YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee:	Planning	**Parish:**	Burnsall
Date:	25 October 2022	**Officer:**	Andrew Tait
Applicant:	Car Park Burnsall Limited	**Application No:**	C/14/1C
Site Address:	Car Park, Burnsall, Skipton, BD23 6BS		
Proposal:	Full planning permission for seasonal siting of an ice cream trailer (April-October) (retrospective)		

REASON FOR COMMITTEE CONSIDERATION

1. This application is reported to Committee for the following reason: the Parish Meeting recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE

2. The application site is located in the eastern corner of the Burnsall Village car park immediately adjacent to the village green. The site lies in Burnsall Conservation Area.

PROPOSAL

3. Full planning permission for seasonal siting of an ice cream trailer (April-October) (retrospective) is sought by this application. The trailer has been in place over this summer, but has now been removed and it is proposed that it would be back in position in 2023. The trailer is a simple rectangular metal structure on wheels. It measures approximately 2.1 by 3.1 meters and is 2.6 metres in height. Bins are provided by the applicant next to the trailer. The towbar projects 1.3 metres from the trailer but is screened by a small white picket fence.

4. Clarification has been provided by the applicant that the ice cream trailer would be on site from 1 April to 30th September each year. As mentioned, the trailer has now been removed for this year and is stored in the Yorkshire Dales Ice Cream Factory at Skipton. The intention is that siting the trailer during the summer will reduce queues at the kiosk (also owned by the applicant) on in the opposite corner of the car park. Separate queues also assisted with social distancing during the pandemic.

RELEVANT PLANNING HISTORY

5. The following applications are relevant:

YD5/14/1A full planning permission to replace existing kiosk and provide automatic car parking barriers
Approved - Conditional 28/04/1989

YD5/14/2 erection of single storey cafe with living accommodation
Refused 14/11/1974

YD5/14/21 to use land as site for caravan type kiosk providing refreshments
Approved - Conditional 28/09/1981

CONSULTATIONS

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

CEHO Craven- No comments received.

Clerk to Burnsall Parish Meeting- Concerns were raised about a loss of amenity in that the ice cream trailer looks unsightly and spoils the view of what is a beautiful village green with the bridge and river in the background. Some residents commented that it looks like it is actually on the village green. It has been traditionally a policy that no commercial activities should take place on the village green. It was also stated in the application that the trailer would stop cars driving on to the green; this is wrong as the gap is still wide enough for a car to drive through.

There were concerns about the trees on the side of the green adjacent to the trailer; the applicant stated that there were no trees that could influence the development or might be important as part of the local landscape character. The trees are very close to the development and there is a tree branch above the roof of the trailer and these trees are in a conservation area. It has been noted that there is not always a litter bin by the trailer for customers to use and this has caused problems.

Environment Agency- Note that the site lies wihtin Flood Zone 3- a high probability of flooding that would normally prompt a requirement for a sequential test and flood risk assessment. However, given the scale and nature of the proposal Environment Agency have no objection.

Fire Officer - At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development.

Designing Out Crime Officer, Police - North Yorkshire A crime analysis does not reveal any issues in the area that could have an impact upon this proposal. No designing out crime comments to make.

YDNPA Trees & Woodlands - The application submitted declares that the ice cream trailer will not have any impact on trees both on the site and adjacent land. However the owner of the car park wishes to carry out work to trees located within the village green and over hanging the kiosk.

From the photographs supplied with the planning application, the tree looks to be an early mature Lime that is in good condition and is a nice specimen. Due to the location of the tree and its contribution to the setting of the conservation area it can clearly argued that is has a high level of amenity value.

The kiosk is situated on a hard surfaced car park and as such is unlikely to have any impacts on the rooting environment of the tree. However, as the crown of the tree over hangs the kiosk, it is now clear that the tree is and will continue to come under pressure to be regularly pruned. The process of pruning comes with degrees of stress to trees and the tree will react by putting out reactive growth further exasperating the issue the pruning was intended to alleviate. Recommend condition for any tree works.

PUBLIC RESPONSES

7. Advertised by site notice 15 August 2022: 1 letter of objection has been received and comments are summarised below;
    - Trailer an eyesore, out of proportion and character with location- a prime amenity site in the National Park.
    - The village green is not a commercial space the siting of the trailer materially damages the atmosphere of the common land.
    - There is no need for the trailer when ice cream is sold from the adjacent kiosk and the dedicated ice cream shop across the road.
    - The slow service at the existing kiosk does not justify the degradation of the village green produced by the trailer.
    - Security of the village green is not the applicant's responsibility, and the proposal should not be justified on such grounds- the village green committee is capable of developing security measures if required.

ASSESSMENT

Key Issues:

- Planning policy

- Impact upon Burnsall Conservation Area and the village green.
- Flood risk
- Trees
- Impact upon residential amenity
- Parish Council comments
- Equality Act

PLANNING POLICY

8. The business and employment objectives of the Yorkshire Dales Local Plan (2015-2030) seek to support local businesses, notably small -scale businesses to thrive. The objectives also seek to protect and support expansion in sustainable locations. Policy BE1 Business development supports new small-scale business or employment uses on sites in or adjacent to the list of settlements in Table1 of the plan- in which Burnsall is identified as a service village. The proposal represents a small commercial activity on the village car park that provides employment for four part time staff. However, this must be weighed against the protective environmental policies contained within the Local Plan.

9. Policy SP4 of the Local Plan refers to Development quality and covers a range of subjects relating to design, transport, human safety and amenity and environmental safeguarding. This includes the need for design to respond positively to the site, its surrounding context and landscape setting so that the height, scale and proportions, massing form, materials and appearance of the building are sympathetic and complimentary.

10. Policy L1 is relevant in that it seeks to ensure that development proposals affecting a designated heritage asset (in this case Burnsall Conservation Area) conserve or enhance its significance. Policy C13 refers to Important open space and that areas designated as such on the proposals map for the Local Plan are places where developments will only be permitted where they will not result in the loss of, or significantly harm their qualities or functions.

11. The site is located within Flood Zone 3 making Policy CC2 Flood risk relevant. The policy states that all development should be in areas of lowest risk of flooding and where a development is proposed in an area identified as being at risk of flooding flood risks should be assessed and there should be no alternative sites available with a lower probability of flooding.

IMPACT UPON THE CONSERVATION AREA AND THE VILLAGE GREEN

12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The site is located within the Burnsall Conservation Area and is adjacent to the village green that is also designated as important open space in the Local Plan. The conservation area represents a designated heritage asset and Policy L1 Heritage assets requires a proportionate assessment of those parts of the asset that would be directly or indirectly affected by the proposal. The aim of the policy is to ensure that proposals conserve and, wherever possible, enhance the heritage assets of the National Park. The site for the trailer is set on the car park away from the historic core of the village. In

this instance the key element of the conservation area is the adjacent village green that is also designated as important open space in the Local Plan. Policy C13 states that development proposals in open space will only be permitted where they would not result in the loss of or would significantly harm their quality and function.

13. The proposal does not directly affect the village green because while it is sited immediately adjacent to it, it does not result in any physical loss or change to the village green. While the setting of the village green is affected directly, in that the trailer is visible from the village green, this is in the context of a popular car park and the effect is no different in visual terms from a small van that just happens to be parked on the car park. It must also be emphasised that the effect upon the setting is not permanent because the trailer is removed from the car park and stored elsewhere in winter (it has now been removed from the car park until next March) and a condition would be applied to any consent to ensure that this arrangement continues. Consequently, the proposal would conserve the village green and open space as it has no direct impact and no indirect visual impact that does not already occur from the parking of vehicles in the car park as things stand. A condition is recommended stating that there should be no external lighting of the trailer.

FLOOD RISK

14. The site for the trailer is located close to the river Wharfe in flood zone 3 which would normally trigger the need for a flood risk assessment and this is supported by Policy CC2 Flood risk in the Local Plan. However, the Environment Agency have no objection given that the trailer is mobile and can simply be towed away and that it will be removed from the site during the seasons when flooding is most likely the Environment Agency have confirmed that no flood risk assessment is necessary. In addition, because the trailer is sited on the surface of the car park there is no additional run-off. The applicant is aware of the flood risk in the area, but the EA recommend that they should sign up to the Environment Agency flood alert system.

TREES

15. The applicant confirmed that there is no desire to carry out tree works. They regard the trees as an important part of the setting for the car park. They understand that from time to time the trees are trimmed but that is outside of their control. The Trees and Woodlands Officer has requested a condition that there should be no works to the trees. However, this is outside of the control of the applicant so a condition could not be applied. However, the trees are located within the conservation area so consent would be required from the YDNPA and any proposals can be controlled by that mechanism.

IMPACT UPON RESIDENTIAL AMENITY

16. The proposed ice cream trailer is separated from the nearest residential properties to the west by the car park itself and the B6160. Consequently, it is considered that there will be no unacceptable levels of impact upon neighbouring residential amenity.

PARISH COUNCIL COMMENTS

17. Burnsall Parish Meeting have raised several issues of concern. There is concern about potential works to the trees at the site but as stated in the previous paragraph the applicants

have no intention of carrying out works and in any case because of the conservation area designation the YDNPA retain control.

18. Concern is raised that the trailer is unsightly and appears to be on the village green. However, the trailer is sited in the car park area and is seen in the setting of that busy car park where people set off to look around the village and go for a walk further afield. This lends a sense of bustle to the area and given that the trailer is effectively 'tucked in' between cars it is difficult to sustain a view that it is out of character or results in a visual impact that that would justify resisting the proposal in policy terms.

19. Further concern is raised about litter. The applicants have stated that they have specific bins at the side of the trailer and that when they are full, they take litter from the site into their own facility and this includes general litter and not just that generated by the trailer. The applicant has also stated that income from the trailer goes towards the upkeep of the toilets on the car park that have been professionally cleaned since the Covid pandemic.

EQUALITY ACT

20. 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.

21. 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

22. The proposal represents a minor commercial addition of a small trailer to a busy car park. The development is semi- permanent and will be removed from the site for 5 months of the year. The proposal provides some part time employment and is considered to comply with the policies of the Yorkshire Dales Local Plan (2015-2030).

RECOMMENDATION

23. It is recommended that permission is GRANTED subject to conditions including the following:
    i. Plans condition
    ii. Removal of trailer from site between October and April
    iii. Provision of waste bins
    iv. No external lighting.