

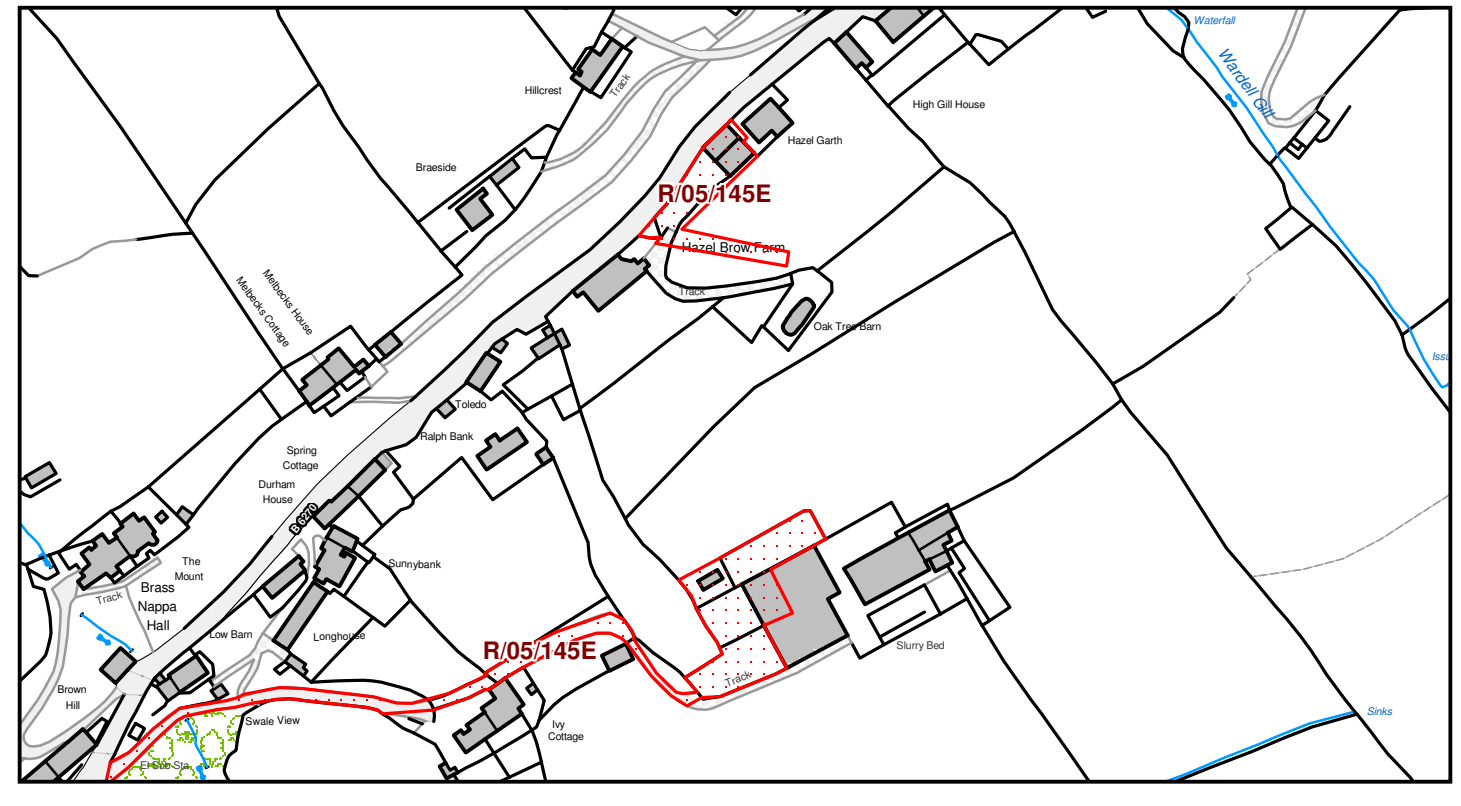
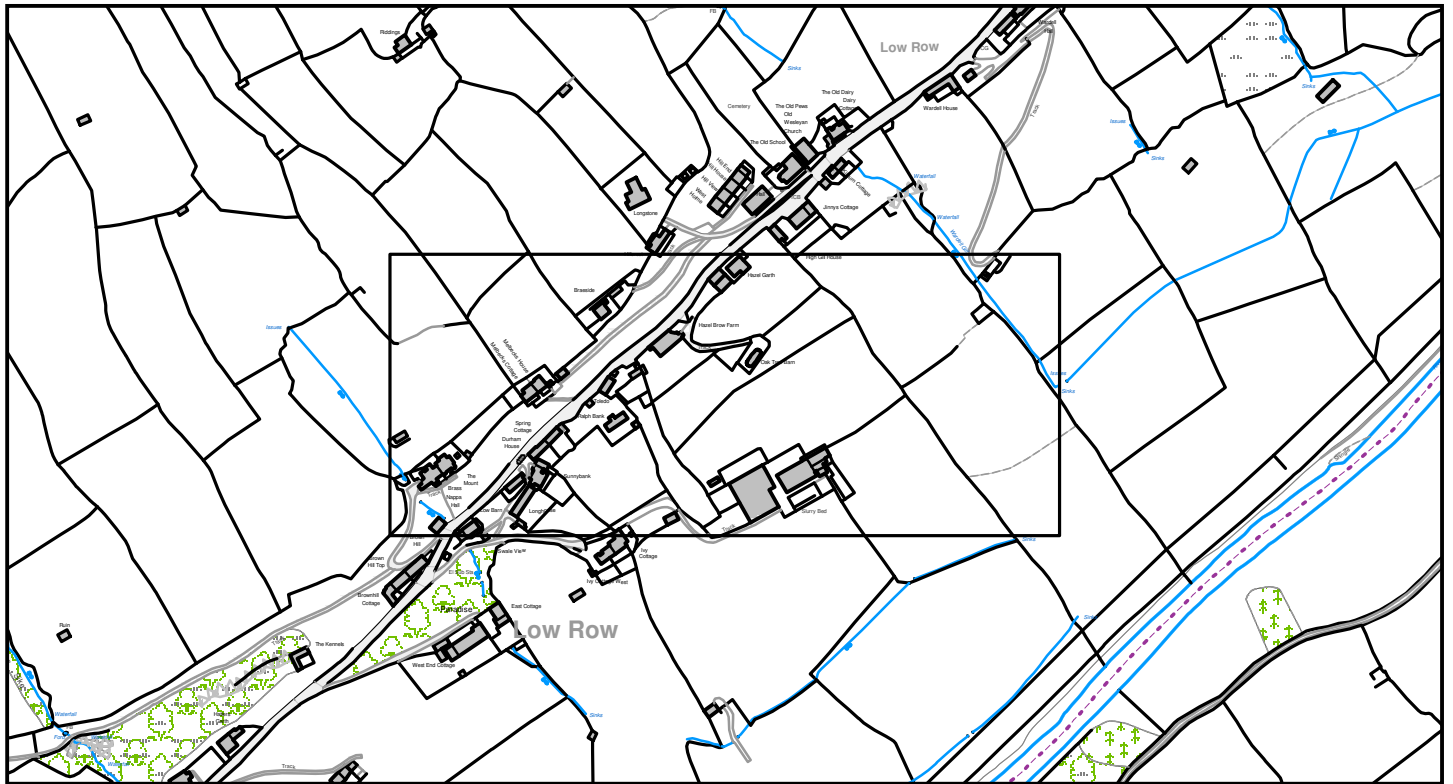
Yorkshire Dales National Park Authority

Application Code: R/05/145E

Committee Date: 11/06/2019

Location: Hazel Brow Farm Visitor Centre, Ivy Cottage Road, Low Row

05



FOR REFERENCE PURPOSES ONLY. NO FURTHER COPIES TO BE MADE

Schedule No:5

Application No:	R/05/145E
District:	Richmondshire
Parish:	Melbecks
Applicant's Name:	Miss R Calvert,
Grid Ref:	SD98319803
Received by YDNP:	25/10/2018
Officer:	Paul Martinson

PROPOSAL: full planning permission and relevant demolition in a conservation area for i) conversion of former joiners shop to provide craft barn and accessible accommodation; ii) demolition of agricultural building and part retaining wall on southern edge of yard; iii) construction of new retaining wall, path and underground observation room with additional parking over; iv) redesign visitor ground floor café and play barn; v) alter first floor of visitor centre to provide family overnight accommodation; vi) extension at first floor to provide additional accommodation and vii) installation of treatment plant for joiners shop and visitor centre

LOCATION: Hazel Brow Farm Visitor Centre, Ivy Cottage Road, Low Row

CONSULTEES

Melbecks PC

The Parish Council express concerns in relation to the access onto the main road (B6270), parking issues on the main road in the centre of the village, and some potential health and safety concerns due to the proximity of a working farm to visitor accommodation.

The Parish Council feel that this is a complex planning application, and therefore the Parish Council are of the opinion that it is essential that a site visit takes place before any decision is made.

Swaledale Ward

No response received.

Wildlife Conservation Officer

No objections subject to clarification and identification of bat roosting area on plans.

Trees & Woodlands

There are three prominent trees on site which have all suffered due to historic excavation for the existing parking area. These consist of two Sycamores which have suffered greatly with considerable bare roots exposed, and a mature Horse Chestnut, which is in good physiological health, is very prominent, and of high visual amenity.

Following the provision of a tree survey and a method statement to ascertain the impact of the proposed

Schedule No:5

NYCC - Area 1 Richmond Highway Depot	parking area and underground observation room, the Tree Officer is broadly satisfied with the proposal subject to additional information being provided in relation to specific aspects of the construction. After initially raising no objections to the application, the Highway Authority have commented following the provision of additional information and are now recommending refusal of the application due to the intensification of the existing sub-standard access as well as the increased likelihood of vehicles such as coaches waiting on the highway at a point which is inappropriate in terms of both road width and forward visibility for approaching drivers.
North Yorkshire Building Control Harrogate Police Station	No response received. Recommends that consideration be given to providing some form of secure cycle storage; this should ideally be within a secure structure with an appropriate number of cycle anchorage points available.
Environment Agency	No objections on flooding grounds, although note the need to provide a Non-Mains Drainage Assessment Form in line with guidance in the PPG.
Fire & Rescue Service Area Ranger (Swaledale & Arkengarthdale)	No response received. The proposal does not affect a public right of way.
CEHO Richmondshire DC Building Conservation Officer	No objections. The original building appears to have been of a single-storey, or perhaps one-and-a-half storeys judging by the height of the former eaves level seen in the north and south elevations. The building may originally have been of an early/mid-C18 date, judging by the stone door surrounds and arch to the south elevation. This building was of unclear original function, although its unusual layout and speculative cartographic evidence (up to the mid-C19) might suggest that it may have once been used as a smithy. It appears that the ground-floor windows have been inserted, in imitation of those above, whilst the lean-to has been present against the south wall in the 1980s.

PUBLIC RESPONSES

The occupiers of the neighbouring properties were notified in writing of the proposals and a site notice was posted at the site. 6 letters of objection have been received alongside 2 letters of support. The objections are summarised below:

- 1) The existing access lane is in poor condition and is poorly maintained in terms of surfacing and drainage.
- 2) The junction of the access lane with the B6270 is poor and there have been a number of accidents recently.

Schedule No:5

- 3) There have been a significant increase in the number of cyclists on the road since the previous approval and these are particularly at risk from the access.
- 4) Vehicle movements will be increased and outside normal hours to detriment of neighbours.
- 5) The previous permission was for March - September - this is proposed to be year-round.
- 6) The proposal would lead to late night disturbance.
- 7) Cannot be considered to be 9am to 6pm as there would be people staying overnight.
- 8) Catering area much larger than previous approval and the reference to High Parks at Newton-le-Willows is concerning due to the scale.
- 9) The works to the visitor centre would give it the appearance of a Ski Lodge and would be inappropriate in this location.
- 10) Sheer scale of retaining wall would be striking in views from the valley bottom and across the Dale.
- 11) Concern over impact on the operation of the farm business that also use the access to the visitor centre.
- 12) Concern that the impact of light pollution on dark skies has not been considered.

The comments in support of the application are summarised as follows:

- 1) The site brings employment to the locality.
- 2) There have never been any highway or traffic problems in the village from the centre.
- 3) Letter from a teacher at a school in Leeds that visited the centre and notes being impressed by the staff, the learning opportunities provided and the tasks arranged.

RELEVANT PLANNING POLICIES

- L1(15) - Heritage assets
- L2(15) - Conversion of traditional building - acceptable uses
- L3(15) - Conversion of traditional buildings - building treatment
- W1(15) - Wildlife sites, species and networks
- W2(15) - Biodiversity enhancement
- W3(15) - Protecting trees, hedgerows and walls
- BE1(15) - Business development sites
- SP1(15) - Presumption in favour of Sustainable Development
- SP2(15) - National Park Purposes
- SP4(15) - Development Quality

OFFICER OBSERVATIONS

REASON FOR COMMITTEE CONSIDERATION

This application has been called to Committee by Mr Blackie due to the complexity of the application.

APPLICATION SITE

The application site consists of 2 separate elements: (1) Hazel Brow farm visitor centre which adjoins Hazel Brow Farm in Low Row and, (2) The Old Joiner's Shop, a traditional stone building located further north and adjacent to the B6270.

The Visitor Centre is a modern agricultural building with the external walls consisting of Yorkshire boarding and concrete blockwork. It is a 2 storey dual pitched roof building with a

Schedule No:5

single storey lean-to that houses a catering area. The building adjoins and forms part of the complex of farm buildings associated with Hazel Brow Farm which is within separate ownership.

The Visitor Centre has an area of land enclosed by a post and rail fence to the west of the building which gives access to a field to the north. The field is used by the Visitor Centre for keeping a small herd of sheep. Parking is provided on a rough surfaced area to the south of the field, next to an agricultural building used by Hazel Brow Farm. The fields to the north slope steeply up towards the village.

The visitor centre is accessed by a steeply sloping road from the B6270 junction which is tarmacked for the first 100m and a twin wheel track for the last 100m where it meets a gated entrance shared with Hazel Brow Farm.

The Old Joiner's Shop is about 150m further north of the Visitor Centre on higher land within the main part of the village. It abuts the road (with the ground floor being at a lower level) and is accessed from the B6270 from the adjacent land. The building sits between a detached bungalow (Hazel Garth) and a group of 3 trees growing on the adjacent land which is reasonably level and has retaining walls to the north with the road and with the field to the south, which slopes away from the site.

PROPOSAL

Planning permission is sought for the change of use, alteration and extension at first floor level to the Visitor Centre building to provide 5 hotel style ensuite bedrooms at first floor and extend the catering area to the full extent of the ground floor level to form a 30 cover café.

The physical works include an extension above the existing lean-to and alterations to the roof to provide 2 equal gables facing west. These would project out 1.5m further than the existing building to form a canopy supported by steel posts, allowing for the installation of glass balconies to serve the hotel rooms. The external walls of the building would be clad with vertically boarded timber, with glazed doors providing access to the café, and the roof clad with profiled metal sheets.

The accommodation and café would be served by the existing car park adjacent to the site. It is also proposed to form an extended L shaped garden and play area wrapping around the buildings from the adjoining field.

The application includes conversion of the Old Joiner's Shop to a craft barn, at first floor level, and a holiday let at ground floor. A new extended parking area would be created to serve this building together with an underground nature observation room.

The conversion works include removal of the existing modern lean-to and the insertion of 3 patent glazing rooflights on the south roofslope to serve the proposed craft barn. A staircase would be provided to the western gable of the building to access the craft barn at first floor. The ground floor self catering accommodation would be designed for wheelchair users.

Following the removal of the lean-to shed, the boundary with Hazel Garth would be defined by a new 2.5m high stone wall with a gate providing access to the parking area for the holiday let, Hazel Garth, Oak Tree Barn, Hazel Brown House and the craft barn, a total of 8 spaces.

Schedule No:5

The new parking area would be created by extending the existing retaining wall 2.5m further into the field to a point level with the rear boundary of Hazel Garth bungalow. Below the new parking area, it is proposed to construct a nature observation room. The retaining wall would form the south elevation to new building with 2 large full height windows either side of double glazed doors. The wall would be faced with natural stone and would be a maximum of 3.5m high above the field level at its highest point. In order to screen part of the retaining wall, a bund would be provided.

A new sewage treatment plant would be provided in the field to the south west of the application site.

As part of the proposals, it is proposed to provide a new private footpath through the field to the south of the Old Joiner's Shop, linking it with the café/hotel accommodation in the former Visitor Centre.

The applicant intends to run courses and workshops on traditional farming techniques such as butter making, spinning, and weaving, as well as non-farming classes such as yoga, within the craft barn. This will be made available on a pre-booked basis for schools, groups or the public and guests in the accommodation at the Visitor Centre.

The applicant says the café will be used on a pre-bookable basis by groups undertaking courses etc and by the public who just wish to visit the café. The hours of operation of the craft barn and nature observation room are likely to be dependent upon the activities that are taking place but the café would be open from 9am to 6pm.

RELEVANT PLANNING HISTORY

R/05/145 - planning permission for (i) change of use of land and buildings from agricultural use to mixed agricultural/public recreational uses (farm visits), including provision of car parking area; (ii) erection of extension to existing silage building/lambing shed for agricultural use and to provide toilet and catering area both in association with the public recreation use referred to in i) above; (iii) erection of extension to milking parlour to provide agricultural store. Temporary permission for 5 years approved 16 March 1995.

R/05/145C - full planning permission for continued use of land and buildings for mixed agricultural/public recreational uses (farm visits), introduction of grass gridding to footpath to facilitate wheelchair/pushchair access and erection of porch to west elevation of agricultural building. Permanent permission granted 7 March 2003.

Since the granting of a permanent permission the site has been occupied as a visitor centre for the period 1st March to 30th September up until 2014 when the centre was separated from the main farming activities at Hazel Brow Farm. The visitor centre was closed for 2 years during 2015 and 2016 and has been used for school visits (7 in the last year) and pre-booking by members of the public.

KEY ISSUES:

- principle
- residential amenity
- impact on character and appearance – joiner's shop
- landscape impact – joiner's shop
- impact on character and appearance – former visitor centre
- landscape impact – former visitor centre

Schedule No:5

- impact on conservation area
- highway safety
- trees
- wildlife

PRINCIPLE

The National Planning Policy Framework (NPPF 2018) sets out the purpose of the planning system: to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. The NPPF supports the achievement of the economic objective in rural areas through planning policy and decisions which enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and; c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Nonetheless, the NPPF also requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

The Yorkshire Dales Local Plan (2015-30) aims to deliver sustainable development in the National Park context. Policy BE1 supports the expansion or redevelopment of existing business uses on sites in or adjacent to settlements. Hazel Brow is an existing business and what is proposed would represent both a redevelopment and an expansion of that business. The site is on the edge of the settlement of Low Row and the proposal would therefore also meet the locational aspect of this policy. However the proposal must also satisfy the design, landscape impact, highway safety and residential amenity standards required by policy SP4.

The proposed nature observation room is also a redevelopment of the existing Hazel Brow business and needs to be assessed against policy SP4.

Policy L1 considers development affecting heritage assets. Traditional buildings may be designated as Listed Buildings or are considered to be 'heritage assets' despite not being designated. Proposals affecting undesignated heritage assets that are demonstrably of equivalent significance to designated heritage assets will be treated as though they were designated for the purposes of the policy.

Policy L2 is a strategic spatial planning policy (ie. it governs where development 'should go'). It allows traditional buildings to be changed to residential and employment uses in certain locations (in existing settlements, building groups, or suitable roadside locations).

Policy L3 considers the details of the conversion works. Proposals will not be allowed where they undermine the architectural and historic character of the traditional building and its landscape setting. The building must have the physical capacity to accommodate the new use without significant extension or alteration or requiring new ancillary buildings.

A proposal to convert a traditional building to a new use must satisfy the requirements of all three policies.

The Old Joiner's Shop is a non-designated heritage asset on the edge of the Barns and

Schedule No:5

Walls Conservation Area and is considered to be a traditional building for the purposes of L2. The building derives its significance from its solid functional appearance being reflective of its former agricultural and industrial uses.

This building is roadside and within an existing settlement. The change of use of the first floor to a craft barn and the ground floor to a holiday let meet the locational requirements of policy L2.

RESIDENTIAL AMENITY

The gable wall of the Old Joiner's Shop abuts the curtilage of Hazel Garth and contains a doorway at first floor. The proposal is that the doorway would be used to provide disabled access to the first floor craft barn. This would involve visitors entering the front garden of Hazel Garth and walking across a section of the garden (from which it is possible to look down into the windows of Hazel Garth). Whilst the applicant states that they have a right of access over this land, and that this would only be used when required for disabled access, the use of this access is at best un-neighbourly but would have a significant impact on privacy (particularly when evening classes are run) if access is not strictly limited. It would not be possible to enforce a restriction on use of this access by disabled visitors alone.

Whilst the building has been used for agricultural activities, and could be used more intensively for those purposes without planning permission, that is unlikely to involve access through the neighbour's garden. As such it is considered that the proposed craft barn use would have a harmful impact on residential amenity of the neighbour contrary to policy SP4 of the Local Plan.

The Visitor Centre proposals include the provision of balconies to the north and west elevations. The balconies would be available for visitors to sit outside during the summer months which could generate disturbing noise in this otherwise tranquil area at quiet times in the evening. Neighbours are concerned that the proposal would introduce a 24 hour operation. Whilst it is unlikely that the balconies would lead to overlooking of the neighbouring dwellings (being 75-100m away) it is considered that the cumulative impact of un-managed activity generated at the site would be disturbing for residents at times that would otherwise be quiet and tranquil.

The application includes extension of the garden/play area serving the centre by about 10m to the north and to the west along the line of the existing building. Although this has potential to generate further noise, the applicant has advised that this area would be locked and access prevented after 6pm.

CHARACTER AND APPEARANCE OF JOINERS SHOP

The proposal would utilise all existing openings within the building, with the cart opening being fully glazed and the existing vertically boarded timber doors in either gable being retained. New openings in the form of 3 roof lights measuring 1.5m x 0.5m and positioned close to the ridge, would represent a significant change in the appearance of the south facing roofslope and would be visible in views from across the Dale. Part of what characterises the appearance of this building is its solid appearance and unbroken roof. It has been requested that the applicant reduce the numbers of rooflights or consolidate the arrangement, however it is stated that these are required to provide the high levels of daylight required for the activities that are proposed.

Unfortunately the proposal also includes retention of the existing ground floor openings (installed relatively recently) that are not sympathetic to the previous use of the building.

Schedule No:5

Despite these features of the proposal the new use would retain a traditional building that makes a beneficial contribution to the historic environment.

However the works to create the parking area and underground nature conservation room are significant. Policy L3 b) of the Local Plan requires that the creation of any new curtilage, highway access, access roads and other associated storage and infrastructure are the minimum necessary and are sensitive to the traditional character and appearance of the building and do not adversely affect the immediate or wider landscape setting of the building.

The creation of the nature observation room appears to have arisen from the desire to provide more parking at the joiner's shop site which has been facilitated by extending the retaining wall by around 2.5m. As the land slopes away steeply at this point, the new retaining wall is around 2m higher (3.5m high) than that of the existing which is around 1.5m high. A post and rail fence would be provided to top the retaining wall which would add additional height. Whilst the existing retaining wall is constructed of blockwork and includes a modern lean to extension that obscures the south elevation of the building, it is well weathered and much lower in height than that proposed.

The extent of retaining wall would lead to a harsh, urban appearance that would not be sensitive to the traditional character and appearance of the joiners shop. The provision of large areas of glazing within the wall would add to the incongruous appearance of the structure and would further harm the setting of the joiners shop. With regard to policy L3, it is considered that the proposed works would be significantly in excess of what could be considered the minimum necessary and would be harmful to the setting of the building.

LANDSCAPE IMPACT – JOINER'S SHOP

Whilst there would be some minor landscape benefit from the removal of the modern lean to extension at the joiner's shop and the replacement of a modern material (blockwork) with a local traditional material (natural stone), this benefit would be greatly outweighed by the landscape harm arising from the proposal. The joiner's shop is visible at long distances from the opposite side of the Dale and from points looking up from the valley bottom. In particular the site can be seen clearly, along with the rest of Low Row, from the Whitaside road to Askrigg.

The provision of a high stone retaining wall topped by a post and rail fence and containing large areas of glazing would be an incongruous and dominant feature in the landscape that would be visible in unbroken views at great distances. There are no similar features within views of this part of Low Row and it is considered that the proposed works would amount to significant harm to the landscape character of the area in conflict with policy SP4 of the Local Plan. Given the scale of this part of the development, it is considered that mitigating this part of the proposal through landscaping or tree planting could not successfully overcome the landscape harm of the proposed works.

CHARACTER AND APPEARANCE – VISITOR CENTRE

The visitor centre at present has the appearance of a modern agricultural building. The proposal is to redevelop the visitor centre to include a new café and hotel style accommodation. This would involve adding a canopy formed from a pair of symmetrical dual-pitched roofs with balconies beneath.

The proposal would create a building with much less relevance to its setting, however this

Schedule No:5

part of the site is not readily visible in public views, being screened by the existing farm buildings in views from the south and east and by buildings in Low Row in views from the west.

As such it is concluded that the resulting building would not cause significant harm to the visual quality of the area.

LANDSCAPE IMPACT – VISITOR CENTRE

The proposed works to the buildings would be relatively well contained within an area similar to the existing footprint. It is considered that providing the timber cladding to the exterior of the building is allowed to weather naturally, the works to be building would not have a harmful landscape impact.

As part of the development it is proposed to extend the garden/play area to the north. This is likely to be screened in views from the south by the 2 storey building that was formerly the visitor centre. It is also unlikely to be readily visible in views from the north and west due to the built form of Low Row however any views from this direction can be adequately mitigated by the provision of a drystone wall to define the boundary. The boundaries for this area are not particularly clear on the plans, however in the event of an approval this can be secured by a planning condition.

IMPACT ON CONSERVATION AREA

Aside from the stone built section of the joiner's shop, the entire application site lies within the Barns and Walls Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on planning authorities insofar as "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" when it considers proposals for development in the conservation area.

The proposed works to form the nature observation room and parking area would represent a significant intervention within the setting of a non-designated heritage asset. These works would be publicly visible within the conservation area for considerable distances. The harsh appearance of the high stone retaining walls and the large areas of glazing would become a dominant feature in landscape views that would be detrimental to the setting of the adjacent traditional buildings and would adversely affect the significance of the designated conservation area.

Given the limited public visibility of the former visitor centre building, its existing character, and the level of works proposed, it is considered that this element of the proposal would be unlikely to have a harmful impact on the character or appearance of the conservation area.

HIGHWAY SAFETY – VISITOR CENTRE

The existing visitor centre is accessed by a steeply sloping access lane that initially bypasses several residential properties where it is surfaced with tarmac before becoming a rough surfaced twin tyre track for the last 100m of its length. There are no obvious passing places along the access and its junction with the main B6270 highway has extremely poor visibility. The access is also angled such that larger vehicles may struggle to struggle to negotiate the sharp left turn when travelling from the east.

This access was in more or less its current state when the application for the visitor centre was approved in 2003. This approval was subject to a restriction of opening times to between 1st March and 30th September, between 9am and 6pm on any of these days, and

Schedule No:5

included a restriction over the use of the catering area: limiting this to the lean to part of the building and to the serving of teas and coffees to visitors to the farm only (not general public). The approval was also subject to a management plan governing the procedures for coach parties and requiring that coaches stop at the lane end with passengers then walking down to the visitor centre.

There were 7 school visits last year and it is understood that there were also a number of pre-booked visits by members of the public.

Whilst the café would contain 32 covers as well as additional tables and chairs outside, it is proposed that this would be only be accessible by visitors to the Hazel Brow site: either; those participating in courses/classes at the joiner's shop; visitors staying in the accessible accommodation; visitors staying at Hazel Brow House (a large holiday let used for group bookings); visitors staying in the hotel style accommodation; and school groups and other groups using the nature observation room. In addition it is proposed that a visit to the café can be pre-arranged by booking on-line or by telephone, or through the purchase of an annual farm pass.

The café would represent a significant increase over the previous catering area, both in terms of floor space and the facilities available. It would also be open, along with the hotel style rooms, on a year-round basis. The Highway Authority has advised that the current proposal would therefore represent an intensification of the existing sub-standard access and the required visibility of 2.4m x 90m cannot be achieved. It is therefore objecting to the application and recommending refusal.

The operation of the proposed uses from the former visitor centre would be likely to increase the use of the access and the likelihood of conflict between vehicles using the access and other road users. Given that the access suffers from both poor visibility at the junction with the B6270, a lack of passing places and is steeply sloping and narrow, it is therefore considered that the proposal would be detrimental to highway safety and contrary to policy SP4 of the Local Plan.

HIGHWAY SAFETY – JOINER'S SHOP

The access to the joiner's shop is directly from the B6270 in the main part of the village. The access is positioned shortly to the west of a bend in the road, beyond which views are screened by the joiner's shop itself. Visibility to the west is slightly more favourable, although views are still likely to be partially obscured by Hazel Brow House to the immediate west.

It is proposed to utilise the existing access which is sub-standard and below the required visibility levels. The Highway Authority initially objected to the use of this access and requested that it be widened so that two cars could pass. However the widening of the access would impact on the tree roots of the adjacent horse chestnut and conflict with the method statement contained within the Tree Report.

The applicant provided additional information as to the existing use of the building by S&RJ Calvert farm business and Calvert and Jenkinson builders. The farm business and the builders store diesel within the lean to and this is accessed regularly. The area outside the building is already in use for parking by Hazel Garth and Oak Tree Barn as well as overflow parking for Hazel Brow House. The Highway Authority has therefore advised that the proposal would not result in an intensification of this access as a result of the proposal which would provide 2 spaces for the craft barn and 1 for the holiday let in addition to

Schedule No:5

spaces that already exist.

The applicant is proposing that, in a change to the previous arrangement, coaches would wait and unload outside the entrance to the joiner's shop rather than the lane end serving the former visitor centre. The Highway Authority have raised concerns that this is an inappropriate location for waiting coaches both in terms of road width and forward visibility for approaching drivers and would thus cause interference with the free flow of traffic and a danger to highway users. It is considered that this aspect of the proposal would be detrimental to highway safety for these reasons and would be contrary to policy SP4 of the Local Plan.

TREES

The application site of the joiner's shop includes 3 mature trees that could have potentially been impacted upon by the proposed parking area and the excavation required to create the nature observation room. The trees consist of 2 sycamores which are growing in relative close proximity to the west elevation of the joiner's shop building, and a larger horse chestnut which is growing closer to the access with the highway. The horse chestnut in particular contributes considerably to the visual amenity of this part of the conservation area and it is consequently important that all 3 trees are retained as part of the proposals. Concerns were raised as to the impact of the works and the applicant provided a Tree Survey and a method statement for the proposed works. The method statement demonstrates that, providing the construction methods contained within it are followed closely, the proposal would not adversely affect the health or condition of the trees. No objections have been raised by the Tree Officer subject to the provision of additional clarity. Any response to the Tree Officer's comments will be reported at the meeting.

ECOLOGY

Bats are a Protected Species by virtue of the EU Habitats Directive and the Conservation of Habitats and Species Regulations 2017. Article 12 of the Habitats Directive requires member states to take requisite measures to establish a system of protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. Article 16 provides that if there is no satisfactory alternative and the development is not detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range then member states may depart from the requirements of the Directive "in the interest of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the landscape."

Under the requirements of the Conservation of Habitats and Species Regulations 2017 it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. Natural England will only grant such licences if they are satisfied that the requirements of Article 16 of the Directive are met. Regulation 9 of the Regulations also provides that every competent authority (including planning authority) in the exercise of their functions, shall have regard to the requirements of the Habitats Directive.

The application has been supported by a bat survey which found that whilst the building was of low value to bats there was evidence of 2 roosting Brown Long Eared Bats. A licence will therefore be required from Natural England.

The conversion of the building is necessary to safeguard the future of a non-designated heritage asset and therefore there is no satisfactory alternative in line with the 2017 Regulations. It is in the public interest that planning permissions are capable of being

Schedule No:5

implemented and the mitigation measures including timing restrictions and the provision of alternative roosts submitted as part of the application can be secured by a planning condition. Further clarity over the location of the proposed bat roost will need to be provided and this information has been requested by from the applicant and will be reported at the meeting. Subject to the condition and mitigation measures being adhered to, it is considered that the proposal would not be detrimental to the maintenance of the bat population in line with the Habitat Regulations 2017 and policy W1 of the Local Plan.

Policy W2 of the Local Plan requires all new development that would have an impact on biodiversity to provide an on - site contribution to wildlife enhancement. The applicant has advised that bat boxes will be installed on trees at the site and bird boxes will be installed on the retaining walls of the nature observation room. A condition of any planning approval could secure the proposed mitigation.

ANALYSIS OF MATERIAL CONSIDERATIONS

This is an interesting proposal that would involve the redevelopment of an existing business and an expansion to other sites in the locality. The principle of the redevelopment of the Visitor Centre and the conversion of the Old Joiner's Shop and use as part of an established business is supported in line with policies BE1, L2 and the NPPF. However the redevelopment of the Visitor Centre would lead to the intensification of the existing sub-standard access lane to the detriment of highway safety. The proposed use of the Old Joiner's Shop would also lead to coaches waiting in the highway which would conflict with other road users to the detriment of highway safety.

The creation of a large parking area and an underground nature observation area at the Old Joiner's Shop would have a significant impact on the appearance of the area - the retaining walls and large areas of glazing would be highly visible on the hillside in public views, and would detract from the setting of the Joiner's Shop and the character and appearance of the Conservation Area.

The proposals would have an adverse impact on the residential amenity of neighbours, both in terms of the potential impact of noise and disturbance from use of balcony terraces at the Visitor Centre and through using the front garden of Hazel Garth to access the Old Joiner's Shop.

Overall, whilst Local Plan policies are generally supportive of business proposals that generate local employment, this should not be to the detriment of highway safety, the amenity of neighbouring residents or the National Park landscape.

RECOMMENDATION

It is recommended that the application is refused for reasons based on the following:

1) In the opinion of the Local Planning Authority, the construction of a 3.5m high retaining wall with large areas of glazing to create the nature observation room would form an incongruous and dominant feature within the setting of the Old Joiner's Shop and in a prominent position on the hillside within the Swaledale and Arkengarthdale Barns and Walls Conservation Area. This would undermine the historic character and landscape setting of the area and scenic quality of the National Park landscape, and would harm the heritage significance of the Conservation Area. The proposal is therefore contrary to policies L1, L2, L3, SP1, SP2 and SP4 of the Yorkshire Dales Local Plan (2015-2030), paragraphs 11 and 172 and Section 16 of the National Planning Policy Framework (2018) and the first statutory purpose of the National Park [S.5 (1) National Parks and Access to

Schedule No:5

Countryside Act 1949].

2) In the opinion of the Local Planning Authority, the existing access, by which vehicles associated with this proposal would leave and re-join the highway is unsatisfactory since the required visibility of 2.4 metres x 90 metres (based upon the prevailing 30 Mph Speed Limit) cannot be achieved at the junction with the highway and as such the intensification of use which would result from the proposed development would harm highway safety and is contrary to policy SP4 of the Yorkshire Dales Local Plan (2015-2030).

3) In the opinion of the Local Planning Authority, the proposed development would give rise to coaches waiting in the carriageway at a point which is inappropriate in terms of both road width and forward visibility for approaching drivers and would thus cause interference with the free flow of traffic and a danger to highway users, to the detriment of highway safety and contrary to policy SP4 of the Yorkshire Dales Local Plan (2015-2030).

4) In the opinion of the Local Planning Authority, the proposal would harm the residential amenity of neighbours by reason of use of the garden of Hazel Garth to provide access to the proposed craft barn and through the creation of balcony terraces and extended garden/play area at the Visitor Centre which are likely to give rise to noise and activity that would disturb the nearest neighbours at times when the area is otherwise quiet and tranquil. As such the proposal is contrary to policy SP4 of the Yorkshire Dales Local Plan (2015-2030).