

Item Number: 11
Application No: 15/01117/FUL
Parish: Howsham Parish Meeting
Appn. Type: Full Application
Applicant: The Renewable Heritage Trust (Mr Martin Philips)
Proposal: Extension of approved uses to include hire of building for corporate meetings and training courses in addition to existing use as educational resource centre with bunking facility
Location: Howsham Mill Howsham Hall Road Howsham Malton YO60 7PA

Registration Date:
8/13 Wk Expiry Date: 20 November 2015
Overall Expiry Date: 30 November 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Natural England Parish Council Highways North Yorkshire Building Conservation Officer	No objection
Natural England Sustainable Places Team (Yorkshire Area)	Comments made as per previous application No objection - comments made
Howardian Hills AONB JC Countryside Officer Highways North Yorkshire Parish Council	Comments made Recommend conditions Recommend conditions
Public Rights Of Way Countryside Officer	Additional comments

Neighbour responses: Michael & Ann Stephenson, Mr And Mrs C Taylor, Mrs Victoria Bagley, Kay Vollum, Mrs Judith Cochrane, G.J And Mrs J.F. MacHarg, Mr James & Judy Stephenson, W And J Cochrane, Michael Clancy, Drummond And Valerie Murray, Richard And Maggie Groom, Miss Kay Vollum,

SITE:

Howsham Mill is a grade II listed building which is situated on an island on the River Derwent, within the Howardian Hills Area of Outstanding Natural Beauty. It lies to the west of Howsham village, and separated from it by agricultural land. There is no vehicular access to the site, and access is via a public footpath from Howsham Bridge. The footpath passes under the bridge, and runs alongside the river. The site is designated as a site of special scientific interest, (SSSI) and a Special Area for Conservation. (SAC). Car Parking is provided at the bridge.

PROPOSAL:

The approval in 2007 granted consent for the building to be principally used as an educational resource centre, with ancillary bunking facility. The current application initially sought permission to extend the use the building to be hired for corporate training, meetings and social events. The submitted Travel Plan stated that the car park, together with the area in front of the fence was capable of accommodating 25 cars when carefully parked. The Renewable Heritage Trust employs someone

who would be responsible for managing the event. Organisers would be advised of the limited parking available, and asked to limit the number of cars by encouraging car share, or providing a mini bus. The Travel Plan further stated that the building could accommodate a maximum of 45 people. Deliveries would require the organiser to reverse towards the arch in the bridge, and then goods would require transportation to the mill by trolley. Deliveries will be scheduled to avoid the times when guests/delegates will arrive at the car park. The plan will be reviewed after each event.

The application generated a significant number of objections from neighbouring occupiers which are detailed later in this report. Particular concerns relate to traffic generation, parking, and noise associated with the proposed uses. Officers shared some of the concerns raised, and discussed the matter with the applicant. In view of this, the application was revised to delete reference to 'social events' which were likely to create the greatest number of vehicles and potential impact on neighbouring amenity.

The applicant has also advised that the events would be held during normal working hours, and they would not anticipate more than two such events per month.

HISTORY:

Application 05/1222/FUL 19.07.2007 : Permission granted for the change of use with alteration and partial re-building of former watermill to form educational resource centre with bunking facility, to include installation of new water wheel, first floor and car park.

Application 05/01223/LBC 19.01.2006 : Listed Building Consent granted for the above works.

Application 07/00063/FUL 24.04.2007 : Permission granted for installation of 2 Archimedean screw turbines for hydroelectric generation.

Application 13/00300/FUL 03.05.2013 : Erection of a timber double composting visitors toilet.

Application 15/00146/FUL 08.04.2015 : Application for an extension of uses permitted at Howsham Mill to include the hire of the building for social events, corporate meetings and training courses in addition to existing use as an educational resource centre with bunking facility. The application was refused for the following reason:-

It is considered that the proposed development would give rise to a material increase in vehicle activity along a section of the public highway which is inadequate by way of its rural nature, de-restricted status and is unlit. Due to the lack of suitable off road parking the proposal would likely result in vehicles parked outside the site on the country highway, to the detriment of safety and free flow of traffic. The increased use associated with the proposal would be detrimental to the safety and convenience of vulnerable users of the county road. The proposal is therefore incapable of achieving suitable highway and parking arrangements commensurate with the nature of the use. The proposal is therefore contrary to the provisions of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Following the above decision, the applicants compiled a travel plan in an attempt to address the reason for refusal. The application was re-submitted on September 25th 2015.

POLICY:

Listed Buildings and Conservation Areas Act 1990

Ryedale Plan - Local Plan Strategy

Policy SP10 - Physical Infrastructure

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP15 - Green Infrastructure Networks

National Planning Policy Framework

Of particular relevance are:

- Section 4 - Promoting sustainable transport
- Section 8 – Promoting Healthy Communities
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 – Conserving and enhancing the natural environment
- Section 12 – Conserving and enhancing the historic environment
- Section 121 - para 125 reference to limiting the impact of light pollution

National Planning Policy Guidance

Representations received as a result of neighbour consultation and site notice

Ten letters of objection to the application have been received, and two letters of support. The letters are all available to view in full on the Council website. Nevertheless the following includes the main points raised.

General comments:

- How do you define "corporate meeting" as opposed to social event? Lack of clarity is a concern?
- The premises are already being advertised for film location and night shoots.

Highway and parking concerns:

- Impact on road safety of Howsham Bridge. Inadvisable parking at the bridge can threaten all users including motorists, heavy goods vehicle drivers, walkers, runners cyclists and horse riders.
- Impact of greater use of car park on public right of way which does not have a clear delineation.
- Inadequate and inappropriate parking provision.
- Do not consider that there is room for the 17 cars referred to in the applicants statement.
- Space for additional 8 parking spaces is not accurate.
- The applicants cannot control who can park in a public area.
- There have already been serious parking problems at Howsham Bridge with vehicles. (see [submitted photographs](#))
- There has been a considerable increase in traffic in the area in recent years.
- It would be impossible to monitor/control the number of people attending.
- Even with management of parking, this can not stop non-mill users being marginalised and forced to park dangerously either on the highway, or on grass verges.
- Emergency vehicles would have difficulty access quickly.
- The change to the travel plan and other restrictions suggested, does not change much in the greater scheme of things.

Change to character of area, and light pollution:

- Constant work at the Mill, visitors, dogs, tree felling barbeques, camping overnight and bonfires have completely changed the character of the island and river bank.
- It was not intended to make a commercial enterprise in a totally unsuitable place, to the detriment of the surrounding area.

- The RHT is seeking to hire out the building to an unspecified number of people who would not necessarily have any connection or sympathy with the charity's stated concern for the environment and its conservation
- The Planning Committee should separate the charity's current activities from the possible consequences of a change of use at the mill. The hydro electricity generated at the site should help the Renewable Heritage Trust's (RHT) original objective of running the mill as an environmental education centre. The RHT's money making strategy could have a damaging effect on this sensitive location within the AONB.
- Most nights Howsham is bathed in silent twilight or darkness by 9pm, and *not* midnight.
- How can the application respect the principles of the AONB, especially as the RHT states that one of its main concerns is with the environment and its conservation.
- The RHT, (applicant) have achieved the original objective of restoring the building, and there is sufficient income to maintain the mill.

Ecology:

- Impact of change of use on sensitive natural habitat.
- The submitted information does not take account of the characteristics of the setting which provides a backdrop for both protected and other species. The increase in human activity is likely to have an effect on the many other animal and plant species.
- Concern that three composting toilets would be adequate. Will certainly require regular maintenance.

Neighbour impact:

- Detriment to the amenity of the area and particularly disturbance of nearby residents by virtue of noise and need for significant increase in lighting.
- Detrimental impact on the quality and ambience of the area.
- Potential noise late at night.
- Detting noise levels would be meaningless as even low amplitude sounds will travel, penetrate and disturb for surprisingly long distances. This is an occurrence that already happens on occasion.
- One of the prime reasons that people like living in the area is the increasingly rare qualities of rural peace and quiet, not a 'cacophony of raucous revellers and badly amplified music.
- Impact on livelihood of neighbouring livestock owners due to increase in noise

Health and Safety:

- Concern that temporary plastic fence will provide adequate safety. However permanent fencing would be an environmental intrusion.

Flood Risk Assessment:

- During significant periods of rain, the paths can become waterlogged. Spurious assumption that a planned event would be cancelled in event of heavy rain.

Other comments made:

- The fact that the applicants have modified their application in the light of objections seems irregular. Compelling argument that the application as submitted should run its course.
- Consider that answers to the following should be provided:
 1. maximum number of attendees at any function
 2. maximum number of cars at any function
 3. precise definition of working hours
 4. embodiment of the limitation of no more than two functions in any month

5. a binding description for 'corporate training and meetings'.
6. Who will police the conditions?
7. what enforcement will be taken if the conditions are breached? Or indeed if nuisance/obstruction occurs?
8. Concerned that the applicants email is the only document that specifically refers to a number of the suggested restrictions.

Support

Comments made include:

- Howsham Mill is a wonderfully successful community project and deserves support.
- None of the activities carried out so far have been in any way a nuisance to the village residents, and the application seems a natural extension to making the facilities available to a wider patronage.
- If approved, recommend a restriction on music after 11pm, and any event finished by 12.
- Second letter of support to application as amended.

APPRAISAL:

Principle of proposed use

It is considered that the history of the site is pertinent to the consideration of the current application. Howsham Mill is a grade II listed building, situated on an island in the River Derwent. It is reputed to have been designed by John Carr for use in connection with Howsham Hall. Until the renovation was carried out by the Renewable Heritage Trust, it was in a significant state of disrepair, and had lost its roof in the 1970's. Permission was granted in 2005 for the *change of use with alteration and partial re-building of former watermill to form educational resource centre with bunking facility*, to include installation of new water wheel and formation of car park.

When the application was considered at Committee in 2005, Members were very supportive of an application that would restore the building and secure its long term future. Support was also expressed for the use of renewable energy. Nevertheless concern was expressed at the time regarding the lack of any parking that could be used by those working on, or using the facilities at the mill. In view of this the applicants sought an agreement with a local landowner to provide car parking. The decision to approve the application was taken in the light of the beneficial use for the building. If such works had not been carried out, the building is likely to have collapsed totally over time.

The approved use was for an educational resource centre, which the applicants advised would be related to the location of the building in the Area of Outstanding Natural Beauty, and an SSSI and SAC. The bunk facilities were ancillary to this use.

It is understandable that neighbouring occupiers have concern that the development will result in a change to the dark skies, and quiet ambience of the existing area. Nevertheless, the planning system is not intended to be an embargo on development. This is demonstrated by the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015. This permits the temporary use of land for a number of uses, which can impact on the character or ambience of an area. An example is where land can be used for the holding of a market, or motor car and motor cycle racing. (Part 4 Class B). There are restrictions in place which would not permit the temporary use of Howsham Mill, in particular because such temporary uses are not permitted within the curtilage of the building. A further example of permitted development rights is where land or buildings can be used for film-making purposes. However again the permitted development rights do not apply in this case, because the listing of the building, and designation as an SSSI ensures that the application site would not comply.

The permitted development regime is an indication that the government generally considers temporary uses of land as acceptable within prescribed limitations, even when it can give rise to uses

that may cause noise or disturbance. Officers therefore have to consider whether, in the light of this, it would be reasonable to refuse an 'extension' of the existing use of the building. This is in particular when conditions can be imposed which should reduce the impact on the sensitivity of the area, and the existing amenities of neighbouring occupiers. Nevertheless it is demonstration of what the Government considers to be acceptable, and it is considered that there is no policy objection in principle to an extension to the proposed uses.

Officers have however taken account of the significant number of letters of objection received, and the concerns raised. It is therefore considered that the material considerations are:

- impact of the development on the significance of the listed building
- car parking and highway considerations
- public right of way
- impact of development on the natural beauty of the AONB.
- ecology
- neighbour impact
- noise
- light pollution

Impact of development on the listed building

As stated earlier in the report, the renovation of the building together with the viable use was supported by Members when the application was originally approved in 2007. Furthermore Section 12, para 126 of the NPPF states:

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.*

It is considered therefore that extending the proposed use to support the long-term maintenance and viability of the building accords with this policy.

Para 128 states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It further states that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal. In this case the extension to the use does not affect the historic fabric of the building or adversely affect its setting. Accordingly, officers do not consider that any further information is required.

Car parking and highway considerations

The determination of the original application to restore and change the use of Howsham Mill was deferred to enable officer concerns regarding potential parking problems to be addressed. The car park adjacent to Howsham Bridge was therefore provided to address such concerns. As stated earlier, when the current application was submitted, it was accompanied by a Travel Plan. On the basis of the plan,

North Yorkshire Highways responded that there were no objections to the proposed development. Nevertheless information from local residents raised concern that on occasion, the existing use of the building was causing traffic problems. Indeed photographs were submitted that showed parked cars along the road, in gateways, and on the edge of the road adjacent to the bridge. The applicant was advised of the concerns raised. Officers also stated that a proposed use for social events was likely to add to existing parking concerns, and would be difficult to control, or indeed monitor. A meeting was held with the applicant, and it was at this stage that the application was varied to delete reference to social events. North Yorkshire Highways, and contributors were re-consulted on the application. However many neighbours reiterated their previous objections.

A meeting was held with an officer from North Yorkshire Highways, who were advised of information pertaining to existing parking problems that occurred on occasion. He measured the parking area and confirmed that 19 cars could be provided within the car park. He considered that the informal area between the car park and the road should be excluded, to enable it to be use for informal use by for example walkers and fishermen. He further recommended that the extended use be restricted to Monday to Friday. In addition he recommended that an extension to the approved uses be approved on a trial 12 month period.

Officers have discussed the proposed conditions with the applicant who has no objection to such restrictions. He has also confirmed that a further condition could be imposed restricting the events to 8am until 6pm Mondays to Fridays, with a maximum of two events per calendar month.

In the light of these restrictions, officers are of the opinion that the 'extension' to the proposed uses can be controlled in a manner that is unlikely to generate problems with cars parking outside the car park.

Members will note that some objectors have expressed concerns regarding the visibility from the car parking area. They have advised that the bridge parapet restricted visibility, and this was compounded when cars are parked inappropriately. North Yorkshire Highways have advised that the access from the car park was designed to be as far as possible from the bridge. This '*offers a raised drivers' eye view above the bridge parapet to the west, and gives the best position at this location*'.

In conclusion, officers are of the opinion that a *controlled* extension of the proposed use of the building could be carried out without causing parking problems that would impact on highway safety, or the character of the area.

In relation to objections raised that the poor parking would obstruct the public right of way, North Yorkshire Highways have advised that in their opinion, 19 cars can satisfactorily be accommodated clear of the route of the public right of way.

Impact of the development on the Area of Outstanding Natural Beauty

Policy SP13 of the Ryedale Plan - Local Plan Strategy states that *The natural beauty and special qualities of the Howardian Hills Area of outstanding Natural Beauty will be conserved and enhanced, and the impact of proposals on the AONB, its setting of the North York Moors National Park will be carefully considered.* In this case, the proposed development does not relate to a physical change in the area. It is however considered that the natural beauty of an area could be harmed by large areas of parked cars associated with the proposed use. Nevertheless it is considered that the restrictions referred to above would ensure that excessive parking does not occur which would harm the character of the AONB. In addition a temporary permission for one year would enable any adverse effects to be monitored and assessed.

Ecology

The application site is designated as a Site of Special Scientific Beauty, (SSSI) and a Special Area for Conservation., (SAC). The application is accompanied by an Ecological Appraisal and Survey. The survey includes a number of recommendations. This includes:

- creating no-go areas to enable some undisturbed and off-limit parcels of land. This will benefit otter and a wide variety of other species including birds, other mammals and insects.
- maintain existing lighting, unless otherwise agreed by a bat ecologist.
- for any events held in early spring, consideration should be given to the length of time lighting is active. March and April are particularly critical, when temperatures rise and bats begin to emerge from hibernation.
- a range of bat nesting boxes should be erected in appropriate locations, and monitored.
- installation of an artificial otter holt.

The Council's Countryside Officer has confirmed that the survey report finds that there will be no impact on protected species providing a detailed method statement is adopted during events. He has taken account of comments made that it is not just the protected species that are important. He advises that the Biodiversity Method Statement will include measures to ensure that disturbance is reduced to an insignificant level, and would benefit protected species such as bats, otters as well as other more common species such as badgers and common birds. He further considers that if a method statement is agreed, there could be a net *gain* arising from the development.

Light Pollution

The National Planning Policy Guidance includes a detailed section on light pollution. It states that artificial light can provide valuable benefits to society, but equally it has the potential to become light pollution. There is a particular section on the ecological impact of light pollution. It advises that the ability of some building materials to polarise light may cause insects, birds and other wildlife to mistake the material for water for example. The site is in a particularly sensitive location as detailed earlier, and furthermore is an area which has very low levels of lighting. The applicants have provided information that there are discreet spotlights on each corner of the building shining on the statue, and two down lights on each of three elevations. They further state that users will be advised to bring torches.

The impact of lighting on ecology has been addressed above. It is considered that lighting remains as existing, it will not have a significant impact on the level of lighting in the area. This is in particular if the additional events are restricted to 8am until 6pm, and to only two such events a month.

Neighbour considerations

Officers have taken account of the location of the building in this relatively undeveloped area, and understand neighbouring occupiers concerns that an 'extension' to the approved uses could harm the tranquillity of the location. They have also taken account of concerns regarding the potential impact on livestock. This is required to be balanced against the needs of the applicants to provide a use that will support the long term repair and retention of Howsham Mill.

It is not considered that the proposed uses (as amended) will have a significant adverse impact on the existing amenities of neighbouring occupiers subject to the limitations set out in the list of conditions detailed in this report. This is in particular because the applicants will be restricted to a maximum of two events a month, and will be between the hours of 8 am until 6pm, Monday to Friday. This will ensure that there is no disturbance outside normal working hours. Furthermore it is recommended that a condition be imposed that there is no amplified music. It is also considered that a 12 month temporary permission will enable any adverse effects to be monitored, evaluated and the use re-considered at the end of the trial period. Numbers will be restricted to 35 people and a maximum of 19 cars.

In relation to comments made as to the definition of corporate events and meetings, it is considered that these are events booked by a single organisation. It is recommended that conditions should also be imposed requiring the applicants to maintain a register of all events including numbers of people attending, and registration numbers of all vehicles. If complaints are received about any disturbance, it would then be possible to correlate it with any activity at the Mill arising from a particular event.

Conclusion

Officers have taken account of the particular sensitivities of the site, and the level of concerns raised. It is considered that the temporary approval of the site as recommended together with the list of other conditions will provide the necessary controls to ensure that the development does not have a significant adverse impact on the character of the area, or the existing amenities of neighbouring occupiers, whilst providing a use that will help secure the long-term retention of the building.

Accordingly, the recommendation is one of temporary approval.

A full list of recommended conditions will be available in time for the meeting. Below is an outline of the terms of reference to be included, in addition to the original conditions imposed on the use of Howsham Mill:-

RECOMMENDATION: Temporary approval

- 1 Temporary 1 year permission for extended uses.
- 2 The corporate meeting and training courses shall be restricted to 2 events per month Monday to Friday only, and Howsham Mill shall not be open during the events for any other purposes.
- 3 The corporate meetings and training courses shall not operate outside the hours of 8am - 6pm.
- 4 No amplified music.
- 5 Prior to the extension to the uses being first brought into use, the applicant shall submit for approval by the Local Planning Authority a biodiversity management plan in accordance with the ecological appraisal and survey. Thereafter the development shall be carried out in accordance with the approved plan.
- 6 The applicant shall maintain a register of all people attending such events together with a list of all vehicle registrations. Such details shall be made available to the Local Planning Authority on request.
- 7 Each corporate meeting or training course shall be attended by a maximum of 35 people, in a maximum of 19 vehicles.
- 8 There shall be no additional external lighting unless details have first been submitted to, and approved in writing by the Local Planning Authority in conjunction with an experienced bat ecologist.
- 9 The composting toilets shall be adequately maintained to ensure that their use does not impact on the SSSI or SAC.
- 10 The operation of the corporate meetings and training courses shall be carried out in accordance with the submitted travel plan (as revised to take account of restrictions referred to in condition 7).
- 11 The car parking shall be managed to ensure that cars using the car park do not obstruct the public right of way.

- 12 The deliveries for all corporate meetings and training courses shall be carried out in accordance with the submitted details.
- 13 The extended use of Howsham Mill for corporate meeting and training courses shall only continue as long as the car park remains available for use.

INFORMATIVE:

- 1 Corporate meetings and training courses are defined as events booked by a single organisation.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties