PROPOSAL: full planning permission for conversion of existing mill into 2 apartments, 6 holiday let apartments and 1 local occupancy apartment in conjunction with D1 Visitor Centre, mixed B1 (business/light industrial)/A1 (retail) use and re-instatement of hydro-electric turbine.

LOCATION: Yore Mill, Church Bank, Aysgarth

CONSULTEES

Aysgarth & District PC
The Parish Council would like to reiterate that they support this application and would appreciate it if the application could be dealt with quickly. The Parish Council is keen to have this dangerous listed building restored and maintained as soon as possible.

Yoredale Ward
No comments received.

NYCC - Area 1
Recommends Refusal. In the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety. That part of the route for pedestrians from the adjacent Public Car Park at the 'National Park Centre' which lies within the Public Highway has no formal footway and pedestrians would be expected to walk in the carriageway to the detriment of road safety.

North Yorkshire Building Control
No comments received.

Senior Listed Building Officer
The patent glazing has been amended so that it now looks like individual roof lights. This should be changed back to a glazed strip, which looks more like part of an integrated roof design rather than additions to a roof.

Information relating to specs for wall finishes, paint finishes for windows, doors and rainwater goods, specifications for repair works to existing fabric and features and detailed drawings for floor/ceiling construction, column encasements and roof
constructions are still required.

CEHO Richmondshire DC

There will be little or no adverse impact on amenity and little likelihood of the development to cause a nuisance. An informative relating to achieving an acceptable internal noise climate is recommended.

Fire & Rescue Service

No observations.

Wildlife Conservation Officer

No objection subject to a condition being attached to any permission to ensure that the development shall be carried out in accordance with the amended plans (which show location of a bat loft to be created in the roof void of the building) and the recommendations in the two bat reports (Bagshaw Ecology 2018 and John Drewett Ecology 2017).

Environment Agency - for All areas

No objection subject to the development be carried out in accordance with the submitted details and the finished floor level of the managers accommodation being no lower than 180.620m above Ordnance Datum (AOD).

Natural England

The proposed development will not damage or destroy the interest features for which Aysgarth Site of Special Scientific Interest (SSSI) has been notified and has no objection. The site is designated for its geological features (waterfalls); the proposed hydro turbine would be unlikely to significantly affect river morphology and water flow to an extent that would damage the site interest features.

Harrogate Police Station

No comment.

Trees & Woodlands

An arboricultural impact assessment is required to demonstrate the impact of the development on the nearby trees which are quite old and have a high amenity value.

Flood Risk Management North Yorkshire County Council

Further consultation with the Environment Agency is required along with a full drainage strategy. The applicant is advised to ensure that the development meets the requirements set out in North Yorkshire County Council’s SuDS Design Guidance.

Head of Visitor Services

It is not feasible to allocate such a large number of dedicated spaces on the Authority car park. Aysgarth is one of our busiest centres. There is an option for accommodation providers to buy car park passes for their guests to use during their visit, and a further option for passes to be purchased by residents or frequent visitors. In both cases spaces are not reserved or dedicated and are provided on a first come first served basis.

PUBLIC RESPONSES

2 responses received in response to amended plans;
- The plans should be passed and this building saved.
- Comments regarding the inadequacy of the car parking and delivery arrangements; the retention of the wooden platform and the mill race being fit for purpose were also repeated.

4 responses received in relation to the original application;
- The parking allocation is totally inadequate.
- The developer has had discussions with a local farmer about acquiring land for the Mill's car parking requirements however, it hasn't been included within the planning application. It should be included in the application.
- take into account the location and volume of visitors to the immediate area.
- The 1980's wooden platform constructed from reclaimed case iron mill posts should be removed from the west face of the mill.
- The plans show no thought to deliveries which will cause severe congestion and disruption
- The plans do not show the new location of the bin store.
- Action is needed to ensure that the mill race is fit for purpose.
- No consideration has been given to a drop off zone which will cause traffic and safety issues.
- The car parking provision has risen from 3 to 4 spaces which will result in more vehicle movements and access issues in a confined area. The spaces should be limited to 3 only and allocated to the property owners or employees.
- The bin store will cause noise and disturbance.
- The visitor centre would be accessed from the east courtyard side however, there is no public access through or beyond the archway.
- Congestion around the building from holiday renter's dropping off/picking up people and luggage, service provider's (e.g. cleaners).
- Risk of flooding from the mill race.
- Short - term disruption to neighbours.

The Ramblers association welcome this proposal to develop the building. They request that the adjacent path to the Church Yard is kept open and free from building material.

**RELEVANT PLANNING POLICIES**

L1(15) - Heritage assets  
L2(15) - Conversion of traditional building - acceptable uses  
L5(15) - Heritage assets - enabling development  
W1(15) - Wildlife sites, species and networks  
W2(15) - Biodiversity enhancement  
W3(15) - Protecting trees, hedgerows and walls  
CC2(15) - Flood risk  
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 is reported to the Planning Committee for the following reason; the recommendation of the Parish Council is contrary to the decision that the Head of Development Management proposes to take.
APPLICATION SITE
Yore Mill is a prominent Grade II listed building located to the south – east of the River Ure in the valley bottom at the heart of Aysgarth Falls. The former corn and woollen mill dates from the mid – 19th century having replaced an earlier 18th century cotton mill that was the subject of an extensive fire. It consists of 4 storeys plus a loft in a roughly t – shaped plan constructed of rubble with a stone slate roof (although it is only the main rectangular Mill building that is the subject of this building with the stem being in separate ownership). It was most recently used as a carriage museum but has been left largely derelict for the last decade. Yore Mill has been identified as a listed building “at risk.”

The Mill forms a group of listed buildings including Yore Mill Cottages (grade II listed former workers cottages), Millers House (grade II) and Yore Bridge (the Grade II listed road bridge), all of which are viewed in association with the River Ure giving a high aesthetic and historical value to the area. Aysgarth Falls is one of the National Park’s honeypot sites, attracting thousands of visitors each year. The waterfalls attract visitors at all times of the year who come to enjoy and photograph the scenic beauty of the area including nearby Freeholders Wood in the changing seasons, as well as the Mill complex itself.

PROPOSAL
Planning permission is sought for the conversion of the Mill to 9 apartments, a visitor centre, business and/or retail floorspace and the reinstatement of the hydro – electric turbine. The visitor centre would be located on the lower ground floor with the commercial unit and a local occupancy dwelling that could be used as manager’s accommodation on the ground floor above. 6 holiday lets would be provided across the 1st and 2nd floors, whilst the 2 units on the upper attic floor would be the open market apartments. 4 parking spaces are to be located to the north – east of the Mill whilst the applicant envisages other users utilising the nearby public car parks at the Aysgarth Information Centre or The Falls pay and display car park.

RELEVANT PLANNING HISTORY
Planning and listed building consent applications were considered under application reference numbers R/51/55M & N/LB earlier this year following pre – application advice. This scheme proposed 7 apartments including 2 open market units, 4 holiday lets and 1 manager’s apartment in conjunction with a bar/restaurant, bunk house, community room and retail outlet. There was also provision for a cycle store and wash down facility to be used in connection with the bunk house and holiday lets. The applications were subsequently withdrawn when further information/amended plans were required to address a number of issues including the impact of the development on ecology, trees and car parking. Car parking was the main issue that was considered difficult to resolve due to the lack of land in the same ownership. As 49 spaces were required for the development to satisfy the Highway Authority only 3 were being provided on site, the applicant was advised to engage a consultant, query the NYCCC assumptions on parking numbers as well as looking at the full range of alternatives for extra provision.

A counterpart Listed Building Consent application is pending consideration under application reference number R/51/55Q/LB.

KEY ISSUES:
- background
- the principle of the development
- design & setting

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- impact on the significance of the listed building
- future management
- impact on neighbours
- car parking and highway safety
- impact on protected species
- impact on trees
- flooding

BACKGROUND

Yore Mill most recently operated as a carriage museum between 1969 and 2003 and was brought by the current owner in 2003. As a result of a lack of investment and no active use for the building, it has fallen into serious disrepair and is now no longer safe to enter due to the precarious condition of the roof which has suffered from water ingress and deteriorating timbers.

The Authority has been in discussion with the owners since 2010 regarding the condition of the building and the need for repair works to secure the structure. In more recent years advice has been offered on potential funding streams and suitable new uses for the building.

During the course of 2016/2017 the Authority considered, in great detail, the various challenges facing Yore Mill, together with options for securing its future. It identified a clear preference for a comprehensive repair and long term re-use solution and working in partnership with the Richmondshire Building Preservation Trust, commissioned a feasibility study to explore how this might be realised. Although the feasibility study offered much encouragement about the prospects of converting the Mill for a range of beneficial uses, the uncertainties surrounding matters such as ownership, development partners and funding arrangements made it difficult for the Authority to pursue further. Instead the Authority resolved to, “make public the Mill’s plight in the hope of securing a change in ownership and new funding possibilities so as to improve the chances of a comprehensive re-use in the future.” In the ensuing period the applicant was identified as a prospective purchaser and entered into pre-application discussions with the Authority. It is understood that a sale of the Mill has been agreed, subject to obtaining planning permission through the applications now under consideration.

Members will be aware that the condition of the Mill is deteriorating quickly since a small collapse in the roof a few weeks ago. It is a real possibility that the roof could be lost soon and once it and the lateral timbers have gone, there would be structural issues with the walls with the risk that the building could be lost completely. The Mill is a landmark building that forms a set piece with the surrounding buildings and to lose it would have a significantly detrimental affect on the remaining listed buildings, the setting of the Falls and the wider cultural heritage of the National Park. There is therefore significant incentive to find a development that would enable the restoration of the building as soon as possible.

THE PRINCIPLE OF THE DEVELOPMENT

The Mill is allocated under policy BE1 in the adopted Yorkshire Dales Local Plan (2015 – 2030) for business development purposes for a range of commercial uses, including offices, light industry, storage/distribution, restaurants/cafes, non-residential institutions (e.g. galleries, museums), live work and visitor accommodation. The proposed uses of business (use class B1 - offices/light industry), retail, visitor centre and holiday lets (visitor accommodation) are therefore in compliance with the allocation. The open market housing element is not.
Policy L5 of the adopted Local Plan supports new development of heritage assets identified as being “at risk” where significant investment is required to restore them. It is an exception policy to allow enabling development that cross subsidises the repair and restoration of the heritage asset. Such proposals should demonstrate that they have exhausted other options and provide a financial appraisal demonstrating that there is a conservation deficit (where the cost of converting them to a new use is greater than the value they would have on completion of the works).

The site lies outside of the defined housing boundary for Aysgarth where residential development is not normally allowed unless it meets a specific exception. Open market dwellings have a higher investment return which in this case would help to offset the conservation deficit that arises from the poor condition of the existing building. Although the applicant has not provided a financial appraisal the Authority has its own intelligence on the extent of the conservation deficit by virtue of a development appraisal carried out by the District Valuer in 2017 and a comprehensive feasibility study completed later the same year. It was therefore considered onerous to insist on the applicant providing further information in this particular instance. The poor state of the listed building at risk is a material consideration to balance against the departure from policy represented by the 2 open market apartments.

As Yore Mill was constructed prior to the 20th century and has considerable historical and architectural merit, it is considered to be a traditional building for the purposes of policy L2. It is in close proximity to the main road and forms part of a group of buildings with the adjacent cottages and Millers House. As such, were it not for the fact that Policy BE1 does not allow residential uses, the conversion of the building into holiday lets or a local occupancy manager’s dwelling would be acceptable in principle under this policy, subject to compliance with policy L3 that deals with the specific design details of conversions. The fact that Policy BE1 does not allow residential uses on allocated business sites renders the local occupancy dwelling a departure from policy, albeit Policy L5 could still justify such a departure.

**DESIGN & SETTING**

The application proposes the conversion of the existing Mill with no new additions or extensions. However, the roof has been in a poor condition for a significant amount of time and there has since been a recent small collapse which has resulted in the structure being supported by scaffolding. Condition assessments commissioned by the Authority suggest much of the existing slate is not likely to be re-useable and the options for securing significant amounts of natural slate to make up the shortfall, are very limited and extremely expensive. Consequently, it is proposed to replace the existing roof which due to its sheer size will be a considerable cost to the applicant. A pragmatic approach has been agreed allowing the structure to be re-roofed with local natural stone slates to the front (the most prominent elevation), whilst allowing artificial slates on the rear roof slope to match in colour and texture as close as possible.

Existing windows on the ground floor level will be retained and repaired whilst the remaining ones will be replaced with new timber frames in a hopper style to match. The application also proposes the installation of 2 new rooflights in the front and 2 sections of patent glazing on the rear elevation. The rooflights detract from the solid robust character of the rooftscape and are considered unnecessary as they would serve a hallway that could be artificially lit. Likewise the patent glazing on the rear could be reduced as some of the rooms they would serve already consist of a pair of french doors and 2 windows. However,
these alterations are not considered sufficient reason to warrant refusal of the application in their own right.

Glass juliet balconies are to be added to the door openings on the eastern elevation and the collapsed balcony to the northern (front) elevation which was added to the building in the 1970’s and forms part of the listed structure, is to be reinstated with a new platform and iron railings. These alterations would respect the appearance of the Mill subject to securing the detail by condition and as such the design of the scheme is considered to be in accordance with criterion b) of policy SP4 and policy L1.

IMPACT ON THE SIGNIFICANCE OF THE LISTED BUILDING

Section 66 of the Town & Country Listed Building & Conservation Areas Act 1990 requires that the Local Planning Authority has 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 detail of the conversion works are largely considered under the counterpart listed building consent application. However, the proposals are largely sensitive to the industrial character of the Mill (see design section above). Whilst it is regrettable that the proposed residential uses will subdivide the large open plan spaces that contribute to the character of the Mill, it is understood that these uses offer the best financial return to enable the development to take place. They also reduce the car parking requirements and other local objections. There will also remain a large open plan space in the commercial unit on the ground floor so that the internal character of the building can be retained for visitors to enjoy and understand. The harm caused to the listed building would be less than substantial when weighed against the public benefits of securing its optimum viable use. The proposal is considered to be in accordance with policy L1 and paragraph 196 of the National Planning Policy Framework (NPPF, 2019).

FUTURE MANAGEMENT

The applicant has agreed in principle, to enter into a s106 agreement to ensure that a management company is put in place to protect the long term future of the building and to prevent inappropriate minor alterations and changes that cumulatively could detract from the appearance of the listed building and it’s setting. The management company would also oversee the future maintenance of the building so that in the event that the units are sold off to individual owners, the building as a whole is treated in a cohesive manner. This is a typical scenario in the cases of new development and is the case with other schemes approved by the Authority including Embsey Tannery, Langcliffe Mill and Marske Stables. A s106 to require the provision of a management company for this development would meet the three tests set out in the NPPF as it would be a) necessary to make the development acceptable in planning terms, b) would be directly related to the development and c) fairly and reasonably related in scale and kind to the development.

IMPACT ON NEIGHBOURS

There are a number of residential properties within very close proximity to the Mill including those at Yore Mill Cottages (south – west), Millers House (east) and St Joseph Mews (north east). The conversion of the Mill to additional residential units is therefore compatible in principle with existing properties.

The proposal includes a retail and/or business use at ground floor level accessible via the existing doors on the northern and western elevations. As this will be a publically accessible space there will naturally be comings and goings of visitors in close proximity to
Yore Mill Cottages which could cause noise and disturbance if uncontrolled. It is considered necessary and reasonable to restrict the hours of operation of this unit by condition to 8am – 5.30pm Monday – Saturday’s and 10am – 4pm on Sunday’s and public holidays.

An objector has raised concerns about the use of the timber platform on the south-western elevation which would provide a balcony area for unit 2. As the domestic use of this space would be no different than a neighbour using an outdoor garden area, it is considered unnecessary to request that the platform be removed. It is worth noting the Environmental Health Officer has stated that there will be little likelihood that the development will cause a nuisance.

The proposal for a visitor centre on the lower ground floor at the eastern end of the building is in response to the Senior Listed Buildings Officer’s request that existing belt driven machinery be retained within the building, if not in their original locations. A resident has raised concerns regarding this use and the potential for members of the public accessing the building from the eastern side where there are existing properties.

The facility would more accurately be described as a heritage interpretation space and the applicant has provided a management plan that states the space will be managed by the manager looking after the turbines, mill race and general maintenance. There would be no more than 2 bookings per day lasting no more than 1 hour each, between the hours of 9am - 5pm, with a maximum of 10 persons per group. Bookings would have to be made in advance via an email address and telephone number. If managed in accordance with the management plan it is considered that the interpretation space is unlikely to result in noise and disturbance that would be harmful to the occupants of nearby dwellings. To ensure that this element of the proposal accords with criterion n) of policy SP4 the management plan for the heritage interpretation space should be secured by a S106 legal agreement.

CAR PARKING & HIGHWAY SAFETY
The provision of car parking for the Mill is perhaps the most critical issue in respect of this application for redevelopment. The development potential of Yore Mill has been severely compromised by the owner selling off the surrounding land and buildings so that there is very little land left around the Mill to directly serve any new development.

North Yorkshire County Council Highways recommends that the application is refused. The Highway Engineers have advised that the proposal requires 24 car parking spaces - 2 per apartment and 6 for the retail/business unit and heritage interpretation space.

The applicant has removed a cycle wash area from the layout and now proposes 4 spaces for the development, an increase in 1 space from the previous scheme but still a significant under provision of 20 spaces (or 83% below the required standard). Appendix 3 of the Local Plan sets out opportunities and constraints of the site to help guide development which states “public car parking currently available at Falls Country Club, Aysgarth Falls National Park Centre and Aysgarth Station site” The applicant argues that it is therefore not necessary to provide any further dedicated parking provision for the proposal. Appendix 3 is not policy and merely provides the context for the site in light of the allocation. New development proposals are required by criterion g and k of policy SP4 of the Local Plan to ensure that they will have appropriate access and car parking provision and will not prejudice highway safety or cause unacceptable levels of traffic that would harm the environment or capacity of the local road network.
The applicant's Design & Access Statement states that the 4 on-site spaces will be used to serve the local occupancy (managers) accommodation, the 2 open market apartments and 1 holiday let. This is an under provision for each of the residential units, but also an under provision for the development as a whole. The document goes on to state, “it is envisaged that the occupiers of the holiday lets will take advantage of local parking facilities.” The applicant has previously suggested that the owners of the holiday lets could buy car park passes from the National Park Authority so that spaces could be provided for the development at the Aysgarth Visitor Centre. However, buying passes does not reserve a dedicated space on the car park so the development would still not be guaranteed car parking in these circumstances. Aysgarth Visitor Centre is one of the busiest within the National Park with 96,945 visitors recorded in 2018 – 2019. The car park is well used and it can be difficult to park in the summer and on any weekend when the weather is good.

The Aysgarth Information Centre car park has capacity for 79 vehicles and this development has the potential to take away, or at least disperse, a quarter of its provision. It is widely known that in the summer months both public car parks within Aysgarth fill up very quickly, resulting in cars parking alongside the A684 at the top of Church Bank. The lack of dedicated car parking for the Mill development could exacerbate this situation further, resulting in a similar situation to that experienced elsewhere in the National Park for example, Malham.

There are financial implications for the Authority and local businesses in giving up to 20 car parking permits for the Aysgarth Visitor Centre car park in terms of the turnover of car parking spaces (1 space can potentially accommodate 4 vehicles a day each with a 2 hour ticket) and associated visitors to the visitor centre, shop and café.

The use of either of the public car parks to serve the proposed development also presents practical problems. As the proposal does not include any picking up or dropping off area outside Yore Mill, occupants of the holiday lets in particular would be expected to park on the Visitor Centre car park and walk with their luggage and belongings down a steep footpath and onto Yore Bridge which has limited visibility for vehicles approaching and, as the Highway Engineer points out, does not have a dedicated footway, forcing pedestrians onto the road. The car park is a distance of approximately 135m away. The route from the Falls car park is also very steep, either via the steeply sloping footpaths and steps through the Church Yard, or via the Church Bank road where the footpath runs out just before Yore Mill Cottages (a distance of approximately 225m). This is unlikely to be popular with holiday makers who could find alternative accommodation with dedicated car parking elsewhere locally.

The County Council's Highway Engineers consider that lack of dedicated car parking is likely to result in visitors parking in and around the Mill complex leading to congestion in what is an already constrained area which will affect road safety.

On – Site Provision
When the Authority commissioned the feasibility study for the building, the possibility of providing car parking within the existing building was explored by an architect who drew up a scheme showing the provision of 6 spaces within the south – eastern end of the building accessed from the forecourt area. However, utilising the space in this way would result in a large number of changes to the listed building including moving the entrance door, removal of existing columns, removal of external balcony and its support structure, erection of a safety barrier at the bottom of the steps up to the Church and the creation of a clear route to the entrance in front of 1 & 2 Yore Mill Cottages. These changes to the listed
building are likely to be undesirable and very expensive, particularly in terms of removing
the columns and ensuring the structural stability of the building. The Highway Authority
has also advised that because the space within the building is so tightly constrained, the
car parking spaces would be so difficult to access and manoeuvre out of, that it is unlikely
that the spaces would be used. Utilising an internal space for car parking would also result
in either the loss of the currently proposed commercial unit or 1 or 2 of the holiday let units
if this use was relocated elsewhere. It would be a shame if all of the commercial units were
lost as there would then be no public access into the building from which visiting members
of the public could experience the character of the former Mill.

Off – Site Provision
Following the withdrawal of the previous application the applicant has tried to pursue
alternative options for the provision of dedicated car parking for the development.
However, the application has been submitted without extra provision and little explanation
as to what negotiations have taken place and whether there are feasible options that can
still be pursued.

The agent for the Aysgarth Station site has advised that the owner was approached about
utilising some land near the entrance of the Station for car parking for the Mill, however the
negotiations were not fruitful. It is also understood that the applicant has approached the
owner of the Falls car park with a view to residents using their facility however, the
outcome of these discussions is unknown. The applicant has not approached the Authority
to discuss use of its Aysgarth Falls car park.

It is also known that the applicant was in negotiation with the owner of a nearby parcel of
land that could accommodate 15 dedicated spaces for use in connection with the Mill.
Whilst this would have remained an under provision, it is only an under provision of 5
spaces and therefore considerably better than the current scheme. However, such
provision has been left out of the current submission for reasons that are not known. No
weight can be attached to the possibility of this land coming forward at a later date once
planning permission has been granted, as car parking is a fundamental consideration of
the proposal as it stands. There would be no guarantee that the applicant would provide it
in the future, should negotiations be positive and indeed granting planning permission
would be a disincentive to the applicant pursuing it further.

Without dedicated car parking, the Highway Authority advises that cars are likely to be
lining local approach roads which will undoubtedly have a negative impact on the natural
beauty of the area and parking congestion is likely to put some people off from visiting, as
well as causing access problems for emergency services. This needs to be considered
against the contribution that the Mill complex makes to the cultural heritage of the area that
could be lost if a new use is not found for the building. Regrettably the proposal does not
provide even a minimum amount of parking that would avoid generating congestion and
highways safety issues on the local road network. For these reasons the proposal is
considered to be contrary to criterion g and k of policy SP4 and policy SP2.

IMPACT ON PROTECTED SPECIES
Regulation 3(4) of the Habitats Regulations 1994 requires all Local Planning Authorities, in
the exercise of their functions, to have regard to the provisions of the Habitats Directive.
Where a European protected species may be affected, it is important that planning
decisions are reached in a manner that takes account of, and is consistent with, the
Directive’s requirements. Those requirements include a system of strict protection for
European protected species, with derogations from this strict protection being allowed only
in certain limited circumstances and subject to certain tests being met. These tests are set out under Regulation 44 of the Habitats Regulations 1994. The Local Planning Authority in considering applications that affect European protected species must therefore undertake an assessment of the proposals against these tests.

There is a likelihood that bats (a European protected species) would be affected by the proposed work as roosts for whiskered/Brandt’s and brown long–eared bats have been identified. The proposals have therefore been assessed against the three tests and the results of this assessment are outlined below:

Regulation 44(3)(a) - There is no satisfactory alternative.

The existing building is listed for its architectural and historic interest. The roof is in a very poor condition and experiencing water ingress which is starting to affect the internal roofspace and structure. The only way to remedy the condition of the roof is for it to be re–roofed and a new economic use found for the building. There is therefore no satisfactory alternative.

Regulation 44(3)(b) - The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

A bat survey accompanies the application and mitigation is proposed in the form of a void in the loft, near to the gable of the building retained for the use by bats. Access into the void will be provided via bat access roof tiles in similar materials to the rest of the roof tiles.

The Wildlife Conservation Officer has advised that providing the mitigation is implemented no likely harm would be exerted on the populations of bat species resident in the Mill. As such, the proposed development will not be detrimental to the maintenance of the population of protected species at a favourable conservation status.

Regulation 44(2)c - The development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.”

The protection of a building that is listed in the national interest is of public interest despite the building being in private ownership. The scheme would bring about beneficial consequences by enabling the fabric of the heritage asset to be secured. Provided that the bat mitigation condition is imposed on any approval, it is considered that the works are capable of being constructed and the impact managed in accordance with the legislation and without undue detriment to any protected species. Therefore the proposed works would comply with policy W1 of the adopted Yorkshire Dales Local Plan (2015 – 2030).

In addition policy W2 of the adopted Local Plan (2015 - 2030) requires all new development that would have an impact on biodiversity to provide an on - site contribution to wildlife enhancement. As the bat loft will enhance roosting opportunities for bats in the area the Trees & Woodlands Officer is satisfied that the scheme will have a beneficial impact on wildlife enhancement.

IMPACT ON TREES

Although the development proposed is largely the conversion of an existing building, it is
likely to give rise to ground works around the building relating to service provision and the erection of scaffolding for the replacement/repair of the existing windows. As a result, the development has the potential to impact on a number of mature trees that exist in close proximity to the building namely those to the rear of the Mill on the opposite side of the mill race to the south – east. There are also a number of trees that line either side of the stone steps that lead down from the Church which are protected by a Tree Preservation Order (TPO No.19 Aysgarth 1962 – Group 2 and Group 3). Although the trees have been plotted on the site plan, the application does not demonstrate what impact, the development will have on these trees which due to their age, height and public visibility make a significant contribution to the amenity of the area. The Trees & Woodlands Officer has requested an Arboricultural Impact Assessment in respect of the TPO trees which, despite being raised with the applicant in April 2019 (during the consideration of the previous applications) has not yet been forthcoming. Without this information the proposal is considered to be contrary to policy W3. However, it is hoped that this information will finally be provided prior to the committee meeting and Members will be updated via a late items report.

FLOODING
As Yore Mill is located next to the River Ure it is within Flood Risk Zones 2 and 3 as classified by the Environment Agency. Policy CC2 requires a sequential approach to siting new development away from areas at risk of flooding. In flood risk zones 3 only essential infrastructure or water compatible development is permitted.

Given that the proposed development introduces residential uses which are considered to be "more vulnerable" to flooding, a Flood Risk Assessment (FRA) has been provided to assess the flood risk that would arise from the development. Following concerns raised from the Environment Agency the FRA has been supplemented by amended plans and additional information to confirm the finished floor level of the local occupancy dwelling on the ground floor level of the Mill would be sufficient to ensure that it remains dry for its lifetime. The Environment Agency has no objection to the application subject to a condition securing the proposed floor levels.

A number of local residents have raised concerns about the potential for flooding from the mill race if the turbines are reinstated as per this proposal. The turbines are already in situ and could be turned on tomorrow without the need for planning permission. Although it is unclear who actually owns the mill race itself and that it is outside of the application site, the existing owner of Yore Mill has an abstraction licence to take water from the River Ure to power the turbines. This licence would need to be transferred into the new owner’s name, if the purchase of the building is completed. The licence imposes conditions on the holder to ensure that the mill race is maintained and kept in operational order. It would be ultra vires to repeat any of the requirements of the licence via the planning process.

ANALYSIS AND MATERIAL CONSIDERATIONS
The conservation and enhancement of cultural heritage should be given great weight in National Parks (paragraph 172 of the NPPF, 2019). In determining applications, the NPPF advises Local Planning Authorities to 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 (paragraph 192, 2019). 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 (and the more important the asset, the greater the weight should be). This is
irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193).

Yore Mill is a Grade II listed building at risk, located in a prominent location adjacent to Aysgarth Falls, a popular honeypot area of the National Park for locals and visitors alike. It forms a set piece with surrounding listed buildings which include the miller’s house and mill workers cottages. Whilst the conversion of the Mill itself can be achieved sensitively, the Highway Authority has recommended that the application is refused due to the lack of sufficient car parking to serve the new uses which is likely to cause a detrimental impact on nearby public car parking facilities, road safety and the amenity of neighbours. No provision has been made for service deliveries to the building which is likely to result in vehicles blocking the road and access points to neighbouring businesses. However, the restoration and re-use of the Mill would serve to conserve and enhance an important part piece of cultural heritage whilst contributing to the understanding and enjoyment of the special qualities of the area.

The Authority is left in an extremely difficult position in that it has an application for the comprehensive restoration and re-use of a building that is currently under severe threat but is advised by the Highway Authority that the lack of parking is likely to affect road safety.

The scheme is, on the whole, a sensitive one and will secure the long term survival of the building, conserving cultural heritage and enhancing the visitor experience in one of the National Park’s foremost visitor locations. However despite these benefits, if the Authority is to approve the application, contrary to the advice of the Highway Authority, it is faced with replacing one problem with a very different, but also potentially very harmful one. Solutions to the fundamental issue of car parking and deliveries may exist, but they have not been explored by the applicant in full despite pre-application advice given since November 2018. With regret, the proposed development is considered, on balance, to be contrary to criterion g, k and n of policy SP4, and policy SP2 of the adopted Yorkshire Dales Local Plan (2015 – 2030).

RECOMMENDATION

That planning permission be refused for reasons based on the following:

In the opinion of the Local Planning Authority, the proposal to convert Yore Mill into a mixed use development without sufficient dedicated car parking would cause congestion in and around the Aysgarth Falls area and displace car parking from the nearby public car parks which would be to the detriment of road safety and the amenity of residents. The proposed development is considered to be contrary to criterion g, k and n of policy SP4, and policies L1 and SP2 of the adopted Yorkshire Dales Local Plan (2015 – 2030).