hall in its associated designed landscape will be significant and detrimental. The towers will effectively curtail, interrupt or destroy the planned vistas which are an integral part of the designed landscape;
- Disruption of the continuity of the woodland by the creation of clearings for activities would also degrade the overall setting of the grounds;
- The application simply does not provide sufficient, convincing justification for the level of impact on not just the Hall and grounds but on the wider Conservation Area as well;
- In the case of the proposed alterations to the Grade II Listed Newby Wiske Hall, the current application does not contain sufficient information on the details of the architectural history; phasing and condition of the various incarnations of the Hall from the 17th century onwards or the details of current proposed alterations and their impact (if any) on surviving historic features any mitigation strategy to reduce or ameliorate any potential harm to the historic fabric of the buildings within the Listed Building curtilage; and
- There is no assessment of the buildings directly joining on to the main Hall or is there an assessment of all of the buildings within the curtilage that would be affected by the proposals – for example the 19th century lodge.

Complaint to the Chartered Institute for Archaeologists – NWAG has included a copy of its complaint to ClfA with regard to the applicant's agent's submission and assessment of heritage matters. This is not considered to be directly material to the consideration of this application as it is concerned with the agent's professional conduct.

(Officer Note: The Council employed AECOM to provide advice on the historic environment and the adequacy of the applicant's submission. AECOM advises that whilst there had been errors and omissions within the submissions, none were sufficiently serious so as to result in an alternative conclusion.)

5.4 Warlaby Parish Meeting – Considers the proposed development to be a misuse of the listed buildings.

5.5 Historic England – Does not wish to offer any comments; suggests that the Council seeks the views of a specialist conservation adviser.

5.6 Campaign to Protect Rural England – Originally objected to the proposal and has made the following additional comments since Planning Committee (summarised):

- CPRE North Yorkshire neither supports nor objects to the proposed development;
- It has considered the submitted Transport Assessment and understands the purported differences between the movements associated with the Police Headquarters facility (averaging 997 per day) and the proposed busiest day in the operational period (168 movements – 34 of which would be associated with coaches). Whilst generally a much smaller number of movements (weekdays) has been suggested than those experienced presently (this number increases at weekends to 370 total movements on a Saturday during school holiday periods). An enforceable Traffic Management Plan would ensure appropriate times for arrival/ departure from the site. Local roads are typically rural in nature, (narrow and 'bendy') and the addition of 34 daily coach movements on to this network, could cause congestion and intimidation. Development should only be refused on highway grounds if there would be an "*unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*";
- The applicants have proposed an activity exclusion zone for an area closest to a potential sett and Natural England have not objected or stated a requirement for a permit for works, therefore, this must be considered an acceptable approach;
- The applicant's proposal to create a Wildlife Awareness Plan to inform staff and visitors to the facility about the types and needs of species present at the site is a reasonable approach;
- The site is heavily screened which provides a natural visual and noise buffer between the site and neighbouring properties. If approved, however, noise conditions should be implemented to ensure that the proposal does not impact detrimentally on neighbouring properties in line with guidance provided by the PPG;
- The application does not propose to extend the footprint of the site beyond that which is already developed, nor does it propose to demolish or significantly alter the Grade II Listed Building of Newby Wiske Hall;
- There is no objection to the sympathetic placement of opaque window coverings in washrooms within the main hall, removal of several cupboards within the hall or the insertion of a new door casement within the ledge. Conditions should be attached to the permission setting out clearly that these alterations should be undertaken as presented to the Council in the relevant drawings;
- The majority of outdoor equipment is to be sited within the wooded area and some to the south west of the Hall;

- The buildings and gardens within the curtilage of the Hall should be considered within the listed curtilage of the Hall, some of which are registered as non-designated heritage assets. The buildings, views and open areas are considered an important heritage resource to the Conservation Area;
- It is important that the Council is satisfied that the proposals will not harm the setting of the Heritage Assets. The NPPF places great importance in the setting of Heritage Assets, setting out at paragraph 194 that any “*harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”;
- This site has not been promoted through the Local Plan Call for Sites process presumably because it would not be ordinarily considered for residential development given its location within the open countryside. The site is not considered to be in a sustainable location and would not ordinarily be considered suitable as a rural exception site due to the specifics of the site;
- Due to the importance of the heritage assets, conversion to fit-for-purpose modern office infrastructure would require significant investment from a developer and promoter;
- If not approved the Grade II Listed Building and curtilage may not be maintained in an appropriate manner and may attract inappropriate development;
- The NPPF sets out that planning decisions should enable (inter alia) “*the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*”; and “*sustainable rural tourism and leisure developments which respect the character of the countryside*”. It is recognised that the proposed site is suitable in planning terms for the proposed activity;
- This is a significant application for the re-use of previously developed land in a suitable rural location which must be weighed accordingly in the planning balance; and
- To be fully compliant with local policies the Council would need to be satisfied that the proposals will not harm the amenity of neighbouring residents, impact upon the local highway network (including matters of congestion and highway safety), impact significantly on Heritage Assets or impact upon protected species and ecological resources.

Public comments

5.7 At the time of the previous Committee resolution 70 objections had been received. Since the resolution a further 160 objections have been received (230 objections in total). A significant number cite this application for listed building consent but make no comment in relation to matters pertaining to the listed building application specifically. Comments that relate to heritage matters the subject of this listed building application are summarised below:

- Inappropriate use of the listed buildings;
- Proposed alterations fail to protect the heritage of the building;
- No visual changes should be made as the building is listed;
- The proposed high levels of occupancy are too great for this listed building;
- External alterations will be obvious and immediately apparent;
- Internal changes are of convenience to the applicant and not a necessity;
- These minor alterations proposed will be a prelude to more extensive changes;
- This development will result in further deterioration of the buildings;
- The only changes that should be allowed are to facilitate the restoration of damage affected by North Yorkshire Police;
- Alterations will impact on the cultural significance of the building;
- Residential use of this former house is inappropriate; and

- These alterations are not necessary if the main application is not granted planning permission.

5.8 The further 160 objections raise the following grounds:

- Loss of historic fabric;
- Detrimental impact of opaque film to windows;
- Detrimental impact of sub-division of spaces within the Hall;
- Harmful impact on architectural detailing through sub-division;
- On-going loss of historic fabric due to wear and tear through the level of proposed use;
- Impact of additional necessary drainage on the historic fabric;
- Inappropriate use of the buildings;
- Lack of protection for statues and other artefacts within the grounds;
- Unaccounted and unassessed impact from the requirements of Building Control and Fire Protection;
- Lack of detail in the application leading to a lack of a full assessment of the facts. (These matters are set out in more detail in the NWAG submission.)
- Cumulative impact of the proposals. Too much has already been lost in terms of significance and the proposals will lead to a further loss; and
- Note that the building was listed after much of the modern structures and alterations were carried out and as such the alterations should be considered to be more significant than they have been to date.
- The impact of new services has not been properly assessed.

6.0 OBSERVATIONS

6.1 As indicated by the text of section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, set out in paragraph 1.9 above, this application is only concerned with the impacts of the physical alterations to buildings protected by the listing designation (the main Hall and attached buildings and curtilage listed buildings) which are the “heritage assets” for the purposes of this application and does not examine the impacts of new structures within the wider site where they are not attached to the listed buildings (or curtilage listed buildings), or the principle of the change of use, which are considered under application 17/01285/FUL elsewhere on this agenda. Listed building consent is required for any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. Construction of structures in the grounds (and change of use) do not comprise demolition, alteration or extension of the listed building and are not the subject of this listed building consent application.

6.2 The main issue to consider is the impact of the proposed works on the significance of the listed building, i.e. the buildings identified as Buildings 1, 2A, 2B, 3, 4, 7, 8 and 9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. In order to do this it is necessary to (i) identify the heritage asset; (ii) identify the elements contributing to the significance of the heritage asset; and (iii) consider the potential impact that the proposal has on the significance of that heritage asset and its character as a building of special architectural or historic interest.

Policy

6.3 In coming to a decision on this matter the decision maker must understand the elements contributing to the significance of the listed buildings, understand the

alterations proposed to the listed buildings, understand the impact that the alterations have on the elements that contribute to the significance of the listed buildings in the terms of the NPPF and the Planning Acts. The decision maker must also understand the public benefits of the proposal, in order that they can apply appropriate weight to the benefits of the proposals where harm to the significance of the listed buildings is established. Any harm identified, even if considered to be less than substantial, must be given considerable importance and weight in decision making.

- 6.4 Significance is the concept that underpins current conservation philosophy. The significance of heritage assets is defined in the National Planning Policy Framework (NPPF) as:

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

- 6.5 The Heritage Statement submitted by the applicant goes through the process of identifying the heritage assets, analysing the elements that contribute to the significance of each building. The Statement then addresses the details of the proposed development and the proposed alterations to each structure and forms conclusions as to the impact of the alterations on the significance of the Listed Building. The Statement then sets out whether the impacts are harmful, in terms of the NPPF and seeks to address that harm by justification for the alteration and through an understanding of the benefits of the scheme both in terms of significance but also in terms of the public benefit accruing from the proposed development, facilitated by the alteration.

- 6.6 The National Planning Policy Framework, paragraph 189, states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 6.7 Paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of:

- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

- 6.8 NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm or less than substantial harm to its significance. It is therefore important to ensure that harm to heritage significance is avoided where possible and where it is justified it should have been reduced and mitigated. It should be noted that change is not necessarily harmful.

- 6.9 Paragraph 196 of the NPPF directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.10 Paragraph 194 of the NPPF states that “any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification”.
- 6.11 Core Policy 16 of the Hambleton Local Development Framework Core Policies Document states that development or other initiatives will be supported where they preserve and enhance the District’s natural and manmade assets, where appropriate defined in the Development Policies Development Plan Document and identified on the Proposals Map. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity. Development or activities will not be supported which:
- i. Has a detrimental impact upon the interests of a natural or man-made asset;*
 - ii. Is inconsistent with the principles of an asset’s proper management;*
 - iii. Is contrary to the necessary control of development within nationally or locally designated areas. Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development.*
- 6.12 Development Policy DP28 states that the conservation of the historic heritage will be ensured by:
- i. Preserving and enhancing Listed Buildings;*
 - ii. Identifying, protecting and enhancing Conservation Areas;*
 - iii. Protecting and preserving Historic Battlefields and Historic Parks and Gardens; and*
 - iv. Protecting and preserving any other built or landscape feature or use which contributes to the heritage of the District. Development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance, in accordance with the national legislation that designates the feature, and in the case of a Conservation Area, any appraisal produced for that Area. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration. Particularly important considerations will include the position and massing of new development in relation to the particular feature, and the materials and design utilised.*
- 6.13 Any harm caused to the significance of the heritage asset **must be given considerable importance and weight** in decision making.

Identifying and understanding the Heritage Asset and its significance

- 6.14 It is understood that a variety of interests contribute to the significance of a heritage asset as defined within the NPPF’s Annex 2. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.
- 6.15 The applicant has submitted a detailed Heritage Statement with the application which sets out the historical development of the site and the area about. The statement details the evolution of the Grade II listed Hall and other curtilage listed buildings within the grounds where they are considered to be listed by virtue of being within the curtilage of the Hall and of sufficient age to constitute curtilage listed buildings.
- 6.16 The Heritage Statement sets out the important historic stages of the development of the Hall which are summarised below:
- Constructed in the late 17th century by William Reveley in 1684. Elements of this building survive today;

- By 1822 the site was in the ownership of William Rutson, who also acquired much of the local landscape;
- The main building was re-constructed with added wings, replacement windows and a total renovation of the internal spaces, including the inlay of ornate plaster work, door and window furniture and other decorative features. Clay for this work was taken from a nearby clay pit which then became the ornamental pond;
- In 1921 the property was sold to Albert Ernest Doxford and the building underwent an extensive renovation programme and electricity and central heating were also installed;
- The estate was subsequently bought by the Government in 1949 and it became a police training college in 1954;
- Prisoners from Northallerton Prison worked on the parkland, forming the playing fields;
- Following occupancy of the site by North Yorkshire Police in 1977 alterations took place including the installation of suspended ceilings, partitions and the restoration of original door and window casements, fire places, panelling and plaster work; and
- Through subsequent years a number of significant additions were made to the rear of the main Hall which was designated a Listed Building in 1985.

6.17 The main elements contributing to the significance of the heritage asset are considered to be:

- The historical development of the Hall and its surroundings;
- The relationship of the Hall to the development of the wider village and the historical association between them;
- The association with important social histories and local families;
- The design and aesthetic appearance of the buildings including use of materials and architectural detailing (both external and internal);
- The layout of spaces within the building and the use of those spaces with reference to the former uses of the building;
- The largely unaltered and otherwise well preserved layout of the buildings;
- The relationship to the curtilage listed buildings in terms of both design and function; and
- The contribution of the parkland setting.

6.18 The Heritage Statement is considered to have fulfilled the requirements of NPPF paragraph 189 in terms of the identification of the heritage assets and those elements that contribute to the significance of the assets.

Proposed alterations and potential impact on the heritage assets

6.19 The proposed alterations to the modern elements of the buildings attached to the principal listed Hall (Building 1), are considered to be minor and are considered to have no impact on the significance of the heritage asset in terms of its historic fabric, character and appearance. Whilst attached to the host listed building, buildings 2A, 2B, 3 and 4 do not contribute to the significance of the heritage asset. The proposed alterations to buildings 2A, 2B, 3 and 4 are considered to have no material impact on the significance of the listed building.

6.20 The internal arrangements within the main Hall (Building 1) seek to create sub-divisions in order to facilitate toilet and shower facilities. These sub-divisions would coincide in a number of cases with the position of external window openings and as such could be detected from outside the building. This needs to be considered in terms of the appearance of the building and in terms of its fabric.

- 6.21 The alterations to the external appearance of the main Hall (Building 1) comprise the application of opaque film to three windows to the south elevation, five windows to the rear (west elevation) and six windows to the north end of the front elevation of the Hall.
- 6.22 The application of obscure film preserves any historic fabric and limits the impact on the appearance of the building. None of these openings would be physically blocked up as a result of the proposal.
- 6.23 The reason for the obscure glazing of these windows is to provide privacy and to ensure that the new internal partitions are not visible from outside the building.
- 6.24 It is arguable as to whether or not the application of opaque film would require listed building consent. In any event this alteration would not be readily discernible from outside the building and would have no significant impact on the appearance of the building and more particularly, its character as a building of special architectural or historic interest. It is considered that it would not detract from the significance of the building as a heritage asset and results in no harm to the heritage asset.
- 6.25 The proposed new internal wall elements are of a lightweight form and could be removed if no longer required. Whilst the insertion of these divisions would impact on the character of spaces within the Hall, they are temporary in nature, allow the space to still be read as single spaces and are considered to have significantly less impact than a more permanent division of the space (e.g. through the insertion of stud walling or other more permanent division of the space). However, these changes would detract from the significance of the building through the sub-division of spaces and the introduction of modern modular structures within the heritage asset. Sub-division of spaces using lightweight walls is a commonly used way of adapting historic buildings while allowing their original form to be perceived and thereby minimising the impact on the fabric and character of the building, whilst facilitating an alternative use. The physical alterations to the Hall are considered to result in less than substantial harm to the significance of those assets. This harm, in accordance with the requirements of the NPPF must be given great weight and importance in decision making.
- 6.26 The application proposes alterations of a similar scale and form within the curtilage listed buildings, namely the Gatehouse and the Stables. These alterations again, mainly comprise, sub-divisions, insertion of services and application of opaque glazing. Again, it is concluded that these alterations (except for opaque glazing which is considered to result in no harm) have a less than substantial harm to the significance of these assets. Similarly, this harm to the heritage asset must be given great weight and importance and weighed against the public benefits of the proposals.
- 6.27 The Council has commissioned heritage advice from AECOM who raised a number of areas of concern with regard to the assessment submitted. AECOM considered that the submission did not fully consider the physical alteration to fabric and therefore the impact of the development upon the significance of the Hall and its setting which contributes to the significance.
- 6.28 Of particular concern was a lack of information about service runs within the building. Additional information has been submitted on this issue, which illustrates that the majority of service runs would utilise existing infrastructure, or otherwise take services within the existing service runs within ceiling voids formed by false ceilings. Much of the existing services are handled in this way. Within the up-dated suite of information submitted following the quashing of the original decision, the applicant provided additional information with regard to alterations including the provision of

services that have been annotated to provide additional information on the proposed alterations in October 2018.

- 6.29 Representations have argued that the impact of Services has not been properly addressed in the applicant's submission or the response set out by AECOM, stating that "the report makes no mention of the extensive ductwork that will be required for extract ventilation in new shower/bathroom areas or for the fitting of fire dampers which require to be built into walls causing damage that would not be reversible." Where new installations or alterations are proposed which have not been included within this submission, or otherwise required by condition, Listed Building Consent may be required and would be assessed on their merits at the time an application was made. The applicant has provided information that indicates that new ducting will be within existing roof voids formed by suspended ceilings.
- 6.29 Also in October 2018, the applicant submitted an additional statement which clarified issues covered by the applicant's heritage assessment and expanded on some areas of the submission. AECOM has now confirmed that the statement sufficiently deals with the matters raised.

Nature of impact on significance

- 6.30 The proposed alterations are considered to have a minimal impact on the significance of the heritage asset. The application of opaque film is considered to result in no harm. The other alterations including the installation of light weight partitions having a small, but harmful impact which is considered to constitute less than substantial harm to the heritage asset. As such and in accordance with the NPPF paragraph 196 which directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be given great weight and importance in decision making and be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.31 In terms of the optimum viable use, while it is noted that the Parish Council has outlined the advantages it sees in residential use of the site, there is no evidence that this would be a viable use. No potential residential developer has approached the Council and there is no evidence before the Council of another viable use of the site.

Impacts and Public Benefit

- 6.32 It must be re-iterated that any harm caused by the alterations to the listed buildings is of considerable significance and weight in the assessment (even if harm amounts to less than substantial harm). The identified harm in this case, principally sub-divisions of spaces, should be weighed against the public benefits resulting from the proposed development set out below.
- 6.33 It is considered that any development of these buildings would result in a degree of change to the heritage asset and that, taken overall, the proposed alterations are minimal in terms of their impact on the significance of the heritage asset, comprising some changes that cause no harm and others that cause less than substantial harm noting that any harm, even less than substantial harm, much be given great weight and importance.

Public Benefits of the Proposal

- 6.34 In assessing the proposal against the requirements of both Local Development Framework policies and the NPPF, the public benefits need to be understood and given due weight. Public benefits are a material consideration and must be given due weight in the planning balance as in any planning decision. In terms of harmful

impact on the significance of heritage assets, that harm can only be accepted if there are sufficient public benefits to off-set that harm.

- 6.35 The public benefits are considered to be significant and relatively wide ranging in terms of the areas of public interest.
- 6.36 Firstly, it is considered that the beneficial re-use of the listed building which would be retained in a single viable use, consistent with the conservation of the building should be given considerable weight as a public benefit. The proposed use allows the whole of the site to be retained in single use with limited sub-division, which would be expected from other potentially viable alternative uses, such as housing.
- 6.37 The retention of the site in a single use would also allow the grounds of the Hall to remain as a coherent and functional part of the estate, enhanced through the future maintenance of the site, the grounds of which have not been actively managed of late. This would benefit the setting, and therefore the character, of the listed building.
- 6.38 Retention of the site as a single entity would also allow the enjoyment of the grounds along with the listed Hall which is part of the experiential significance of the heritage asset.
- 6.39 The proposed management of the site, which can be controlled by a condition of any accompanying planning permission, would ensure the implementation of management regimes for areas of the site, including the lake and the opportunity to secure a Woodland Management Plan, which would benefit the setting of the listed buildings and the appearance of the Conservation Area, though improved management of the woodland area.
- 6.40 It is considered that the proposed development would result in an overall reduction of vehicle movements compared with full occupation of the site for office use, which could begin again without requiring the Council's approval. This reduction in potential vehicle movements has a beneficial impact in the wider area, through a reduction in overall vehicle numbers on the highway.
- 6.41 The generation of jobs in the rural economy, which would directly benefit local people, is considered to be a significant public benefit. Whilst representations have cast doubt on the level of benefit generated, it is clear that the development would result in the creation of a significant number of jobs, which would be open to local people to apply for. This type of development generates a wide variety of jobs, from part time cleaning jobs through to full time instructor posts, along with general administration roles. This range of jobs would provide opportunities for local people, allowing them to continue to live and work in the area.
- 6.42 The wider economic benefits associated with the development should not be underestimated, both in terms of support for companies providing services to the site, but also in terms of the provision of a high quality children's holiday offer within Hambleton District and the benefits that would bring to the profile and economy of the District.
- 6.43 The applicant's offer to allow limited public access to a specified part of the site may be viewed as a public benefit but as it is subject to review it is not considered to be permanent and is therefore not considered here.

Conclusions and Planning Balance

- 6.44 The alterations to the listed buildings that are considered would cause less than substantial harm to the significance of those assets in terms of their alteration, comprise internal sub-divisions and insertion of services. This harm is considered to

be at the lower end of the “less than substantial” spectrum and relates to parts of the building that require adaptation to facilitate domestic occupation, primarily the subdivision of larger spaces and the introduction of services such as plumbing. Whilst that less than substantial harm attracts considerable importance and weight, it is considered that it is outweighed by the significant public benefits delivered by the proposal.

- 5.45 The applicant has identified the significance of the heritage asset and has set out the types of impact that the proposed development could have on that significance. It is concluded that the minor physical alterations proposed would have minimal impact on the significance of the listed buildings and would facilitate a viable future use of the heritage asset.
- 5.46 The proposed development is considered to comply with the tests set out within the National Planning Framework in paragraphs 193, 194 and 196. It is further considered that the proposed development complies with the requirements of Core Policy 16 and Development Policy 28 of the adopted Hambleton Local Development Framework.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations consent is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to the installation of any opaque screening to any windows within the proposed development, full details of that screening shall be provided in writing for the approval of the Local Planning Authority. The screening shall only be carried out in accordance with details that have been approved in writing by the Local Planning Authority.
3. Prior to the installation of any partition walls within any listed or curtilage listed building details of the proposed method of construction and fixing shall be submitted to and approved in writing by the Local Planning Authority. The partition walls shall then be installed in accordance with the approved details.
4. Prior to the installation of any external render, full details, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The render shall then be completed and maintained in accordance with the approved details.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings received by Hambleton District Council on 22 August 2017:

2039 Location Plan;
2007 P1 Proposed Manor House Elevations;
2005 P1 Manor House Proposed First Floor Plan;
2004 P1 Manor House Proposed Ground Floor Plan;
2009 Building 2 Proposed Plans;
2011 P1 Building 2 Proposed Elevations;
2013 Building 3 Proposed Plan;
2015 Building 3 Proposed Elevations;
2017 P1 Building 4 Proposed Plans;
2019 P1 Building 4 Proposed Elevations;
2024 P1 Building 7 Proposed Plans and Elevations;
2026 Building 7 Proposed Elevations; and
2028 P1 Buildings 8 and 9 Proposed Plans and Elevations.

6. Prior to the installation of any new service infrastructure within the listed buildings or curtilage listed buildings, full details of the routing and fixings of services shall be provided to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
7. Prior to the installation of any new rain or foul-water goods to the external elevations of the listed buildings, full details of the materials to be used and their method of fixing, shall be provided to and approved in writing by the Local Planning Authority. All new or replacement goods to principal elevations shall be cast iron. The development shall be implemented in accordance with the approved details.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Plan Policy DP28.
3. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Plan Policy DP28.
4. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Plan Policy DP28.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Development Plan Policy DP28.
6. In order to ensure that the services do not have a detrimental impact on the significance of the listed buildings and to accord with the requirements of Development Plan Policy DP28.
7. In order to ensure that the proposed development protects the significance of the heritage asset and accords with the requirements of Development Plan Policy DP28.

Appendix 1

Newby Wiske Hall. Extract from Statutory Listing.

NEWBY WISKE MAIN STREET SE 38 NE (west side) 3/32 Newby Wiske Hall GV II
20.12.85

Country house, now North Yorkshire Constabulary headquarters. C17, C18 and mid C19. Cement rendered with stone dressings, Welsh slate roof. Main front: mid C19 2½ storeys, 11 bays, with lower 2-storey 4-bay wing to right and C20 additions to rear; a lower wing to right-hand side of 2 storeys, 4 bays. Main front: plinth. Central panelled door set in full-height 2-storey porch with round-arched opening, pilasters, architrave and keystone. All windows in central 9 bays are 4-pane sashes apart from those on second floor which are C20 casements. Those to ground floor have moulded architraves with a panel between top of window and architrave. First floor: band. Windows have architraves, friezes and cornices, that to porch has consoles to frieze and small balcony with pilasters supported by console brackets. Second floor: windows have plain architraves. Outer bays breaking forward are rusticated to ground floor and have: quoins; tripartite ground-floor windows with Doric pilasters, sills, frieze and cornice; first-floor bands and Venetian first-floor windows with Ionic columns, panelling under sills, friezes and cornices and central keystones. Left-hand bay blind. To all 11 bays: frieze, cornice and blocking course. Roof hipped at either end; 4 stacks to ridge with bases, cornices and blocking courses. Rear: 2 rainwater heads one dated 1693 and the other 1671, but no other feature before mid C19. Left return: 2 storeys, 6 bays, similar to end bays of main front; all windows are 4-pane sashes, end bays break forward. Interior: grand late C19 open well staircase; late C19 wooden chimney pieces.

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