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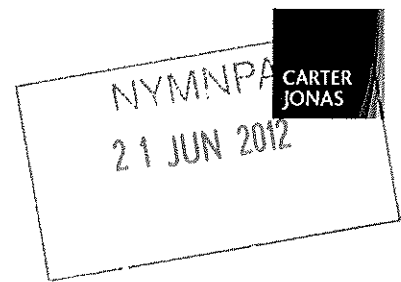
Planning & Heritage Statement

Dalby Courtyard
Low Dalby

On behalf of The Forestry Commission

June 2012

NYM/NPA
21 JUN 2012



1.0 INTRODUCTION

1.1 As part of the documentation submitted with the planning application to vary Condition 03 attached to the Crown Notification (NYM/2003/0709/CI) of 22 December 2003 which originally related to the "conversion and extension of existing complex to provide community hall, craft workshops and offices, biking centre and associated facilities and parking" at Dalby Forest Visitor Centre, Low Dalby we have prepared a report covering planning and heritage matters.

1.2 Condition 3 states:

"The use of the workshops hereby permitted shall be restricted to uses falling within Class B1 of the 1987 Town and Country Planning (Use Classes) order or any provisions equivalent to that Class in any statutory instrument revoking and re-enacting that Order and there shall be no retailing of goods from any workshop units except for the ancillary sales of craft goods on the premises."

1.3 We apply under Section 73 of the Town and Country Planning Act 1990 for the amendment of this condition attached to the Crown Notification (NYM/2003/0709/CI) of 22 December 2003. The amendment required is the deletion of the words "and there shall be no retailing of goods from any workshop units except for the ancillary sales of craft goods on the premises". Class B1 Business Use allows in the normal course of events for the sale of goods in a manner ancillary to the use of the permission. We consider that this is all that is required to enable the B1 units at Dalby Forest Courtyard to be able to sell their products.

1.4 This Planning and Heritage Statement sets out the proposal in detail, explaining the reasons for the amendment of the condition and the need for these changes.

2.0 BACKGROUND AND PROPOSAL

2.1 Dalby Forest Courtyard is located in the village of Low Dalby and comprises a community hall, craft workshops and offices, biking centre and associated facilities within a courtyard environment, it is approximately 1 mile from the forest entrance.

2.2 Dalby Forest Courtyard was the subject of a Crown Notification Application in December 2003 for the conversion and extension of existing complex to provide community hall, craft workshops and offices, biking centre and associated facilities and parking. The Parks response was to advise 15 conditions. Our client wishes to vary Condition 03 attached to the Crown Notification NYM/2003/0709/CI so that ancillary sales are no longer only for "craft goods made on the premises" but for ancillary retailing.

2.3 Pace Cycles currently occupy Units 1, 2 and 5 of the craft workshops which comprise a demonstration centre for Pace Cycle's range of bikes and a national suspension service centre.

2.4 Pace Cycles, founded locally in Kirkbymoorside, is one of the leading UK mountain bike brands and has been making complete bikes and parts for 25 years and testing them in Dalby Forest.



- 2.5 We have undertaken pre-application discussions with Andrew Muir (Ref ENQ8190 & NYM/2003/0709/CI), it was suggested that a planning application would be required to amend Condition 3 and allow the removal of the retail restriction to enable the tenants to benefit from class B1 by allowing ancillary sales of goods. A copy of the letter received from Andrew Muir is attached for reference.

3.0 PLANNING POLICY CONSIDERATIONS

The Development Plan

- 3.1 The North York Moors National Park Core Strategy and Development Policies incorporating the Inspector's changes was adopted by the Authority on 13th November 2008 and the document now forms part of the Development Plan for the North York Moors National Park for the purposes of making decisions on planning applications.

Core Policies

Core Policy A: Delivering National Park Purposes Sustainable Development

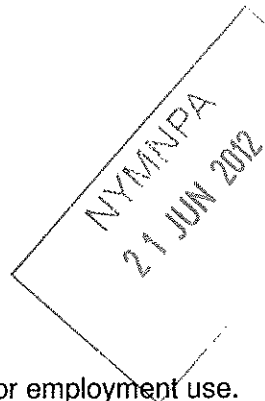
- 3.2 Core Policy A sets out seven key principles of achieving sustainable communities in the Park whilst pursuing its purposes and social and economic duty. Of specific relevance to this application are the following principles:
- Providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors.
 - Conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas.
 - Strengthening and diversifying the rural economy and providing tourism based opportunities for the understanding and enjoyment of the Park's special qualities.

Core Policy B: Spatial Strategy

- 3.3 The overarching strategy to meet the needs of people in the National Park is based upon improving the sustainability of local communities by supporting, improving and consolidating existing services and facilities, providing additional housing and employment opportunities within settlements and enabling alternative modes of travel to the private car in accordance with the settlement hierarchy:

Within the open countryside:

- a. Housing relating to an essential need to live in the countryside.
- b. Conversion of traditional rural buildings to support economic uses including holiday accommodation or residential letting for local needs.
- c. Other essential social or community need where there are no other suitable locations in settlements listed in the settlement hierarchy.
- d. Development to meet the needs of farming, forestry, recreation, tourism or other rural enterprises with an essential need to locate in the countryside.



- e. Replacement dwellings.
- f. Conversion of other existing buildings for employment use.

Core Policy G: Landscape, Design and Historic Assets

3.4 The landscape, historic assets and cultural heritage of the North York Moors will be conserved and enhanced. High quality sustainable design will be sought which conserves or enhances the landscape setting, settlement layout and building characteristics of the landscape character areas identified in the North York Moors Landscape Character Assessment. Particular protection will be given to those elements which contribute to the character and setting of:

- 1 Conservation Areas
- 2 Listed Buildings
- 3 Historic Parks and Gardens
- 4 Scheduled Monuments and other sites of archaeological importance

3.5 The re-use of buildings of architectural and historic importance which make a positive contribution to the landscape and character of the National Park will be encouraged.

Core Policy H: Rural Economy

3.6 Core Policy H relates to the rural economy and describes how the rural economy will be strengthened and supported by providing local communities with a range of opportunities for entrepreneurship, education and training. This will be achieved through:

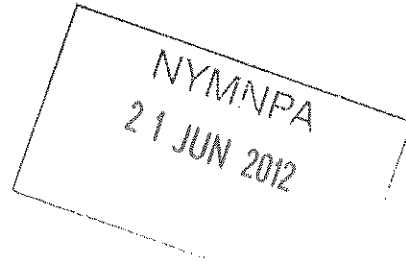
- New employment development in the Local Service Centre of Helmsley, Whitby Business Park, Service Villages and the Local Service Villages.
- Training and education opportunities in the Local Service Centre of Helmsley, Service Villages and Local Service Villages.
- Supporting the agricultural sector and opportunities for diversification.
- Sustainable tourism based on recreation activities and tourism development related to the understanding and enjoyment of the Park.

Development Plan Policies

Development Policy 1: Environmental Protection

3.7 Development Policy 1 relates to environmental protection and details that to conserve and enhance the special qualities of the North York Moors National Park, development will only be permitted where:

- It will not have an unacceptable adverse impact on surface and ground water, soil, air quality and agricultural land.
- It will not generate unacceptable levels of noise, vibration, activity or light pollution.



- There will be no adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development.
- Land stability can be achieved without causing unacceptable environmental or landscape impact.
- There is or will be sufficient infrastructure capacity to accommodate the demand generated by the development.

Development Policy 14 Tourism and Recreation

3.8 Development Policy 14 specifically relates to tourism and recreation and states that the quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism. New tourism development and the expansion or diversification of existing tourism businesses will be supported where:

- The proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the special qualities of the National Park or in a way that conserves and enhances the special qualities.
- The development can be satisfactorily accessed from the road network (categories 1, 2 or 3) or by other sustainable modes of transport including public transport, walking, cycling or horse riding.
- The development will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents.
- It will make use of an existing building. Proposals for new buildings will be expected to demonstrate that the facility cannot be satisfactorily accommodated within an existing building in that location.

Development Policy 18 - Retail Development

3.9 Development Policy 18 details how proposals for new retail development or financial and professional services will be supported:

- Within the defined commercial areas of Helmsley, Hutton le Hole and Thornton le Dale unless the proposal is primarily for and of benefit to the local community.
- Within the main built up area of Service Villages, Local Service Villages and Other Villages.
- Where new proposals are ancillary to an existing enterprise provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages.

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National Policy

- 3.10 Published in March 2012 this replaces a whole raft of previous planning guidance, including that relevant to development within the open countryside and Green Belt (PPS7 and PPG2).
- 3.11 The mainstay of this new guidance/policy is the "presumption in favour of sustainable development" and an obligation upon local authorities to "plan positively" for their areas.
- 3.12 The NPPF refers to the planning system as having three roles which reflect the identified three 'dimensions' to sustainable development. These consist of;
 - An economic role
 - A social role
 - An environmental role
- 3.13 The weight and importance attributed to each is a matter of judgement but must be considered in the whole and not independently – the objective is that "to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system" (para. 8).
- 3.14 In accordance with this approach:
 - development which accords with the development plan should be approved without delay;
 - where the development plan is absent (not adopted) or has no relevant policy or such are out of date, permission again should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits" or specific policies in the Framework indicate development should be restricted.
- 3.15 An important element at the heart of the decision-taking process under this Framework is the relevance and importance of "other material considerations" which are additional to the above approach in weighing up all the factors in the determination of planning applications. (para. 14).
- 3.16 The Framework identifies "Core Planning Principles" which include the aim to "*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs*" (para 17).
- 3.17 One of the main tenets of the Framework and how sustainable development can be delivered is through "*Building a strong, competitive economy*" with emphasis being given to economic growth, job creation with the planning system doing "*everything it can to support sustainable economic growth*"....with planning operating to "*encourage and not to act as an impediment to sustainable growth. Therefore **significant weight** should be placed upon on the need to support economic growth through the planning system*" (para 18-19).
- 3.18 In terms of the rural economy, the Framework is clear in support for the development of a strong rural economy and local authorities should "**support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings**" (para 28).
- 3.19 With regards to development within National Parks (paragraph 115) 'great' weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas



of Outstanding Natural Beauty, which have the highest status or protection in relation to landscape and scenic beauty.

3.20 Paragraph 116 goes on to state that *“planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

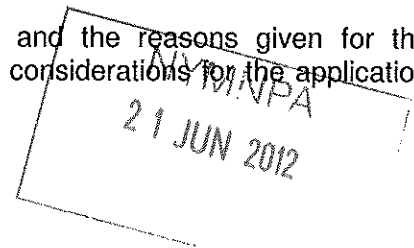
3.21 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting

3.22 Overall, in their decision-taking, the Framework encourages an approach where *“local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area” (para 187).*

4.0 ASSESSMENT

4.1 In consideration of national, regional and local policy and the reasons given for the restrictive condition, it is clear that the principle planning considerations for the application are: -

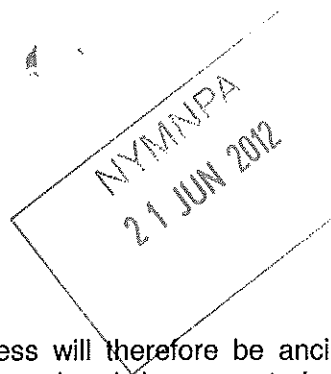
- The principal of development;
- Retail policy considerations; and
- Other material considerations.



The principle of Development

4.2 The Section 73 application seeks the variation of Condition 3 to allow modest ancillary retail sales from all of the units (1 -6) of Dalby Forest Visitor Courtyard. The variation of the Condition would allow the sale of ancillary retail goods such as is normal and permissible in any B1 Business Unit without it having to be ‘Craft Goods’ made on the premises. Such a restriction is no longer relevant or appropriate.

4.3 Units 1 and 2 comprise the demo centre where customers visit Dalby Forest to trial the product prior to purchasing via a registered dealer who will complete the sale. This is a free of charge service and there is no hire of the bike. In terms of sales 90% is done through dealer network and online e-tailers. Marketing of the product, brochures and website is carried out from the Courtyard. Unit 5 comprises the suspension service centre where Pace cycles carry out servicing of bicycle suspension for their own bicycles and also two affiliated Swiss companies.



- 4.4 The retail element of the business will therefore be ancillary to the existing use of the buildings for B1 use. The units have already been granted planning permission for B1 use in December 2003 under the Crown Notification (Ref NYM/2003/0709/CI). Ancillary retail is normally available to uses within Class B1 however in this instance the ancillary retail element has been prevented and substituted with the retailing of craft goods made on the premises via Condition 3. Whilst the workshops have been occupied by craft businesses in the past the majority of the business have not proved economically viable. This has resulted in the Forestry Commission having to look elsewhere for long term business occupancy of units.

Retail Policy Considerations

Development Policy 18 refers to retail development and identifies that proposals what are *"ancillary to an existing enterprise will be supported provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages"*

The sale of Pace Cycle products including spares and accessories, consumerables such as specialist bike oil and clothing forms only a minor part of the existing business which is run from the units at Dalby Courtyard, it will not cause an increase in activity or an impact on the character of the area and therefore the proposal to vary Condition 3 is in line with Core Policy H and Development Policy 18.

This is demonstrated by the fact that this level and type of retailing activity has been for some considerable time and has not caused any problems.

Other Material Considerations

Amenity

The wider site currently functions as a tourist attraction which has traditionally been open all year round. The proposed variation of Condition 03 would therefore compliment the existing use of the wider site whilst providing improved facilities for visitors. It will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents and is therefore in line with Core Policies A and B and Development Policies 1 and 14.

Landscape Impact

As stated above, Condition 3 could be varied to allow ancillary retailing from all of the units 1 - 6 without intruding into surrounding land. This will not substantially change the existing setting of the buildings relative to the surrounding forest. The scheme will ensure that the site continues to contribute to the setting of Dalby Forest and surrounding landscape in line with Core Policy G.

Access and Highway Safety

The existing access as will the main car parking area on the level area will remain.



5.0 HERITAGE STATEMENT

- 5.1 As part of this planning and heritage statement we have looked specifically at the requirements of National Planning Policy Framework.
- 5.2 In addition to the above Planning Assessment of Development Plan Policies which will be applicable to the planning application it is appropriate in accordance with the advice and guidance contained within the NPPF to make a Heritage Assessment of the heritage asset.
- 5.3 The objective as required by the NPPF and the PPS5 Practice Guide is to be able to assess whether sustainable development whilst conserving any heritage assets in a manner appropriate to their significance. We believe that this scheme does exactly that.
- 5.4 We hope that the Heritage Statement will specifically help the Local Planning Authority reach the conclusion that the scheme being proposed is an appropriate, compatible and sympathetic scheme to support and enable the long-term conservation of the Heritage Asset.
- 5.5 National Planning Policies in relation to Heritage Assets are contained within the National Planning Policy Framework (NPPF). Section 12 of the NPPF relates to conserving and enhancing the historic environment and sets out in paragraph 128 how in the "*determination of applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*".
- 5.6 Paragraph 131 provides further details and states that:
- In determining planning applications, local planning authorities should take account of:*
- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness*
- 5.7 There are no designated heritage assets which affect this site. Dalby Forest is a designated forest which is situated on the southern slopes of the North York moors National Park but is not a designated heritage asset.
- 5.8 The proposals have been prepared and have evolved around the notion that Dalby Forest is an asset which should be preserved, the proposed variation of Condition 03 will not have an adverse effect on Dalby Forest and will be no different to the use of the units at present.
- ## 6.0 CONCLUSIONS
- 6.1 The proposed variation of Condition 03 attached to the Crown Notification (NYM/2003/0709/CI) of 22 December 2003 to allow ancillary retailing at the Dalby Forest Visitor Centre, Low Dalby is in accordance with the Development Plan for the area and should be supported and approved.



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- 6.2 It is considered that the variation of this particular Condition (3) of the 2003 permission to permit ancillary sales in units 1 – 6 will allow a more appropriate and efficient use of the buildings including an increased potential for future businesses to take up occupation in other units. It will enable the existing tenants Pace Cycles to continue to trade in the manner established which in turn is considered to benefit the local economy.

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