

Committee: PLANNING
Date: 10 June 2008

Report: REFERENCE BACK: PLANNING APPLICATION R/56/270F FOR CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD, INCLUDING LAYING OF AGGREGATE BASE (RETROSPECTIVE) LAND ADJOINING HAULAGE DEPOT, CORNCLOSE, APPERSETT, HAWES

Purpose of the report

1. To provide further advice on Members' decision to defer consideration of the application for the change of use of agricultural land to haulage yard, including laying of aggregate base (retrospective) on land at Haulage Depot, Cornclose, Appersett, Hawes.

Background

2. At the meeting of the Planning Committee held on 8 April 2008, Members decided to defer consideration of the above application as they were minded to approve the application contrary to Officer recommendation. A copy of the report from that meeting is **attached** for information.

3. The reasons given by Members for that decision were:

- The business is a significant employer and contributor to the local economy and refusal may result in the business relocating with a subsequent loss of employment and benefit to the local economy.
- Approval would not result in an increase in the number of vehicles using the site.
- Approval would result in improved landscaping of the site.
- The development of the site will not increase the risk of flooding as the site is already subject to flooding.

Analysis of reasons

The business is a significant employer and contributor to the local economy, and refusal may result in the business relocating with a subsequent loss of employment and benefit to the local economy.

4. The Agent's supporting letter confirms that the business employs 19 people, 10 of which are employed in the Hawes area. The business can therefore be considered to be a significant local employer and weight should be given to this. The applicant has also confirmed in writing that the business is not expanding but the reason for the application is

that additional space is needed solely to move wagons and trailers around efficiently. When the applicant applied for planning permission to increase the number of vehicles to the current level he confirmed in writing that "... our premises can accommodate this additional number of tractors and trailers and still remain fully operational." This was as recently as 2002. There is no evidence that refusal will result in the business relocating and the loss of jobs. As such the argument does not have a factual basis and would appear to conflict with the applicant's view in 2002. Consequently little weight can be attached to it.

5. Although it is recognised that the business is a local employer and contributes to the local economy, and that Policy E3 of the Local Plan supports the expansion of existing employment premises (subject to a list of criteria), the extension of the site should not be at the expense of the landscape. The purpose of the National Park is to conserve the natural beauty of the landscape. The quality of the landscape underpins the local economy through tourism and recreation, and the businesses that dependent on it. It is considered that the extension of this haulage yard in such a prominent position harms the natural beauty of the landscape and that greater weight should be given to the Authority's statutory purpose than the need of the business to move vehicles around more efficiently.

Approval would not result in an increase in the number of vehicles using the site

6. The Agent has confirmed that the application has been made on the basis that permission exists for 10 HGV's and 16 trailers to be parked on this site, that the application is to increase space for manoeuvring and that there will be no increase in the number of vehicles on the site.

7. The fact remains however that since the site has been extended it has been used to park a greater number of vehicles, making the site more visually prominent and more harmful to the landscape. Photographs show that the extended site can accommodate 22 trailers. In his letter the Agent claims that this situation is intermittent and infers that excessive parking would not allow the yard to function properly. In the photograph 16 trailers are parked along the northern boundary of the site and 6 along the southern boundary, clearly allowing them to be manoeuvred in and out of the site in the manner demonstrated on the drawing showing the proposed parking layout. As all previous planning applications for increased vehicle numbers have been made retrospectively, as the business has expanded, it appears that it is only the physical constraint of the site area that has limited the number of vehicles parked on the site. In his letter the Agent considers that as there is no specific condition limiting vehicle numbers, the parking of additional vehicles would not amount to a breach of planning control. Members should therefore consider whether this number of vehicles parked on the site is acceptable. If it is not, the site area should be returned to its original dimensions to limit the number of vehicles it can accommodate.

8. Members either take the Agent's view that the proposal will not result in an increase in the number of vehicles using the site, in which case this is not a material consideration, or agree that the greater site area is likely to result in a tendency to accommodate more vehicles, which is a material consideration that does not support granting permission.

Approval would result in improved landscaping of the site.

9. The applicant has submitted a revised landscape planting scheme as Members requested at the meeting on 8 April 2008. The scheme shows a significant belt of planting around the site, approximately 15m wide on the northern boundary, which would help to screen the site, particularly from low level views. The shape of the revised scheme is more naturalised and makes links with the existing tree planting on the site which will help to assimilate the scheme more readily into the landscape. The species chosen to be planted are all native tree species however they are all relatively small trees besides the wild Cherry. Some larger native tree species should be added to the list such as Ash and Alder. The planting would be less effective in relation to important views of the site from elevated positions such as the Hardraw Road and the Buttertubs Road scenic viewpoint.

10. The revised landscape planting scheme would be a significant improvement on the approved scheme that was planted in 1999 which included a 3m wide strip of two rows of Rowan, Holly, Hawthorn and Ash. If permission is refused an enforcement notice could only require the implementation of the 1999 planting scheme. This is a material consideration in favour of the proposal to which some weight can be attached given the screening benefit at ground and low levels.

The development of the site will not increase the risk of flooding as the site is already subject to flooding.

11. The site is at risk of flooding as it lies within the active floodplain however the use of the site as a haulage yard does not pose a high risk to safety or property, in comparison with a residential use. The issue is one of development within the floodplain. The development of land within the floodplain displaces floodwater to land and property downstream. This has become a national issue in recent years due to the frequency and extent of flooding and the damage it has caused. The principle of developing land within the floodplain is therefore contrary to national planning policy as well as Local Plan policy. The exception being where a development can provide additional flood storage capacity to compensate for that which is lost.

12. This proposal fails to meet both national and local plan policy in this respect and would set a dangerous precedent as the cumulative impact of many small developments within the floodplain could have a significant impact on land and property elsewhere. The Environment Agency has been asked to comment further on this application and it is hoped that their comments will be available for the meeting.

13. The fact that the site will still flood regardless of the development is not a relevant material consideration.

Conclusion

14. It is considered that the proposal would increase the harmful visual impact of the site, by virtue of the increased area of yard and a likely increase in the number of brightly coloured vehicles being accommodated on the site. It is acknowledged that the revised landscaping scheme would be a significant improvement on the planting that could be required through enforcement. The impact of the revised scheme would have a beneficial

screening effect in ground and low level views however it would not significantly screen the site in views from elevated positions, particularly given the increased size of the site and potential increase in vehicle numbers.

15. Members can make their own judgement over the issue of the impact of the proposal on the natural beauty of the landscape however the proposal clearly conflicts with national and Local Plan policy in respect of the flooding issue as no compensatory flood storage is provided.

RECOMMENDATION

16. That the application be refused in accordance with the recommendation contained in the report considered at the meeting on 8 April 2008.

17. If Members are minded to approve the application contrary to Officer recommendation it should be subject to conditions including the following:

1. Submission, approval and implementation of Landscaping Scheme within first planting season.
2. Submission and approval of a Management Plan for the long term management of the landscape planting area, including protection, maintenance and replacement of dead trees .
3. Restriction on number of HGV's (10) and trailers (16) to be parked on the site.
4. No open storage of materials, plant, machinery, caravans etc. on the site.

Richard Graham
Senior Planning Officer

Date: 27 May 2008

Background documents: R/56/270F, R/56/270D