YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Low Abbotside
Date:	16 July 2024	**Officer:**	Mark Williams
Applicant:	Mr Woodhouse	**Application No:**	R/49/21R
Site Address:	Bainbridge Vets Ltd, Station Surgery, Breconbar, Askrigg, Leyburn, DL8 3BJ		
Proposal:	Full planning permission to convert and extend an existing building to create owner/manager and emergency on site vet accommodation		



REASON FOR COMMITTEE CONSIDERATION

1. At the meeting on 22nd August 2023 Members resolved to grant planning permission for this proposed dwelling, contrary to the officer recommendation. The reasons given for the decision were:

    - Improve condition of a dilapidated building and bring it back into use
    - Improve the security of the site
    - There is an alternative employment site nearby
    - There has been a need identified for on-site occupation for an important local business

- Occupancy would be restricted and dwelling tied to business use secured by a s106 planning obligation.

2. The resolution was to grant planning permission subject a s106 agreement to:

   i) restrict occupancy of the proposed dwelling to persons employed at the Vets' business;
   ii) tie the proposed dwelling to the Vets' business on site.

3. The s106 has since been drafted in accordance with this decision. However, the Applicants have now requested that the second clause – tying the dwelling to the business – be deleted. As this was a specific request of Members at the August meeting the application has been brought back to the Planning Committee for further consideration. Members need to consider whether a restriction on the occupancy of the dwelling is sufficient on its own to ensure that the dwelling is retained for its intended purpose – to provide on site accommodation for the vet business – or that a tie to the business on site is necessary to prevent the dwelling being sold off separately should the business relocate or business circumstances change.

4. The text of the original report to Planning Committee is set out below:

APPLICATION SITE

5. The application site is a former railway building on the old Station Yard at Askrigg. The stone building sits to the east of the site, just north of the former railway track. To the north is a general purpose building associated with the vets' business (Ref R/49/21P). The vet's surgery itself is based in the old station building which sits to the east, opposite the site entrance off the Askrigg road.

6. The vet's surgery is served by a second building, just to the west of the surgery (Ref R/49/21Q). This is used for the handling of farm animals. The vet's business dominates the use of the old station yard, but it does include two other businesses; a brewery and coal yard. The surgery employs a total of 13 people in full and part-time roles.

7. The building the subject of this application has a rectangular floorplan and is approximately two storeys high. There is a larger door opening in the east gable elevation, and one to the west gable which has been blocked with blockwork. A central door opening on the south elevation is recessed within a stone arch. All the windows have high cill levels and there is a corrugated sheet roof.

PROPOSAL

8. It is proposed extend the building and convert it to a 4 bedroom dwelling for the owner/manager of the vets surgery. The proposed extension would take the form of a 2-storey block with its roof height slightly lower than the existing building, with a glazed section linking the two.

9. The rear (north) elevation of the new extension would be in line with the existing building, with the south elevation set slightly back. The proposed extension would measure 10m long and 8.5m wide.

10. The extension would be built from a variety of materials; stone, cedar cladding and glazing set in aluminium frames. There would be full height glazed windows on the front (south) elevation. The large door opening in the east gable of the existing building would be fully glazed, as would the door opening in the south elevation.

11. The proposed development would provide 4-bedroomed accommodation over two floors. Half of the existing building would remain open to the roof, with a mezzanine providing two en-suite bedrooms on the first floor. The extension would provide a dining room and kitchen on the ground floor with two further en-suite bedrooms and an office to the first floor.

RELEVANT PLANNING HISTORY

12. The following applications are relevant:

R/49/21M - full planning permission for erection of single storey sectional building to provide office accommodation (retrospective). Approved. 15/12/1999

R/49/21P - full planning permission for erection of new building and material store. Approved 11/06/2002

R/49/21Q - full planning permission for change of use from office to Vets Surgery, construction of new general purpose sheep building and change of use of steel framed building to create a cattle handling facility, loose boxes and vehicle maintenance workshop. Approved 20/10/2015

CONSULTATIONS

13. The comments of statutory and non-statutory consultees are summarized below:

Wildlife Conservation Officer - An amended bat survey report has been submitted which indicates that a single Common Pipistrelle Bat was recorded emerging from a crevice between stones at the south-east corner of the building. The plans indicate that the eastern elevation stonework will be re-pointed with hot lime pointing. If this application is approved it should be with a condition that ensures the identified bat roost is retained i.e. the crevice that has been shown to be used is not in-filled as the plans seem to indicate it might be.

Given that the old engine shed building has been identified as having moderate roosting potential due to features such as multiple crevices, recommend that a condition is imposed to require compensatory measures to be taken. These could take the form of installation of bat boxes on the building exterior or in nearby trees. Unfortunately, there are no proposals within the bat report concerning what might be done to achieve a level of overall biodiversity enhancement in line with Local Plan Policy W2. Recommend that a condition be imposed requiring installation of at least two bat boxes on the exterior of the building or in nearby trees. The boxes must be of

durable construction and should be located in suitable positions at height and away from artificial lighting that might deter bats from using them.

Recommend that a condition is imposed requiring a prior check for nesting birds before conversion works begin if these are due to commence during the main bird nesting season. Informative notes concerning bats and nesting birds should be added to any decision notice issued if permission is granted.

Clerk to Askrigg & Low Abbotside PC - The Parish Council is supportive of the application as this business is a big asset to our community.

PUBLIC RESPONSES

14. Advertised by site notice. Expiry date: 22nd February 2023. One representation received referring to the need to protect the route of the Wensleydale Railway. If Members are minded to approve, requests that a planning condition be added preventing encroachment on the track bed.

15. The red line application site boundary does not encroach on the track bed. The railway track bed is protected from development by Local Plan Policy BE6.

ASSESSMENT

Key Issues:

- Principle of development
- Conflict with business uses
- Biodiversity
- Parish Council comments
- Equality Act

PRINCIPLE OF DEVELOPMENT

16. The National Planning Policy Framework 2021 (NPPF) sets out the purpose of the planning system: to contribute to the achievement of sustainable development. It also establishes that great weight should be given to conserving and enhancing landscape and scenic beauty, wildlife and cultural heritage in National Parks (para.176).

17. The Yorkshire Dales Local Plan (2015-30) aims to deliver sustainable development in the National Park context by helping to grow the local economy through allowing business development on strategic business sites (Policy BE1) and by providing land for new housing for local needs.

18. The site includes former railway track bed and railway station which are protected under Policy BE6 which prohibits development that would prejudice the reinstatement of the Wensleydale Railway, including operational land and station facilities. The proposed development does not impinge on the former track bed to the south, so there is no conflict with this policy.

CONFLICT WITH BUSINESS USES

19. The application site (known as ‘Former Weatheralds site’) is listed in Policy BE1 as a ‘Business Development Site’ where existing businesses are allowed to expand or redevelop. The policy does not allow for residential uses on the site other than those specified in the plan – in this case the site is considered suitable for live/work units (where accommodation is allowed as part of a business unit). The restriction on residential development is a common approach adopted by most planning authorities in relation to business sites for two practical reasons.

20. Firstly, allowing residential uses on employment land raises the value of the land (or buildings) such that businesses are priced out of the land that was intended for them. Once a building on a business site is converted to a dwelling it is no longer available for business because its value as a dwelling is far higher than as an office or workshop.

21. Secondly, employment land is intended for a range of different types of businesses with different characteristics, some of which may not be compatible with residential uses, particularly permanently occupied family accommodation. The purpose of policy BE1 is to allocate land, ideally separated from residential areas, where businesses can operate and, importantly, expand without being compromised by restrictions on delivery times, operating hours, noise or odours from manufacturing processes, dust or waste, safety and security issues etc.

22. Policy BE1 allows for ‘live-work’ units on the site. Live-work units are business units with ancillary living accommodation. Although the uses share the building they are functionally separate and the residential use is secondary to the main business use.

23. The allocated business site extends across the whole of the former rail yard to include the veterinary surgery and its buildings, a micro-brewery business and a coal yard. The building to be converted is a traditional stone built structure of some age, a former goods shed. The building has 3 large openings and the roof covering is fibre cement sheeting. It is in poor condition and is currently used for storage purposes.

24. The applicants submit that there is a need for a dwelling onsite to serve the needs of the surgery, specifically for the following reasons:

- supervision of hospitalised animals
- supervision of junior staff
- site security (costly equipment and medicines on site)
- out of hours support for staff
- overnight accommodation for staff and students
- reduced need for journeys through Askrigg during out of hours duties

25. There is clearly a compelling argument for an onsite, overnight presence, to provide supervision of hospitalised animal and for general security. However, such a need could easily be met by more modest overnight accommodation, even a

bed-sit type staff room, and does not justify the erection of a large 4-bedroomed detached house. Furthermore, the vet business is not located within a remote area but on the edge of a service village (Askrigg) and close to other larger villages (e.g. Bainbridge) where open market and affordable housing is available. A more modest overnight accommodation would also be more in line with the approach taken to live-work units where accommodation is within the same building as the business but functionally separate and secondary in scale and floorspace.

26. The building itself, although requiring some investment, is large enough to provide viable space for a wide range of small to medium sized businesses, with good access, parking and delivery space. The area does not have a surplus of such units and converting this building to a large dwelling would lose the opportunity for a business to locate in Askrigg, potentially employing locally and contributing to the local economy.

27. Whilst the vet's surgery comprises the largest part of the business site, it does contain two other businesses; a coal yard and a brewery. The introduction of a permanently occupied family dwelling on the site, in close proximity to these businesses, could compromise the operation of these businesses and any future expansion plans. Deliveries and traffic to and from these businesses at unsocial hours, as well as noise from activity associated with them, could be disturbing to occupants of the proposed house and either raise environmental health issues or limit expansion of the businesses should they require planning permission to do so. Should the current businesses cease or move the type of business that could occupy their premises may be limited by proximity to a residential use.

BIODIVERSITY

28. The application was accompanied by a bat scoping survey that has recommended two bat activity surveys. These have been carried out and a further Bat Survey Report was submitted in June 2023.

29. Two bat emergence surveys were carried out in May 2023. No bats were recorded in the building, though several were recorded in flight around the site, and one was observed emerging from an external wall crevice. The report recommends various mitigation measures, including the keeping some deep external crevices open. If planning permission was granted these mitigation measures, together with biodiversity enhancement measures, could be subject to planning conditions.

PARISH COUNCIL COMMENTS

30. There is no doubt that the vet's business is an asset to the local commuity and an important employer. It is also acknowledged that there is a need for an overnight presence on site. However this could equally be achieved by introducing much more modest residential accommodation on site which was clearly ancillary to the business use. The need for on-site accommodation does not justify the erection of a large detached 4-bedroomed family house which would be contrary to Policy BE1.

EQUALITY ACT

31. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

32. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

CONCLUSION

33. Officers remain of the opinion that planning permission should be refused for the reason stated in the original report. However, the two clauses in the s106 as recommended by Members would have provided some guarantee that the proposed dwelling was only occupied by persons employed in the vets' business and furthermore that the dwelling formed part of that business. Removing the second clause of the proposed second clause would weaken the link between the dwelling and the business on site which it is intended to serve.

34. If, however Members are minded to grant planning permission without the second clause in the s106, the restricted occupancy of the dwelling could be adequately covered by a planning condition, obviating the need for a s106 agreement.

RECOMMENDATION

35. It is recommended that permission is REFUSED for the following reason:

    In the opinion of the Local Planning Authority the proposed development would potentially undermine the future development of businesses on the site, result in the loss of a potential business unit and introduce a use that is likely to conflict with the business use of the site. As such the proposal would conflict with the strategic aim of the Yorkshire Dales Local Plan (2015-2030) to support the development of land and buildings for business uses and is contrary to Policy BE1 which specifically states that residential uses on allocated business sites will not be permitted.