

HARROGATE BOROUGH COUNCIL

PLANNING COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 24 May 2011

PLAN: 05	CASE NUMBER: 10/01291/FUL
	GRID REF: EAST 409411
	NORTH 473451
APPLICATION NO. 6.500.22.F.FUL	DATE MADE VALID: 08.02.2011
	TARGET DATE: 05.04.2011
CASE OFFICER: Mr M A Warden	WARD: Pateley Bridge

VIEW PLANS AT: <http://tinyurl.com/68retwz>

APPLICANT: How Stean Gorge LLP

AGENT: Mr Chris Robinson

PROPOSAL: Erection of detached building for store, changing rooms, toilet, shower and laundry facilities and installation of package treatment plant and LPG tank with 3m high fence.

LOCATION: How Stean Gorge Stean Harrogate North Yorkshire HG3 5SF

REPORT

SITE AND PROPOSAL

The proposal is for the erection of a building to provide on the ground floor changing rooms, toilets, showers, laundry facilities, secure storage, drying room, general store; on the first floor an assembly area for visiting groups and a storage area for water tanks; in an adjoining lean to a wash-up area for campers; and within an adjoining area enclosed by a timber fence installation of an above ground package treatment plant and an LPG tank.

The proposal also involves piping foul waste from the existing café and toilets on the south side of the gorge to the proposed treatment plant and piping the treated waste from the treatment plant back across the gorge to discharge into an outfall into How Stean Beck.

The site is within Upper Nidderdale SSSI. The notified features of this SSSI are the geological structures of the cave system and uniqueness as it originates from a single limestone outcrop. The passages are strongly determined by complex faulting and remarkable surface stream cave drainage.

Accompanying the application is an ecological assessment and a hydrological and hydro-geological appraisal of the proposed sewage treatment plant.

MAIN ISSUES

1. Introduction
2. Siting and Design
3. Impact on SSSI
4. Sustainable Construction
5. Traffic
6. Risk of Pollution

RELEVANT SITE HISTORY

81/10800/FUL Demolition of existing toilets, store and kitchen and building new plus extension to kitchen: permission 03.04.1981.

84/02966/FUL Constructing extension to existing restaurant: permission 18.12.1984.

88/02179/FUL Extension to café to form sales area and store and ladies and gents toilets: permission 02.08.1988.

10/04278/CLEUD Certificate of Lawfulness for Existing Use of Field as Camp site: permitted 22.12.2010.

10/05112/FUL Replace existing bridge with new bridge: permission 02.03.2011.

CONSULTATIONS/NOTIFICATIONS

Parish Council

STONEBECK DOWN PC

Rural Strategy Officer

No objections

Natural England

See assessment of main issues

NYCC Highways And Transportation

See assessment of main issues

Local Plans Policy

See assessment

AONB - Joint Advisory Committee

Support the application

Coal Planning And Local Authority Liaison

Have given standing advice

Environmental Health

No objection providing treatment plant and associated drainage complies with Building Standards and is installed and maintained in accordance with the manufacturer's instructions and recommendations.

Environment Agency

No objections provided any flood sensitive equipment is raised 0.6m above finished floor level.

RELEVANT PLANNING POLICY

PPS1 Planning Policy Statement 1: Delivering Sustainable Development
PPS07 Planning Policy Statement 7, Sustainable Development in Rural Areas
PPS09 Planning Policy Statement 9, Biodiversity & Geological Conservation
PPS23 Planning Policy Statement 23, Planning and Pollution Control
RSYH1 The Yorkshire and Humber Plan Policy RSSYH1, Overall Approach and Key Spatial Priorities
RSYH2 The Yorkshire and Humber Plan Policy RSSYH2, Climate Change and Resource Use
RSYH3 The Yorkshire and Humber Plan Policy RSSYH3, Working Together
RSHY8 The Yorkshire and Humber Plan Policy RSSHY8, Green Infrastructure
RSSRR1 The Yorkshire and Humber Plan Policy RSSRR1, Remoter Rural sub area policy
RSEV07 The Yorkshire and Humber Plan Policy RSSENV7, Agricultural Land
RSEV10 The Yorkshire and Humber Plan Policy RSSENV10, Landscape
RSE6 The Yorkshire and Humber Plan Policy RSSE6, Sustainable Tourism
RSE7 The Yorkshire and Humber Plan Policy RSSE7, Rural Economy
CSSG3 Core Strategy Policy SG3 Settlement Growth: Conservation of the countryside, including Green Belt
CSSG4 Core Strategy Policy SG4 Settlement Growth: Design and Impact
CSJB1 Core Strategy Policy JB1: Supporting the Harrogate District economy
CSEQ1 Core Strategy Policy EQ1: Reducing risks to the environment
CSEQ2 Core Strategy Policy EQ2: The natural and built environment and green belt
LPC01 Harrogate District Local Plan (2001, as altered 2004) Policy C1, Conservation of Nidderdale A.O.N.B
LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2, Landscape Character
LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment
LPTR04 Harrogate District Local Plan (2001, as altered 2004) Policy TR4, Camping and Caravan Development - Site Characteristics

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 18.03.2011

PRESS NOTICE EXPIRY:

REPRESENTATIONS

STONEBECK DOWN PARISH COUNCIL - does not support or object to the application but wishes to make comments or seek safeguards as set out below:-

1. The size of the proposed building appears to be quite large in relation to the site;
2. The scale of operation envisaged by the applicants;
3. The site is a geological SSSI;
4. The access to the site is from a single track road;
5. Increase in traffic in the locality.

OTHER REPRESENTATIONS

Nidderdale Plus Partnership - fully supports application to improve and extend facilities in the Dale in general. Improvement will enable wider use of the water and walking opportunities for visitors. The enhanced facilities for campers will encourage more to visit than stay in the area and increase tourism generally within the area. The continued success and popularity of this attraction is most welcome for our local economy.

VOLUNTARY NEIGHBOUR NOTIFICATION None

ASSESSMENT OF MAIN ISSUES

1. INTRODUCTION - As part of the application, additional information was submitted by the agent with a request that it remained confidential and not put in the public domain. Part of the additional information provided financial information that legislation permits to be taken into account and yet remain confidential. However legislation does not permit the majority of the information, which was submitted to be restricted and is to be taken into account.

A summary of the outcomes if the development takes place is claimed would include:-

- i) a 52% growth in camper nights;
- ii) 5,500 more visitors over 3 years;
- iii) 1,400 more outdoor adventure participants;
- iv) encourage extended stays;
- v) safeguard existing jobs and create two new roles;
- vi) extend seasonality of tourism activity in Nidderdale.

In response to a request, further information was subsequently submitted by the agent. This further information has been forwarded to the Parish Council, Natural England, the Environment Agency, and the Highway Authority. At the time of writing only the Environment Agency had responded to the further information. Members will be updated at the meeting on the other replies.

2. SITING AND DESIGN - The proposal is for a simple rectangular building. The building would be 20m long, 7.5m wide with a small lean-to on the north side accommodating a washing up area and entrances to each of the separate showers/WC/changing areas. The building would be two storeys high measuring 3.6m to

eaves and 6.5m to the ridge with a blue slate or fibre cement sheet roof and dark stained timber cladding on all four sides.

The application form states that the roof will be of fibre cement sheets but a letter states the building would have a slate roof. Because of the discrepancy, if members were minded to grant consent, a condition requiring a dark coloured roof and requiring samples of roofing materials should be included. The proposal is to clad the building with timber. Again approval of both timber cladding and colour should be required.

When originally submitted, the building was to accommodate bunk room accommodation as well as storage and the changing facilities, WCs and showers. The defined use of the building was subsequently changed, omitting reference to the bunk room, but the size of the building was not reduced. For the established use of the site, the size of the building is considered unnecessarily large.

There is no need for the building to be two storeys in height: the height of the building could be reduced. The applicant has recently advised that on the first floor would be an assembly area for visiting groups and a storage area for water tanks. There is already more than adequate undercover space for visiting groups to assemble within the existing café and adequate water storage could be provided within the roof space of a single storey building.

The storage areas within the proposed building are considered larger than necessary to service the existing established uses of the site and could be reduced.

In parallel with the camping site licence under the public health Act, the Certificate of Lawful Use is only for a maximum of 30 tents. The building is considered unnecessarily large to serve a camp site for such small numbers. However the site also attracts gorge walkers and cavers, many of whom come in groups. The existing facilities are limited and it would seem reasonable to properly cater for the established user levels attending the site. The provision of changing and showering facilities is considered a reasonable requirement to service the established level of visitors to the site. Storage of some equipment to service the established level of visitors is also considered reasonable.

However the building has been designed to be significantly larger to cater for a 50% growth in camper nights, 5,500 more visitors over 3 years and 1,400 more participants of outdoor adventure. It should be noted here that there is no planning permission for camping on the site: this is discussed in more detail in 3. Impact on the SSSI below.

The proposed site itself is screened from most vantage points, except from a public footpath which crosses the application field. Furthermore, the site is within an AONB, where there is statutory duty on the LPA to protect the natural beauty.

There are two potential sites for a building to service the existing established users of the site: either where proposed, or alternatively on the south side of the gorge where there are already buildings including the café, a toilet block, and an equipment store.

On the site proposed, a small, dark building with a dark coloured roof and dark coloured sides sited on the north side of the tree screen on the north side of the gorge would be relatively inconspicuous from most distant public vantage points in the locality, but would be prominent from the public footpath through the site.

A building on the north side of the gorge would better serve the camp site and, because the area where most vehicles park is on the north side of gorge, would be convenient particularly for those needing to change or shower after visiting the caves or gorge. But any building here would intrude into the countryside where at present there are no buildings or other structures.

Any building on the south side of the gorge would be seen in close association with other buildings. Most of the outside area is tarmaced or enclosed to form a children's play area. Visitors to the gorge would be as well serviced by a building on the South side of the gorge. Only the campers who would have further to walk would find a building on the south side of the gorge less convenient.

The proposed building is considered to be larger than required to service the established existing levels of user to the site, and a large building here would intrude into the countryside, would harm the character of the countryside and harm the natural beauty of the AONB.

3. IMPACT ON THE SSSI - The site has planning permission for the café, however How Stean Gorge has attracted visitors since Victorian times and the visitor use is therefore established . Inevitably visitors to the gorge, cavers and campers will visit the site mainly during the spring and summer months so there will be a concentration of visitors for a short period of the year. Furthermore, the attraction of the café and gorge without any further development on the site is likely to be limited to the summer months, limited by the number of people wanting to visit such a site, and limited by the number of people who could visit the site at the same time.

Planning permission has not been granted for the use of the land as a camp site, although the site has an established use for up to 30 tents. The Lawful Development Certificate for camping was considered on the facts of the case. The certificate did not grant planning permission. The issue of the certificate rendered up to 30 tents on the site immune from enforcement under planning legislation. However such a certificate does not provide a "reasonable excuse" for an offence of harm to a SSSI under the 1981 Act.

Normally the number of visitors to the café and to the gorge would be unrestricted unless there is such an increase in numbers and that the increase in numbers becomes a material change of use.

From 2004 to September this year the gorge is expected attract an increase in visitors from 2,400 per annum to 10,200 per annum; camping is expected to increase from 228 in 2004 to 2,353 in 2011. On the other hand, it is anticipated that visitors to the café will decrease from 25,225 to 14,527 per annum over the same period.

It has been stated that if the development takes place, there would be a 52% growth in camper nights; 5,500 more visitors over 3 years; 1,400 more outdoor adventure participants; and extended stays. Such an increase in visitors would impact on the site especially concentrated over a short period of time through the spring and summer months.

The site is a designated SSSI. An increase in visitor numbers might potentially harm the very purpose for which the site was designated to be of special scientific interest. The Wildlife and Countryside Act 1981, as amended, places a general and overarching duty on a local planning authority to take reasonable steps to further the conservation and enhancement of the features for which the site is designated.

Only if Natural England, who have been re-consulted on this application, accept the likely pressures that will result from the proposed development could planning permission be granted. It is expected that Natural England will respond to the proposal in good time for the meeting. If Natural England do object it might well be necessary to alter the refusal reason or add a further one.

4. SUSTAINABLE CONSTRUCTION - Normally nearly any proposed building should be constructed to BREEAM standards. The agent has claimed that the building will be unheated and that the building would not be occupied for more than 30 minutes by a "builder user" and therefore the claim is that the building would be an "unoccupied building".

I find it inconceivable that a building with an assembly area for visiting groups, WCs, showers, changing rooms, water tanks in the roof and with all the ancillary water and waste pipe runs, all of which will have to be above ground level, would be permanently unheated.

Furthermore, given the numbers of people likely to use the building, I find the claim that the building will only be occupied for periods of less than 30 minutes to be inconceivable.

It is also claimed that a BREEAM assessment would cost in excess of £5,000 and that the building would struggle to achieve the required very good rating, which the Council's adopted policy requires, because it is remote from services and transport links and is based on greenfield land.

Further advice is being sought on the claimed justification not to meet BREEAM standards. The Council has adopted a policy that buildings should be constructed to sustainable standards. This report is prepared on the basis that BRE will not object to the building failing to meet sustainable construction standards. However if BRE does require the building to meet these standards, the recommendation would have to be a further reason for amended and refusal added.

5. TRAFFIC - The road from Lofthouse to How Stean Gorge is narrow with limited forward vision and limited passing places. The proposal estimates a 52% growth in camper nights; 5,500 more visitors over 3 years; and 1,400 more outdoor adventure participants. The Highway Authority has been consulted on the basis of the additional visitors expected as a result of the development.

This report is written on the basis that the Highway Authority will not object to the traffic implications of the proposed development. However if the Highway Authority object to the traffic implications of this development, the recommendation would again have to be amended and a further reason for refusal added.

6. RISK OF POLLUTION - The Environment Agency have raised no objection to the proposed development because, if properly implemented, it should not create pollution. The Environment Agency have separate powers should there be pollution or should discharge to How Stean Beck not meet very strict limits of pollutants that will be set out in the Licence to Discharge to a Watercourse. Therefore, I would not wish to object to the proposed development on grounds of potential pollution.

CONCLUSION

The development is considered unnecessarily large to service the established level of user, would be prominent from the Public Right of Way through the field, would harm the character of the countryside, and would harm the natural beauty of the AONB.

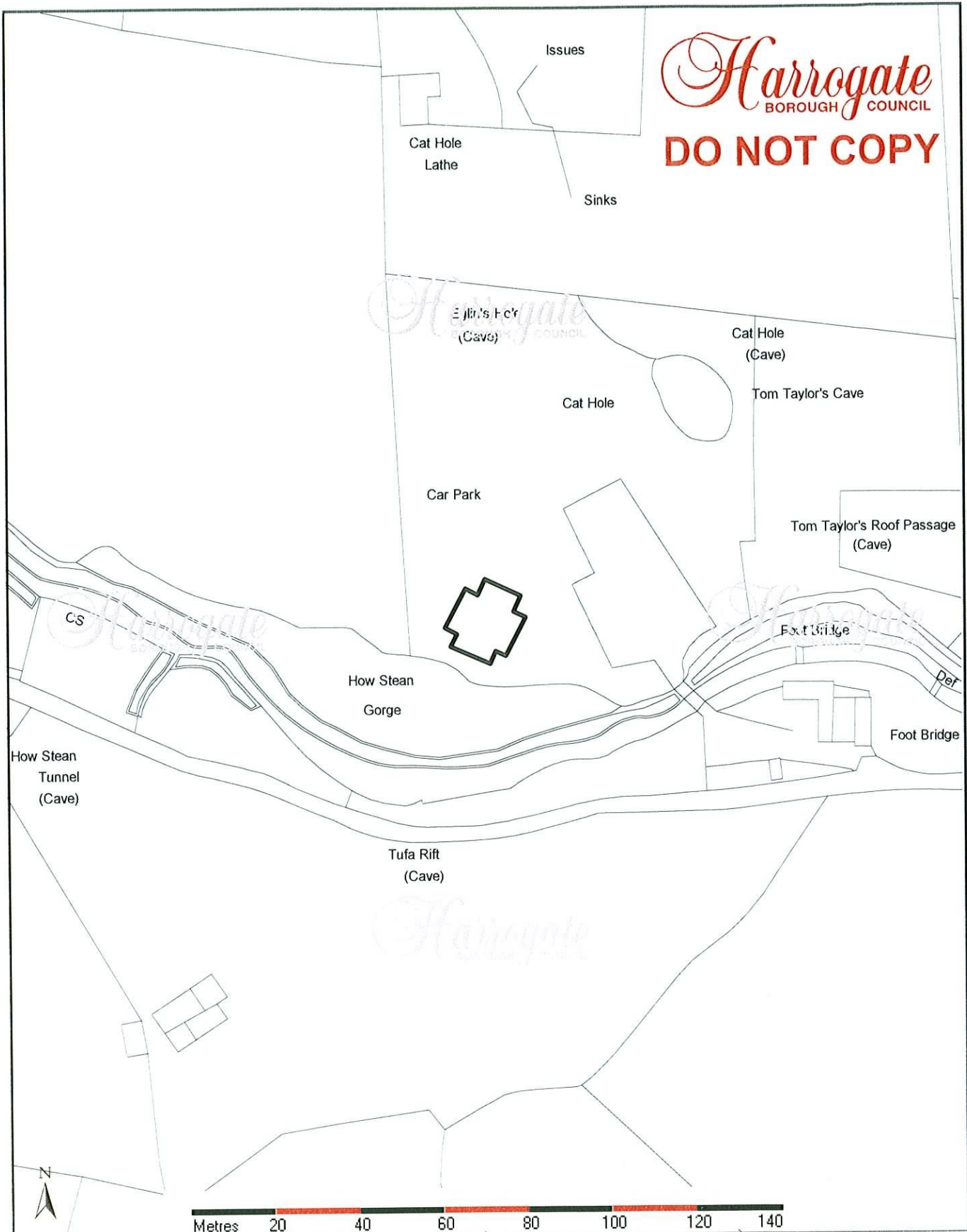
If Natural England, Building Research Establishment, or the Highway Authority object to the proposed development, the recommendation would need to be altered at the planning committee meeting to include additional reasons for refusal.

CASE OFFICER: Mr M A Warden

RECOMMENDATION

That the application be REFUSED. Reason(s) for refusal:-


- 1 The development is considered unnecessarily large to service the established level of user, would be prominent from the Public Right of Way through the field, would harm the character of the countryside, and would harm the natural beauty of the AONB and therefore the development would be contrary to Government Guidance in PPS7 and PPS9; Harrogate and District Local Plan Policies C1, C2, and HD20; Local Development Core Strategy Policies SG3, SG4 and EQ2.



Department of Development Services
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 Harrogate Borough Council 1000 19628 2008.

PLANNING COMMITTEE

Item No. **5**

App No./Case No.		10/01291/FUL 6.500.22.F.FUL		
Scale (at A4 size)	1:1250	Site area	0.02ha	Site boundary 
Drawn	MDTT	Date	24.05.2011	

