

CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

25th March 2019

AGENDA

Please note that the Committee will visit the following site on Monday, 25th March 2019. Members are asked **to meet as indicated on the location plan (Waterside Lane) provided at 1pm**, or alternatively at the Belle Vue Square Offices car park **no later than 12.35pm**

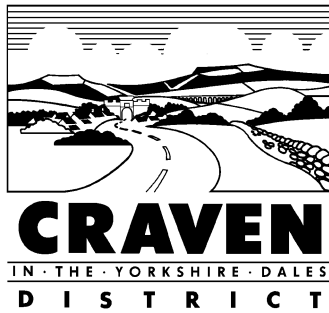
42/2016/17496 Outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park and ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features. Land to the west of Hellifield, BD23 4HJ. (Hellifield and Long Preston Ward)

Following the site visit refreshments will be available at Gargrave Village Hall.

Agenda Contact Officer: Chris Waterhouse
E-mail : cwaterhouse@cravenc.gov.uk
Tel. 01756 706235
15th March 2019.

Planning Committee Site Visit Procedure

- A. On arrival, the Chairman will call the Members of the Planning Committee, any Ward Representative(s) and others invited to be present to order. The Chairman will explain the purpose of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the Committee meeting.
 - B. The Chairman will then ask the appropriate officer to describe the proposal to Members, identify relevant features of the site, and raise the principal planning considerations. The Officer may also draw Members' attention to the relevant points regarding objections/observations received.
 - C. The Chairman will then ask any other officer, e.g. Highways Officer, Environmental Health Officer, to address the Members.
 - D. Members will then be invited through the Chairman to ask any questions or seek clarification of facts from the Officers present. Members should not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Committee meeting. Discussion on the merits of the application will not be permitted, and Members should refrain from making comments on the proposal.
 - E. A representative of the Parish or Town Council or Parish Meeting will be invited to advise Members on matters of fact relating to the application site.
 - F. The applicant and others present will not be allowed to speak unless he or she is specifically asked by the Chairman or a senior officer to
 - point out particular matters on site, or
 - to clarify or respond to Member's questions in respect of particular factual matters, relevant to the site of the planning application/planning matter.
- Applicants/agents will be given prior notice of the time and date of the site visit.
- G. When the Chairman considers that the purpose of the site visit has been achieved, (s)he will declare the site visit finished and Members will promptly leave the site.
 - H. Whilst conducting the site visits Members will have due regard to the health and safety of themselves and others and will follow appropriate safety instructions on site, including any guidance on parking and access. Under no circumstances will Members or Officers enter a site without wearing the appropriate safety equipment (if any) required.
 - I. A note will be taken by the appropriate officer of those present at each site visit.
 - J. Members should be aware at all times that site visits mainly take place on privately owned land. They should be careful not to damage any property or do anything that may cause problems for or distress to the landowner.
 - K. Where arrangements have been made for a site visit to take place on land which does not form part of the specific area under consideration/application site, the appropriate officer will have sought the necessary permission from the occupier of that land in writing.



PLANNING COMMITTEE
- Special Meeting -
2.45pm on Monday, 25th March, 2019
at Gargrave Village Hall, Gargrave, BD23 3PT

Committee Members: The Chairman (Councillor Sutcliffe) and Councillors Baxandall, Brockbank, Harbron, Heseltine, Lis, Morrell, Place, Rose, Shuttleworth, Thompson and Whitaker.

Members are asked to note the venue for this meeting

AGENDA

1. **Apologies for absence and substitutes**
2. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee **in respect of matters not appearing on this agenda**, the public participation session will proceed for a period of up to fifteen minutes.
3. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

4. **Application 42/2016/17496 : Land to the West of Hellifield** – Report of the Strategic Manager for Planning and Regeneration in respect of the following application for planning consent. Attached.

42/2016/17496 Outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park and ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features. Land to the west of Hellifield.

5. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Chris Waterhouse

Tel. 01756 706235, E-mail cwaterhouse@cravendc.gov.uk

15th March 2019.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

(i) the recording being conducted with the full knowledge of the Chairman of the meeting; and

(ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.



CRAVEN

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D I S T R I C T

SPECIAL PLANNING COMMITTEE

DATE: 25th March 2019

VENUE: GARGRAVE VILLAGE HALL

Application Number: 42/2016/17496

Proposal: Outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features.

Site Address: Land To The West Of Hellifield BD23 4HJ

On behalf of: Ballan Ltd

Date Registered: 30th November 2016

Expiry Date: 1st March 2017

EOT Date, if applicable: 31st August 2018

Case Officer: Mr Mark Moore

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1. Executive Summary

1.1 The following is a bullet pointed summary of the conclusion reached in this report which is that planning permission should not be granted.

1.2 **Emerging (Draft) Local Plan:**

- The Draft Local Plan is at an advanced stage and has been through examination in public and subsequent modifications and therefore its policies can be afforded weight.
- There are specific policies within the Draft Local Plan that apply to the application site and can be afforded significant weight.
- Draft Policy EC4B: 'Tourism Development Commitment at Hellifield' is a material consideration and is not supportive of the application.
- Under the draft Local Plan policy EC4B planning permission should be refused.

Saved Local Plan:

- The saved policies of the adopted Local Plan remain the development plan for Craven for the purposes of Sn38 of the Planning and Compulsory Purchase Act 2004.
- Saved Policies ENV1 and EMP16 are the most significant of the adopted Local Plan policies in relation to this application.
- The saved policies are considered to be consistent with the NPPF and are therefore a legitimate material consideration.
- The saved policies are not supportive of the application.
- Under the saved Local Plan policies planning permission should be refused.

National Planning Policy Framework:

- The NPPF is supportive of sustainable rural tourism development provided it respects the character of the countryside.
- Whilst there is a presumption in favour of sustainable development planning decisions must take account of relevant development plan policies.
- Even where there are no relevant development plan policies it remains necessary to consider whether or not any adverse impacts of allowing development to take place would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- The Council has relevant saved Local Plan policies that are consistent with the NPPF and therefore are a material consideration.
- The Council has draft policies as part of a Local Plan that is at an advanced stage of preparation. Those policies must be compliant with the NPPF and would have significant weight in the determination of this application.
- A refusal of planning permission on the basis that the proposed development is contrary to both saved and draft Local Plan policies would be consistent with national planning policy as set out in the NPPF.

Highway Safety:

- NYCC Highways has stated that the proposal cannot be sustainable development and would not be acceptable in terms of its overall impact or means of access. The application cannot therefore comply with saved Local Plan policy, emerging Draft Local Plan policy and the NPPF in terms of highway safety and is therefore unacceptable.

The Planning Balance:

- The applicant has set out a number of benefits that would accrue should planning permission be allowed. Those are set out and discussed below. The conclusion reached is that the dis-benefits of allowing development that is not compliant with saved Local Plan policy, emerging Draft Local Plan policy and the NPPF would not be out-weighed by the benefits and therefore planning permission should not be granted.

2. Site Description

- 2.1 The application site covers an area of approximately 31.75 ha and is located on the northern side of the A65 immediately adjacent to the western settlement boundary of Hellifield. Residential properties on Station Road in Hellifield adjoin the eastern boundary of the site.
- 2.2 The site is located outside of development limits as defined in the adopted Local Plan and is bounded by Hellifield railway station to the north with open countryside beyond. To the south on the opposite side of the A65 lies Gallaber Caravan Park with open countryside further to the south and to the west. There are some small pockets of residential development scattered around the periphery of the site on the southern side of the A65 as well as a lorry park.
- 2.3 Hellifield Railway Station to the north forms part of the Settle-Carlisle line and is a conservation area incorporating a grade II listed railway station.
- 2.4 The boundary of the Yorkshire Dales National Park lies approximately 20m north of the site. The eastern site boundary lies immediately adjacent to the rear of terraced residential properties front Station Road whilst there are additional residences at the northern end of the road adjacent to the railway station.
- 2.5 The site has an open aspect and is gently undulated in topography being mostly grassed over with its principle boundaries being defined by stone walling. There are also some low fencing and isolated trees across the site together with a band of planting across much of the frontage onto the A65. Kell Well Beck crosses through the site from the north-western corner towards the A65 on the southern boundary. There are two Flashes (ponds) located within the site with a much larger Flash present on the land immediately adjacent to the west.
- 2.6 The site has an access onto the A65 with a road that runs northwards and eastwards terminating towards the northern end. This access serves a recently constructed property, Water View House, located to the north. There are four PROWS identified in relation to the site
- 2.7 The site falls within an area identified as a Tourist Development Opportunity Site under saved Policy EMP11 of the adopted Local Plan and there are extant planning permissions for a rural environmental centre and a hotel on part of the site.
- 2.8 The site is classified as Grade 4 Agricultural Land and is part of an area of land described as 'undulating lowland farmland', a form of semi-enclosed lowland, in the Craven District Landscape Appraisal (2002). This form of landscape is described in the 2002 Appraisal as declining although it is also identified as having potential to absorb areas of copses and small-scale woodland planting.
- 2.9 There are a number of trees located along the A65 road that are protected by Tree Preservation Order 192 2011.
- 2.10 The western site boundary and the existing access road that forms part of the site lie within the boundary of the Long Preston Conservation Area.
- 2.11 There is a medium pressure gas pipeline running across the south-western part of the site that has a 3m buffer zone (6m easement).

3. Proposal

3.1 This is an outline planning application seeking approval for the principle of development and access in relation to construction of a holiday park development with appearance, landscaping, layout and scale forming reserved matters.

3.2 **Officer note:** Notwithstanding the revised details that have been submitted it is important to bear in mind that the application is outline with only the principle of development and the access being applied for at this stage. As a consequence the materials that show matters such as layout, scale, landscaping etc. are for illustrative purposes and can only be considered on that basis.

3.3 The proposed development would utilise an existing access onto the A65 and a service road that terminates towards the northern end of the site and can be summarised as follows:

- Leisure centre including swimming pool/Hotel and visitor accommodation:

The proposed leisure centre would contain pools, gym, sports hall, climbing wall, cinema, bar/restaurant with associated circulation, changing and administration facilities

Although no specific details have been submitted a design statement accompanying the application describes the hotel as 100 bedrooms split over three floors.

Both leisure centre and hotel would feature low-lying 'green' roofing forming what is described as 'back-to-earth' buildings set within banking. The maximum height of the buildings would be 6.5m with lower areas artificially lowered to provide required accommodation.

The leisure centre and hotel are shown running in a large arc running from a position roughly central within the site and towards the northern boundary adjacent to existing railway embankments and then sweeping eastwards and southwards.

- 300 lodges (maximum):

These would be single storey with a maximum height of 4.5m and would be distributed into small groups surrounded by landscaping across the central part of the site. It is proposed to site 203 two-bed, 33 three bed and 64 four bed lodges.

- Park and ride facility:
- Pedestrian access to Hellifield station.
- Parking areas including coach drop-off area.
- Landscaping including ground modelling and water features.

3.4 In a supporting letter (8.8.2018) the applicants agent has outlined the following benefits that the applicants consider would accrue from the proposed development:

'1. Significant growth of sustainable tourism both for the Yorkshire Dales National Park and the Hellifield district by virtue of making Hellifield a tourist target destination. All national tourism reports suggest that "staycations" are on the increase. Promotion and growth of sustainable tourism in the area as highlighted in the Economic Development Strategy for Craven District 2011-2016 (see ES chapter 7 excerpt, clause 7.9.3 – [Appendix 1]) Tourism increase will have a concomitant increase in tourism revenue for the area (see D Walton – Representations on behalf of Ballan Ltd and Halton Homes Ltd February 2018, clause 6.4 – [Appendix 2])

2. The proposed Park & Ride facility of 210 car spaces directly connected through a pedestrian link to Hellifield Station will bring significant benefits for the Yorkshire Dales National Park in substantially increasing opportunities for access by train journeys and railway connectivity both for tourists and local residents.

3. Community access to the railway via an extension to the 'road to nowhere' (Waterside Lane) with extra parking created which will alleviate parking on Station Road and allow people to access the railway directly through the site, thus encouraging use of more sustainable transport options.

4. *Bus service to be permitted to the railway on the extension of the 'road to nowhere' to facilitate and improve public transport, enhancing sustainability for the community. Currently Hellifield Station, whilst being an integral part of the Settle/Carlisle scenic railway, is wholly underutilised as a transport asset. The introduction of the Park & Ride facility, as well as the extension of the local and regional bus network through the provision of the bus stops in the site, significantly increases sustainable transport connectivity. The fact that so much car parking is provided adjacent to, but outside of the National Park boundaries is of significant benefit to Yorkshire Dales National Park as it greatly improves access and connection into the National Park without affecting its ecology or visual appearance.*
5. *The Leisure Centre, hotel and lodge facilities will provide a significant number of permanent year round jobs of the order of 500, for the local and wider community. Promotion and growth of employment within the area as highlighted in the Economic Development Strategy for Craven District 2011-2016 (see ES chapter 7 excerpt clause 7.9.3 – [Appendix 1]).*
6. *Public access to the new hotel adds to the facilities available to the local and wider communities.*
7. *The publicly funded access road on private land (Waterside Lane), built a number of years ago running along the north of Gallaber Pond will, for the first time, have an appropriate and sustainable use giving direct access to the Railway Station and associated Park & Ride, giving direct access to the hotel and a secondary access to the lodge park accommodation. For the first time since this road's construction its costs to the public purse will be justified as it will serve some beneficial uses for the community.*
8. *Through the development and implementation of the scheme proposals, the existing footpaths,(PROWS) through the site will be enhanced but more importantly maintained as part of the wider lodge development maintenance strategy. Maintenance of PROWS has become an acute problem for Local Authorities given the current and ongoing pressure on Council's revenue funding.*
9. *As part of the proposals a licence for the management of Gallaber Pond will be issued to an independent ecology group who will be advised by RSPB/RIVER RIBBLE TRUST, giving a much improved facility and greater access to the public to enjoy the use of this facility (currently private land).*
10. *The capital cost of the proposed works, in the region of £100m, will bring both direct and indirect tangible and measurable local economy improvements both in terms of construction and ongoing suppliers into the development. This will add a further boost to the local economy of Craven District, as a requirement highlighted in the Economic Development Strategy for Craven District 2011-2016 (see ES chapter 7 excerpt, clause 7.9.3 – [Appendix 1]).*
11. *Craven District Council will benefit greatly from significant revenue from business rates for the proposed facilities.*
12. *The site has the benefit of an extant and implemented outline and reserved matters permission for the site for tourism use. The whole of the site and surrounding land is allocated in the current adopted Local Plan for a tourism development site . As the whole of the site and surrounding land has the benefit of an allocation in the current adopted Local Plan for a tourism development site, the proposed facility will deliver significant outputs from the Local Plan in respect of enhanced and increased tourism for the local and wider area.*
13. *The ecological value of the whole site will be significantly enhanced including the ecological asset for migratory birds as confirmed in the submitted Environmental Statement. Betterment of ecological and migratory bird habitats through significant mitigation is offered as part of the scheme.*
14. *There is the 'Do Nothing Scenario' (highlighted in the ES chapter 1, clause 1.2 [Appendix 3]). This scenario can be discounted on the basis that although it would eliminate the potential for adverse environmental impacts on the site, (all have been addressed by mitigation proposals) it would also remove the many positive social, economic and ecological mitigation and enhancement contributions to the area that the development would bring forward. By not developing, these*

valuable contributions to the sustainable development of the area will be lost ([Appendix 3 clause 1.2.2])'.

4. Planning History

5/42/149: Outline planning application for the comprehensive development to form Railway Heritage Centre for the Settle – Carlisle Railway; including Country Club Hotel, golf course, new access road and park and ride facilities at Hellifield Station and adjoining land. Granted subject to conditions 02/09/1991.

5/52/124: Outline planning permission for the erection of a public house/restaurant at OS field 4923. Granted subject to conditions 18/03/1996.

5/52/125: Construction of a Site Manager's House a New Access Road on OS field 4923. Granted subject to Conditions 18/03/1996

5/42/149: Comprehensive development to form Railway Heritage Centre for the Settle-Carlisle railway; including Country Club Hotel, golf course, new access road and park and ride facilities at Hellifield Station and adjoining land. Granted 1st August 1991.

5/42/149/A: Use of Station Buildings as Offices and Heritage Centre, Hellifield Station, Hellifield. Granted subject to conditions 30/05/1996.

5/42/149/B: Erection of Engine Shed and adjacent Railway Heritage and Visitor Centre, and use of land for associated uses and car parking, Land adjacent and to south of Hellifield Station. Granted subject to Conditions 10/09/1996.

5/42/149/C: Outline planning application for the construction of Hellifield Rural Environmental Centre (comprising tourism, exhibition, training, equestrian and livestock buildings) on approximately 51 hectares of land to the west of Hellifield. Granted subject to conditions 11/01/2000.

42/2002/2763: Construction of Hellifield Rural Environmental Centre (comprising tourism, exhibition, training, equestrian and livestock buildings) on approximately 51 hectares of land to west of Hellifield (renewal of planning permission ref no. 5/42/149/C). Granted subject to conditions 10/02/2003.

42/2005/5082 Construction of Hellifield Rural Environmental Centre (comprising tourism, exhibition, training, equestrian and livestock buildings) on approximately 51 hectares of land to west of Hellifield. (Reserved Matters following Outline Planning Permission no. 42/2002/2763 granted on 10th February 2003). Granted subject to conditions 20/09/2005.

Scoping Opinion for the development of land for a hotel and conference centre, 30 holiday apartments, 60 bed care home, 9 hole golf course and club house, garden centre, holiday village comprising 185 cottages and business park at land adjoining Hellifield Station, Hellifield. EIA required 16/09/2016.

Officer note: Outline planning permission on the application site was granted in 2000 (under ref: 5/42/149/C) for the construction of a Rural Environmental Centre (REC) including tourism, exhibition, training, equestrian and livestock buildings, a car parking area, an area of public open space and a hotel/public house. The outline planning permission was subsequently renewed in 2003 (ref: 42/2002/2763) with reserved matters finally being granted in 2005 ref: 42/2005/5082). The planning permission for the REC is now extant as the permission was implemented by construction of an access road which formed part of the approved plans.

The extant planning permissions extend across parts of the site but not the whole of it. As a consequence the lawful uses conferred by the extant permissions do not extend across the entire application site.

5. Planning Policy Background

5.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999):**

- ENV1: Development in the Open Countryside
- ENV2: Requirements for Development in the Open Countryside
- ENV10: Protection of Trees and Woodlands
- ENV18: Light Generating Development
- EMP11: Tourist Development Opportunity Sites
- EMP16: Static Caravans and Chalets
- EMP18: Permanent Buildings on Camping, Caravanning and Chalet Developments
- EMP19: Occupancy Conditions
- SRC12: Protection of Public Rights of Way
- T2: Road Hierarchy

5.2 **Submission Draft Craven Local Plan (2018):**

- SD1: The Presumption in Favour of Sustainable Development
- SD2: Meeting the Challenge of Climate Change
- SP2: Economic Activity and Business Growth
- ENV1: Countryside and Landscape
- ENV2: Heritage
- ENV3: Good Design
- ENV4: Biodiversity
- ENV5: Green Infrastructure
- ENV6: Flood Risk
- ENV7: Land and Air Quality
- ENV8: Water Resources, Water Quality and Groundwater
- ENV10: Local Green Space
- ENV12: Footpaths, Bridleways, Byways and Cycle Routes
- EC3: Rural Economy
- EC4: Tourism
- INF1: Planning Obligations
- INF4: Parking Provision

Appendix D to Policy ENV6: Flood Risk

5.3 **National Planning Policy Framework**

5.4 Paragraphs 7, 8, 9, 10, 11, 12, 47, 48, 49, 50, 54, 83, 84, 98-101, 102-111, 163-165, 175-177, 184-200.

5.5 **National Planning Policy Guidance (2014)**

6. Parish Council Comments

6.1 **Hellifield Parish Council (12.1.2017):**

'Hellifield Parish Council (HPC) object to this outline application and make the following comments:

The Parish Council recently undertook a survey of every household in the parish to gauge the general feeling of the community towards this proposed development. In total 676 surveys were distributed, 256(38%) of which were returned. Of those returned, 223 (87%) were against this application.

Following the outcome of the survey, an extraordinary meeting of the Parish Council was called on 8th December 2016 at Hellifield Village Institute to which parishioners were invited to discuss the application. At the meeting, the Village Institute was full (approximately 75 people) with standing room only and 13 villagers who were opposed to the application spoke of their concerns. No one present at the meeting chose to speak in favour of the application.

The main concerns expressed by those who completed the survey and those who spoke at the meeting are that the proposed development would:

- *increase traffic to intolerable levels;*
- *have an adverse effect on the local landscape;*
- *destroy the wildlife and environment;*
- *create flooding and drainage problems;*
- *be out of all proportion and change the character of the locality;*
- *be out of character for the neighbourhood;*
- *be of no benefit to the village economically or otherwise.*

Based on the strength of feeling of its parishioners against this application and the genuine concerns expressed, Hellifield Parish Council strongly object to the proposed development on the following grounds:

1. The Development would significantly increase traffic on the A65 and other roads through the village of Hellifield.

- I) *The increase in traffic on the A65 is a major concern. The A65 is already very busy especially during the spring and summer months and this site will make it even busier. The A65 runs directly through the village of Hellifield and the amount of traffic would present a potential danger to pedestrians.*
- II) *Gisburn Road from the A682 would also become very busy as vehicles use it to access the development.*
- III) *The Traffic Assessment states that the lodges changeover days will be Monday and Friday with residents leaving by 10am and new residents arriving at 3pm. Potentially, this could mean 300 residents cars, in addition to employees arriving and leaving to service the lodges, just as the local primary school finishes. The likelihood of a person being run over is significantly increased.*
- IV) *The Traffic Assessment does not fully take into account that with 300 occupied lodges there will be an almost continuous daily movement of traffic in and out of the site not just at the times stated but throughout the day.*

2. The Development would cause unacceptable harm to the character and appearance of the landscape and to the setting of Hellifield.

- I *The proposed development lies within open countryside and would cause unacceptable harm to the character and appearance of the landscape and to the setting of Hellifield.*
- II *It is not compatible with the character of surrounding area and would have a major impact on the landscape.*

- III *Rural access roads cannot accommodate the traffic likely to be generated and services and infrastructure cannot be provided without causing serious detriment to the rural character and appearance of the locality.*
- IV *There will be a negative landscape and visual impact, particularly to the residents overlooking the site.*
- V *The proposed development would seriously detract from the character of the landscape, some of the buildings appear to be 12m high and they could have a significant landscape impact.*

3. The Development would have an adverse effect on wildlife and the loss of valuable habitat.

- I *CDCs policy ENV4 states the any development should enable wildlife to move more freely and easily throughout the local environment including both the natural and build elements – this development would contravene that policy.*
- II *The birds and wildlife who have visited this important wetland site for decades would be disrupted by this development and are unlikely to return once building starts.*
- III *Locals who have walked the footpaths through the Flashes for years would no longer be able to enjoy the use of the original footpaths as these are proposed to be diverted.*
- IV *The Police assessment for this application has recommended lighting levels should be a minimum of 15lux on the car parks to help prevent crime. This level of lighting would potentially disturb local residents and wildlife in the area.*

4. The Development would increase the flood risk to Hellifield.

- I *The village has experienced flooding from water coming down from the hills above Hellifield. The lack of plans within the application to minimise this risk is concerning.*
- II *There is no clear plan within the application to drain water from this wetland when it reaches capacity.*
- III *There would be a high risk of blockage of the culvert under the A65 creating potentially serious flooding.*

5. The proposed development is overbearing, out of scale and would have an adverse effect on the character of the neighbourhood and on the residential amenity of neighbours.

- I *The development is too large for the area.*
- II *The residents of Hellifield are extremely concerned about the impact the development will have on the village. Residents believe the new development would destroy the essential character of the village.*
- III *The development would adversely affect highway safety.*
- IV *The development would result in detrimental change to the rural character and appearance of the locality.*
- V *The proposed development would affect neighbouring properties overlooking the site, not only during construction, but once the site is operational, by reason of noise, disturbance, loss of privacy, overshadowing, overbearing nature.*
- VI *The visual impact and loss of existing views would adversely affect the residential amenity of neighbouring owners.*

6. The Development would not benefit the rural economy

- I. *Guests will not be encouraged to use the local shops or businesses. All amenities and facilities are provided within the complex.*
- II *The developer states there will be only limited day passes for the use of the leisure or recreational facilities, it is not clear whether any of these limited passes would be available for the use of local residents. Community use as part of a tourism development of this nature should be encouraged and incorporated in the proposal.*
- III *Should the Planning Authority be mindful to grant this application, then Hellifield Parish Council request that the developer be required to include a significant financial contribution to Hellifield Parish Council to be used for the benefit of Hellifield Parish Community.*

In accordance with the requirements to determine applications for planning permission in compliance with terms of both the existing and new emerging Local Plan, and in the absence of any substantive valid reason otherwise, Hellifield Parish Council believe planning permission should be refused'.

6.2 Long Preston Parish Council:

(6.1.2017):

'Long Preston Parish Council write to formally record its objection to planning application CDC: 42/2016/17496, outline application for the development of a leisure centre, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point, land to the west of Hellifield, BD23 4HJ, and bases its objection on the following grounds:

- 1. Under policy ENV1 the council views that the anticipated growth is not sustainable and does not conserve, enhance or preserve the landscape or countryside.*
- 2. The environment is central to the Local Plan, the countryside is the 'jewel in its crown' and 'the area depends for its vitality and success on its outstanding countryside'. The council believes this development is in direct contradiction to this policy.*
- 3. The council believes that the proposed development is in direct contravention to the dark skies policy in 5.12 of the (emerging) Local Plan and will create a large and unnecessary amount of light pollution.*
- 4. The proposed development does not follow the principles of good design in policy ENV3, the development is not sympathetic to its surrounds and does not demonstrate an understanding of the local environmental features.*
- 5. The council believes that the proposed development is in direct contravention of policy ENV4 in that there is no net gain in bio diversity, rather there would be a loss in bio diversity with the impact that this development will have on the habitat of various flora / fauna.*
- 6. The proposed development reduces air quality by the significant increase in traffic the proposal involves, and does not encourage walking, cycling or the use of public transport, as per policy ENV7.*
- 7. Under policy H4, the council believes the proposed development does not follow the principles set out there and the development has far too greater density of living accommodation for the area of land concerned.*

Long Preston PC is very concerned that the application is of particular detriment to both Hellifield and to Long Preston and further erodes the distinction between the two villages. The council believes the local infrastructure is not adequate to deal with the increased traffic and cannot see any long term benefit to either community as the development will be largely fenced off and local trading opportunities will necessarily be limited.

(8.9.2017):

'Long Preston Parish Council reiterates its strongly held objection to planning application CDC: 42/2016/17496, (amended) outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features, land to the west of Hellifield, BD23 4HJ, and bases its objection on the following grounds:

- 1. Under policy ENV1 the council views that the anticipated growth is not sustainable and does not conserve, enhance or preserve the landscape or countryside.*
- 2. The environment is central to the Local Plan, the countryside is the 'jewel in its crown' and 'the area depends for its vitality and success on its outstanding countryside'. The council believes this development is in direct contradiction to this policy.*

3. The council believes that the proposed development is in direct contravention to the dark skies policy in 5.12 of the (emerging) Local Plan and will create a large and unnecessary amount of light pollution.

4. The proposed development does not follow the principles of good design in policy ENV3, the development is not sympathetic to its surrounds and does not demonstrate an understanding of the local environmental features.

5. The council believes that the proposed development is in direct contravention of policy ENV4 in that there is no net gain in bio diversity, rather there would be a loss in bio diversity with the impact that this development will have on the habitat of various flora / fauna.

6. The proposed development reduces air quality by the significant increase in traffic the proposal involves, and does not encourage walking, cycling or the use of public transport, as per policy ENV7.

7. Under policy H4, the council believes the proposed development does not follow the principles set out there and the development has far too greater density of living accommodation for the area of land concerned.

Long Preston PC is very concerned that the application is of particular detriment to both Hellifield and to Long Preston and further erodes the distinction between the two villages. The parish council believes the local infrastructure is not adequate to deal with the increased traffic and cannot see any long term benefit to either community as the development will be largely fenced off and local trading opportunities will necessarily be limited'.

7. Consultations

7.1 **CDC Environmental Health** (15.11.2016):

In relation to contaminated land and in view of the conclusions of the phase 1 contamination report EH recommend that a planning condition is attached to require approval of a phase II investigative report and submission of remediation strategy for approval and subsequent validation report as necessary.

EH also recommend that the developer is made aware of the need to limit construction times in order to reduce disturbance to local residents, to manage dust during construction, for plans detailing management of sewerage to be submitted and to ensure that only clean topsoil is brought onto the site.

7.2 **CDC Economic Development** (5.12.2016):

Proposal to complete the access road ending in a parking area with pedestrian access to the railway station would provide a solution to attaining a key aim of the original scheme and for which funding to construct the existing road was provided i.e. to provide alternative access to the station and divert traffic away from Station Road and Midland Terrace. Recommended that irrespective of outcome of application provision for extending the road to provide a park and ride access to railway station is preserved as existing access is via an un-adopted road in poor condition.

Application would create new employment opportunities and attract investment into the district and therefore is aligned with the key themes and priorities of the Economic Development Strategy for Craven District (2010-2016) and would also support the intention behind the original Hellifield Station and Associated Railway Corridors Scheme developed in 1994 as part of the bid for funding to construct the existing access road.

7.3 **CDC Tree Officer** (19.9.2018):

'There are a number of trees along the A65 road which are protected by Tree Preservation Order 192 2011. I consider that the development would be able to incorporate these trees without interruption. The plans are slightly vague in the area around the lodge parking spaces which looks to be close to the trees. There doesn't need to be any encroachment into the trees here so this is something that could be clarified in reserved matters should planning permission be granted. The Ecology report recommends the removal of some Ash trees to the east of the Gallaber pond to benefit the ground nesting birds. I wouldn't be averse to this if there are high ecological benefits as these trees aren't as visible to the general public as the TPO trees along the road. The existing areas

of Woodland are in need of some management to improve their overall health and biodiversity. This has been highlighted in the application and therefore a detailed Woodland Management plan should be submitted as a part of the reserved matters if permission is to be granted'.

7.4 **CDC Heritage Advisor** (24.11.2016):

The Heritage Advisor has provided the following summary of his recommendations:

- The submitted documents do not all acknowledge the approval for consultation of the Craven DC's Settle-Carlisle CA Appraisal (2016) and they should be updated to do so.
- Even though the Planning Statement acknowledges the approval for consultation of Craven DC's Settle-Carlisle CA Appraisal (2016), it misrepresents its contents and in particular underplays the importance of Hellifield Station's landscape setting. The Planning Statement should be amended to rectify the error and address the issue.
- The relationship between the application site with the embankment on the SW side of the station and thus the proposed relationship between the proposed access road and buildings with the embankment, must be clarified before determination. The impact of the development on the Settle-Carlisle CA and Hellifield Station cannot be fully assessed until this is clarified.
- Accurately rendered images or CGIs should be provided to enable better understanding of the visual impact of the (4 storey) hotel on views.
- A condition should be imposed requiring a detailed landscaping scheme as part of any application for reserved matters, showing a suitable landscaping treatment of the proposed pedestrian route to the station.
- The potential should be considered for a S.106 Agreement between Craven DC, the owners of the railway station and the applicants, in which the applicants provide some funding to facilitate the further development of the station for business and/or leisure uses.
- The stone boundary walls around and through the site should be marked on the Masterplan, and a note should be included to confirm that they will be retained, as far as possible, and repaired, as necessary to a specification to be submitted. A condition should then be imposed to require that this is implemented.
- A condition should be imposed to require that an archaeological evaluation be undertaken of all 6 identified features of archaeological interest on the application site, in advance of submission of any application for reserved matters.

7.5 **NYCC Highways** (3.2.2017):

Following an initial response in which no objections were raised by the NYCC Highways Engineer a revised response was submitted which commented:

'Further to an enquiry from a member of the public about the content of the Local Highway Authority (L.H.A) reply to this application I have reviewed the application again and whilst the road network has capacity and the existing junction on Waterside Lane will perform well. Minor improvements to the junction will be required. The L.H.A. has concerns about the impact the development will have as it is remote from any amenities and attractions and this may result in more vehicle trips being generated by the development which may be greater than predicted by the applicant. By the very nature of the development it is likely it will attract visitors from some distance away and most will arrive by private car and therefore have a car available for use.

The applicant has stated that they are prepared to fund the change in the speed limit from a 60 mph to a 30 mph on A65 near to the development, however any speed reduction would need our approval and the approval of the police and I suggest in this case it would be unlikely that the police and L.H.A would approve such a change as the site is remote from the urban environment.

The railway link has been highlighted saying it is a good alternative to the car in the application but is this very practical as people will not be able to travel from the site. Could the developer be asked to offer free travel on the trains to encourage people to both arrive by train and then use the train. The

developer needs to explore more how the site could be improved with sustainable links both into the surrounding countryside and the local market towns. For example the bus service should bring people into the development and not drop them on the A65. The L. H.A is concerned that the site is remote and due to this cannot be a sustainable development even through the developer is suggesting otherwise'.

The conclusion from the above is that NYCC Highways object to the proposal.

7.6 **NYCC SuDS** (5.10.2018):

'Flood Risk and Drainage are not a reserved matter and sufficient detail should be submitted with an Outline application to determine if the development is suitable in terms of the level of flood risk present and which drainage options and outfalls are available. At outline application stage it must be demonstrated that surface water can be successfully managed for the proposed development and not cause or increase flood risk both on and off site.

Flood Risk:

The site is situated within Flood Zone 1, a low risk of flooding from rivers and sea. Overall there is a low risk of surface water flooding on site however there are areas of high surface water flooding due to natural depressions which form ponds on site.

The applicant has demonstrated in the submitted flood risk assessment that the associated risk on site will be mitigated against through ensuring development platforms will be raised above modelled flood levels.

Drainage Strategy:

The current drainage situation at the proposed site location is that surface water is discharged from Kell Well Beck to Gallaber Pond through a diversion channel. The applicants have stated that little water flows in the beck and has not for some time unless significant rainfall occurs. The proposed drainage strategy will be that surface water will discharge to Kell Well Beck at the Greenfield rate by means of temporary storage in a variety of off-line new and existing ponds. It will no longer be diverted into Gallaber Pond. An engineered overflow arrangement will allow excess flows in times of storm to spill into Gallaber Pond in a controlled manner, with an associated overflow channel so that the pond could spill back into the beck.

The LLFA would like confirmation that the applicant owns the land in which Gallaber Pond is located and/or has the right to reduce water inflow into the water body - as Gallaber Pond does not fall with the development red line boundary.

It is understood that detailed modelling of the channel has taken place which demonstrate the channel has capacity to take flows from this development. It is not clear whether an assessment has been made into the capacity and the condition of the channel downstream of the development. Can the applicant confirm that the beck is in a suitable condition downstream following very little use over the years?

Although it is understood that on an outline planning application detailed rates of discharge are not required however the LLFA require indicative calculations for restricted runoff and potential storage requirements on site. Detailed calculations can be requested by condition and must include allowances for Climate Change.

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site.

This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site. This can be requested by condition.

Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this may be subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water/United Utilities. This can be requested by condition.

Recommendation to the Local Planning Authority:

The applicant has demonstrated that there is a low risk of flooding at the proposed site and that the drainage strategy will not increase flood risk both on and off site. The submitted documents demonstrate a reasonable approach to the management of surface water on the site however there are some outstanding issues which the LLFA would like clarification on prior to permission being granted. I recommend that the applicant submits the following to the LPA:

- *Confirmation of ownership/rights to Gallaber Pond*
- *Indicative Greenfield calculations and storage estimates*
- *Confirmation that the downstream condition of Kell Well Beck is acceptable to take flows from the development.*

Additional Comments:

The LLFA note that the proposed development involves significant works on Kell Well Beck which will require Land Drainage Consent from North Yorkshire County Council. This is separate from the planning process and the applicant should contact the authority directly for this. It is important that the applicant ensures there is enough time incorporated into the project planning to receive all required consents as to reduce the risk of delays to works on site’.

7.7 NYCC PROW Officer (21.11.2016):

No objections - a recommendation is made for a standard PROW informative to ensure protection of the footpath network.

7.8 NYCC Archaeologist (30.11.2016):

The submitted archaeological desk-based assessment has identified several areas of archaeological interest including a ring ditch associated with prehistoric burial that could contain significant deposits including human remains. The area also has potential for presence of an iron age or Roman homestead with an associated field system although its significance cannot be established from available results although might be a high-status site.

It is recommended that archaeological trial-trenching take place to properly establish the significance of the archaeological findings. Under NPPF policies it is recommended that the application not be determined until the trial trenching has been undertaken in order that an informed and reasonable planning decision can be made as to whether or not planning permission should be granted.

Officer note: Under paragraph 189 of the NPPF if a site includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

In a footnote (no.63) the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

7.9 Police Designing Out Crime Officer (21.11.2016):

No objections – recommends that should permission be granted a planning condition should be attached to require full details of what crime prevention measures are to be incorporated into the site at reserved matters stage. The Designing Out Crime Officer has identified a number of issues which should be addressed or mitigated/explained why if not to be incorporated.

- 7.10 **North Yorkshire Fire and Rescue Service (15.11.2016):**
No objections but will make further comments when an application for Building Regulations approval is made. Comment that the plans are insufficiently detailed to determine if the access and facilities for the Fire Service met the requirements of Building Regulations.
- 7.11 **Historic England (1.9.2017):**
No objections – main concern is the impact on the Settle-Carlisle Railway Conservation Area. HE welcome revised details submitted by applicants but as application is outline recommend that a mechanism is in place to ensure that sufficient information is available to enable impacts to be managed through detailed design and landscaping via condition in the event that permission is granted.
- 7.12 **Yorkshire Wildlife Trust (30.11.2016):**
Object – 5 reasons set out in response:
- Development is contrary to the NPPF (comments pre: 2018 NPPF)
NPPF requires that if development will impact on SSSI should not be approved unless benefits of development outweigh the impacts. YWT do not consider that benefits outweigh harm and also question that alternative sites have not been considered as required by NPPF.
 - Development is contrary to the Local Plan.
YWT consider proposal is contrary to ENV4 Biodiversity, ENV10 Protection of Local Green Space and EC4 Tourism (comments relate to policies in the emerging Local Plan)
ENV4: development will impact on River Ribble (Long Preston Deeps) SSSI.
ENV10: site is under consideration as a Local Green Space – development should not be approved until the designation of site has been clarified. YWT have supported designation of site as a LGS.
EC4: Local Plan suggests some tourism development on the site but on a much smaller area. YWT concerned that wildlife importance of the area needs to be considered if any development was proposed.
 - Lack of consideration of impacts on the nearby SSSI (Long Preston Deeps).
SSSI designated for aquatic flora of the River Ribble, the importance of the floodplain for breeding, migrating and overwintering birds. As SSSI less than 2k from site there is likely to be considerable movement of birds between the two sites – events such as flooding of SSSI would displace birds to application site. Proposals would create disturbance to breeding and migrating birds at the Hellifield site.
YWT consider that the JBA surveys will not have adequately assessed the use of the application site at times of flood, drought or disturbance at the SSSI and therefore recommend that more detailed analysis of the impacts on the SSSI be undertaken by the RSPB.
 - Inadequate ecological information.
YWT support the RSPB in their analysis of the lack of detail of the bird surveys at site i.e. lack of information on transect routes and timings = inadequate assessment of the importance of the site is likely.
 - Inadequate mitigation or compensation for ecological impacts.
Loss of two Flashes and large area of habitat would have regional impacts particularly on overwintering, migrating and breeding birds (as concluded in JBA survey). YWT do not consider that mitigation set out in JBA report is adequate and would not facilitate increased use by birds – RSPB state that use of site is very high and density of some species such as Lapwing per hectare is higher than on comparable sites. There is no certainty that the suggested mitigation could improve site to extent that density per hectare would be higher than on SSSI's in the area.
- Flash 1 does not appear to be under control of the applicants as it is outside site area so there is no certainty mitigation could be carried out.

Suggested mitigation comprising removal of trees to reduce predation on ground nesting birds is cancelled out by intention to increase tree and hedgerow planting elsewhere.

Mitigation of impact of disturbance by visitors, dogs and vehicles needs more than screening and a bund. YWT has analysis of existing reserves that indicates that the nearer the reserves are to development the greater the incidences of disturbance to wildlife, damage to habitat and impacts on grazing animals.

In a response to a re-consultation following the submission of additional information YWT has commented further as follows:

'The Yorkshire Wildlife Trust has reviewed the new documents on the above application and wishes to continue to register an objection to the application.'

The new information provided does not give adequate detail to give the Trust any confidence that the development will not have a very damaging impact on wildlife in the area. Our previous comments still apply, in addition:

- *There is no clear idea of the changes mentioned for the holiday village in the new document provided.*
- *The Habitat Management Plan by JBA consulting mentions that a compensation area will be provided close to Long Preston Deeps SSSI but gives no detail or map for the area.*
- *The loss of habitat will be over 30ha of very high quality habitat, the suggested compensation area is said to be 22ha of already existing habitat close to Long Preston Deeps SSSI.*

In order to demonstrate that there will be no net loss of biodiversity and a net gain will be achieved, the Trust would expect a biodiversity offsetting calculation to be provided with the application'.

7.13 **Natural England (1.12.2016):**

Initially NE commented as follows:

Site is close to Pan Beck Fen and Long Preston Deeps SSSI's and application does not make it clear whether there will be adverse impact:

- There is hydrological link to Pan Beck Fen via Kell Well Beck – application form states disposal of foul sewage is unknown. It should be demonstrate that there will be no impact on SSSI.
- Surface water strategy focuses on quantity rather than quality – development would lead to increase in pollutants entering watercourse and therefore more information about mitigation is needed.
- It is unclear what impact on eco-hydrology of Pan Beck SSSI. More clarity is needed regarding water volume, discharge rate and run-off.
- Long Preston Deeps SSSI is not mentioned in ecological reports – development could impact on this important foraging land and applicant needs to demonstrate that development will not cause damage.
- Concern over potential impact on the National Park in particular the visual impact of the proposed buildings – more information is necessary.

NE recommends planning conditions to require further details of landscaping/screening, design and layout and how light pollution will be dealt with.

NE has added detailed advice on relevant matters to be considered as part of the determination of the application as follows:

- Assessment of visual impact – in particular to the national park.

- The need to require developer to employ a soil specialist to advise on and supervise soil handling including identification of when soils are dry enough to be handled and how to make best use of different soils on the site.
- Assessment of impacts on biodiversity and geodiversity.
- Impact on local landscape character.
- Impact on local or national biodiversity habitats and species.
- Impact on protected species present on the site. NE refer to their standing advice in this regard.
- Consideration of the possibility of providing opportunities to incorporate biodiversity enhancements.

In a further response dated 16th April 2018 NE has withdrawn objections in relation to the impact on the setting of the national park and are satisfied that the development will not result in loss of the best and most versatile agricultural land. However, with regards to the concerns raised in respect of the impact of the proposal on the nearby SSSI's NE note that significant progress had been made but wished to comment on further compensatory measures before offering a final conclusion in respect of this element of the scheme.

7.14 **RSPB** (25.11.2016):

Initially the RSPB objected to the proposal for the following reasons:

1. Proposal is contrary to both the current and draft Local Plans.
2. Permanent loss of Priority and Functionally Linked Habitat – Flashes and Grassland.
3. Absence of an assessment of Ecological Impacts on the River Ribble (Long Preston Deeps) SSSI.
4. Inadequate provision of ecological information.
5. Potential impact on overwintering and passage birds.
6. Potential impacts on breeding birds.

Expanding on the above the RSPB comment:

1. *'Current and Draft Local Plan:*

The current Local Plan is not compliant with NPPF. RSPB considers that the applicant has failed to demonstrate that the development adequately minimises the adverse effects of the proposal on the wildlife of the Hellifield site contrary to the Local Plan. Habitat has three Flashes and areas of low lying damp grassland and lies in flyway between the Bowland Fells and the Yorkshire Dales and is significant for a number of species particularly as resting place for migration to the Long Preston wetlands. Majority of the proposed mitigation is around Flash 1 which is not in applicants ownership and therefore there is no guarantee that it can be delivered.

NPPF requires that permission should not be granted if significant harm from development cannot be avoided, adequately mitigated or, as a last resort, compensated for.

NPPF requires that where development will impact adversely on SSSI it should not be permitted and an exception should only be made where the benefits of development clearly outweigh the adverse impacts. The benefits of this development do not outweigh the adverse impacts and it should therefore be refused.

The application has not met priorities a), b), d) and v) of draft Policy ENV4 'Biodiversity' as; the proposal will result in the permanent loss of two flashes from the site and without a draft Habitat Management Plan it is not possible to assess whether priority set out in policy has been met; the developer has failed to show that the mitigation meets the requirements and the proposals do little to benefit or enhance biodiversity.

The proposals are contrary to Policy EC4 'Tourism' as the policy seeks to designate large parts of the site as Local Green Space which would give protection against loss of habitat and inappropriate development.

2. Loss/deterioration of Priority and Functionally Linked Habitat:

Site is assessed as a Habitat of Principal Importance (priority habitat) under Sn 41 of the Natural Environment and Rural Communities (NERC) Act 2006 in the UK Biodiversity Action Plan (UKBAP) and is also a priority habitat in the Craven Biodiversity Action Plan. Site supports priority species and provides refuge for birds displaced during shooting activities at Wigglesworth Hall. Significance of the site has been undervalued by the JBA report submitted with the application.

3. Absence of an assessment of Ecological Impacts on the River Ribble (Long Preston Deeps) SSSI:

Site is within impact zone for Long Preston Deeps SSSI and is functionally linked to that site. Application does not adequately assess the impact on the SSSI and therefore LPA cannot determine the application. In any case a draft management plan is necessary. As applicant does not own Flash 1 it is not clear how mitigation can be implemented.

4. Inadequate provision of ecological information:

Survey information is not reliable as; survey timings have not been given; it is not clear whether recognised guidelines were followed in relation to weather conditions or timings; whether surveys were taken on days when shooting was taking place on Long Preston wetlands; whether surveys were taken during times of flood or drought on SSSI; lack of detailed route mapping makes it difficult to assess whether survey route was adequate. The use of WeBS Data is biased and does not account for large peaks during passage or the winter and therefore is not reliable source.

5. Potential impact on overwintering and passage birds:

JBA report states that development may attract fewer visitors during the winter and therefore impact on birds would be reduced, However it cannot be guaranteed that the site would be used less in the winter and in any case there would be significant disturbance at all times compared to the current use of the site. JBA report also states that water levels of Flash 2 and 3 would be reduced and, together with increased disturbance, would result in more birds using Flash 1 in the winter – the impacts are underplayed as Flashes 2 and 3 are unlikely to support any wildfowl. Impact of loss of grassland is also underplayed as is impact on wintering and passage birds. Overall the development will significantly reduce the effectiveness of Flash 1 and its ability to support overwintering or passage wildfowl and the proposals for additional/retained ponds is 'window dressing'.

6. Potential impacts on breeding birds:

The JBA report underplays the impact of the loss of the site on breeding birds and does not acknowledge the impact of the loss of Flashes 2 and 3 sufficiently. Proposed enhancements are unlikely to be effective and would not increase productivity for breeding waders and are in any case dependent on land outside of applicants' control.

Following discussion with the applicant and other stakeholders the RSPB has subsequently withdrawn their objection. The basis for this is that:

- The revisions proposed by the applicants refer to enhanced management of Gallaber Pond and the creation of additional wetlands.*
- There is agreement to purchase land in the Long Preston Deeps floodplain totalling some 77 acres in two contiguous blocks which would be leased to RSPB to provide compensatory habitat.*
- The addendum to the ecological report acknowledges impacts on SSSI migrating and breeding wildfowl and has contributed towards acquisition of compensatory land within the Long Preston Floodplain.*

RSPB conclude by stating that if permission is granted they are willing to be part of a Habitat Management Group for both on-site and off-site mitigation’.

7.15 **Yorkshire Dales National Park Authority (1.12.2016):**

In its initial response the YDNPA has objected to the proposal for the following reasons:

The site is close to the Yorkshire Dales National Park (YDNP) and the key consideration for the YDNPA is the impact of the development on the two statutory purposes of the YDNP:

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park
- to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

YDNPA recognises that some benefits would arise from proposal such as increased opportunities for visitors to enjoy the National Park, benefits to the local economy through employment, supporting local businesses and visitor spending and that site has sustainable access via A65 and railway link. However, the YDNPA must assess the external risks to natural beauty and seek to minimise harm from development. YDNPA consider that impact on views from the park would not be significantly impacted upon as views are presently seen in the context of the existing caravan site at Gallaber Park.

YDNPA recommends:

- Conservation Area – impact on setting of CA’s is only briefly covered in the Heritage Statement. Ways of mitigating and enhancing the setting of the CA’s should be sought including tree planting between lodge route and Hellifield Flash without encroaching on the setting and by mitigating impact of existing access road.
- Comprehensive tree planting scheme is needed to screen development although density of lodge development would not allow for extensive planting. Submitted drawings are indicative only and more detailed proposals including a management plan are necessary, Trees should subsequently be protected.
- The leisure centre complex would be partially underground and would project no more than 6.5m above ground level. Views from the Park would be limited and undulating roof and use of green roofing would help assimilate the building. YDNPA recommends that no roof lights and limiting glazing to south-west elevation would reduce glare.
- Proposed 12m high hotel building would be of a scale wholly out of context with other more low key buildings proposed – this should be omitted or re-designed to reflect the leisure centre design.
- Proposed car park is in a particularly open part of the site and shows high density, regimented parking with limited tree planting. A more appropriate scheme is required with minimal external lighting. Station car park is a better scheme but also needs better tree planting.
- The accesses need to be designed to reflect rural lanes common in the area with no street lighting.
- The lodge parking route should be less engineered, less visible and better use of dry-stone walling made. Recommendations have been made by YDNPA regarding the design of the accesses serving the site.
- Proposal should have a detailed lighting strategy to minimise light pollution.
- YDNPA acknowledge that proposal would provide high quality visitor accommodation that would be accessible to the national park. However, increased visitors would have impact and it is recommended that a significant financial developer contribution is made to the park authority in order to enable YDNPA to maintain and improve its footpath network.

- YDNPA acknowledge that development will impact on regional importance of Hellifield Flash for wildlife. Recommends that the applicants consider opportunities to create a similar or better habitat in the immediate area to avoid significant biodiversity loss.

On 10th January 2018 YDNPA wrote to the Council to confirm that the objection still applied on the basis that the application had failed to demonstrate adequate landscape mitigation.

Following submission of amended plans and re-consultation YDNPA wrote on 9th April 2018 to advise that their objection had been withdrawn. The basis for this was stated as being that the amendments to the landscaping proposals were considered to be an improvement although they stated that this had to be weighted against the significant impact the proposal would have on the local footpath and cycle network. With this in mind **YDNPA has withdrawn its objection on the basis that the developer should make a financial contribution to maintain and improve the footpath/cycle network.** The YDNPA conclude by acknowledging the local and potentially regional importance of the site for birds and the need for mitigation given the scale and proximity of the development to the Flash and associated disturbance. YDNPA consider that in considering how to mitigate the impact on the Flash the applicants could consider opportunities for creating a similar or better area of habitat in the immediate area either in or outside of the national park to avoid a significant biodiversity loss.

7.16 **United Utilities** (5.3.2018):

UU have no objection to the proposed development provided that conditions are attached to any approval to require the developer to submit a site-wide strategy for foul and surface water drainage to be agreed with the local authority and the public sewage undertaker. UU recommends that in the planning condition there shall be a requirement for there to be 1 foul water pumping station for the entire site and no surface water to connect with the existing public sewerage system.

7.17 **Railway HeritageTrust** (14.11.2016):

No objections in principle but would support a planning condition requiring tree planting or other similar screening on northern boundary of site to protect visibility from the listed railway station and the Settle/Carlisle railway conservation area.

7.18 **Craven Ramblers Association** (6.12.2016):

Object for the following reasons:

- Site is not right location for development and a much smaller development should be considered. Plans to designate the site as a Local Green Space in emerging plan are far better suited to the site.
- Proposals represent overdevelopment of the site and would not be mitigated by landscaping.
- No evidence that such a large development is needed in the area or that it would be viable.
- Whilst trying to link the development into the local community there is no proposal to improve foot access in or out of the site. This is likely to force residents on the site to use their cars more than is necessary as foot access to village is too restricted.
- Although existing rights of way are to be retained the outlook would be lost and paths would appear fenced in unless width is increased. If rights of way are diverted they will not be as convenient as the existing route.
- Development would affect views from a number of the surrounding PROW's which because of their elevated position above the site cannot be mitigated.

7.19 **Ribble Rivers Trust** (22.11.2016):

Object to the application and have commented:

- Within the letter of opinion sent in response to the ES Natural England requested that fish surveys be undertaken. This has not been done and whilst JBA survey reports fish species

within the vicinity it does not refer to fish anywhere else. RRT has undertaken surveys immediately downstream from the site and found brown trout, eel, minnows, bull head and other species which may utilise Kell Well Beck.

- FRA refers to changing/replacing culverts but has insufficient detail to enable determination of whether this would be undertaken in a way that would impact positively or negatively on fish populations in the area.
- The application does not satisfactorily address the Water Framework Directive and the ES in particular is lacking in sufficient detail and information to enable the environmental impact to be properly assessed and should therefore be refused on the basis of lack of information.

In a follow up response RRT has withdrawn their objection concluding that following further discussion and consideration the proposals satisfactorily address their concerns. Specifically RRT advise that the updated proposals would improve flows in Kell Well Beck which would improve the ecology of the beck. UU also comment on the provision of off-site compensatory habitat to mitigate for on-site impacts subject to the land being provided being owned and managed by a third party which RRT has agreed to undertake.

8. Representations

8.1 As of October 2018 there were a total of 247 responses and 2 petitions with a combined total of 21 signatures that raised objections to the application following the initial planning notifications.

Following submission of revised plans and re-consultation a further 90 responses were received.

The above is the total number of responses that were received and is not representative of the actual number of objectors to the proposal. A number of the responses include additional comments following notification of revisions to the scheme whilst others seek to reiterate objections that were made in response to the original submission.

There was 1 e-mail response received that expressed support for the application – no other comments were made in the e-mail.

All comments received in response to this application up to October 2018 are summarised below and have been taken into consideration n.b. the application was first received on 21st October 2016 and has had various amendments and additional information submitted. Re-consultation has taken place as and when necessary and no third party comments have been disregarded either pre or post amendments.

Objections were received from local residents and visitors to the area as well as various other interested parties including:

Council for the Protection of Rural England
Yorkshire Dales Society
East Lancashire Ornithological Society
Long Preston Heritage Group
Save Our Craven Countryside
Cycling Touring Club of North Yorkshire
Representatives of the Diocese of Leeds

Further representations continue to be submitted both in support of and opposing the application. Third party comments continue to be submitted and are likely to do so in the period between finalisation of this report and the matter being referred to the Planning Committee. For this reason it is not possible to give an accurate summary of third party representations. However, a final summary

will be made available as a late information report prior to the application being considered by the Planning Committee.

The following is a summary of the comments that have been made up until October 2018. It is not possible to reproduce all of the comments in full for the purposes of this report and the summary is therefore intended to provide an overview of the concerns raised in third party representations only. However, all the third party comments are available to view in full on the Council's website using the following link:

<https://publicaccess.cravencd.gov.uk/online-applications/>

8.2 Amenity Issues:

- Site is too close to residential properties and would adversely impact on residential amenity
- Development would lead to a loss of privacy to local residents
- Increased noise and disturbance to local residents
- Greenspace is used by villagers on a daily basis and would be lost if developed
- Development would lead to light pollution
- Proximity of new areas of water to existing housing would adversely affect their property insurance
- Development would result in a loss of outlook for occupiers of neighbouring residential properties
- Development would lead to air pollution
- Development would result in loss of valuable green belt
- Local residents would lose access to the local footpath network
- North Yorkshire Police recommend that each lodge has a security light and all hedges are kept under 1m in height – this would lead to light pollution
- Development is for a Centre Parcs style development but those developments are set away from residential properties
- Proposal would lead to a significant increase in crime in the area

Visual Impact:

- Development is too high
- Development is out of character with the area
- Proposal would be overdevelopment of the site
- Long range views and wider landscape would be adversely impacted upon
- Site is in open land with no trees to screen the noise and visual pollution that the development would produce
- Outlook from neighbouring properties would be adversely impacted upon
- Development would lead to Hellifield and Long Preston merging together
- Landscape and visual impact submitted with the application is misleading and does not address important viewpoints such as Hellifield Station or nearby homes
- Impacts on views e.g. from local footpaths have been underplayed and have not been addressed satisfactorily
- The area would look like a dark forest rather than open space it currently is
- Redundant quarry area at Giggleswick would be a better location for development
- The temporary screening suggested is flawed. By accepting that screening is necessary it is natural and reasonable to assume that this means 12months of the year. Deciduous planting does not provide permanent screening as witnessed in the neighbouring location of Gallaber

Farm where landscaping measures were reduced and deciduous planting substituted which offers screening of alien development for part of the year only

Transport/Highway Issues:

- Increased traffic on A65 would lead to more disturbance to residents
- Traffic study is flawed and development would lead to increased number of traffic accidents
- Access to the site is inadequate
- Highway safety would be adversely affected
- Access to site is not suitable for construction
- Plans propose Station Road/Midland Terrace as access even though this is private and un-adopted – who would be liable for accidents?
- There is insufficient regularity of trains or carriage capacity on adjacent railway to support 160 car park scheme and number of holiday makers
- Planners have not looked at current railway timetable or talked to Northern Railways about the scheme
- Use of train to access site is highly unlikely
- Use of train to visit nearby places is unlikely and visitors would mostly travel by car
- Traffic survey has not been carried out at peak traffic flows or at appropriate time of year (i.e. outside of the school holiday periods) and results have been skewed – changeover time for lodges is 3pm in middle of the school run but not accounted for in traffic survey.
- Traffic survey does not consider need for roundabouts. Traffic lights or even a one-way system in order to mitigate against traffic congestion
- Development would lead to an increase in traffic fumes
- Traffic survey has over-estimated the extent of cycling/walking that would occur
- Whilst park and ride is a good idea but is it needed? – why can't there be speed bumps and residents only restrictions?
- Who is going to subsidise the buses?
- Proposals would adversely impact on Station Road which would become a car park and would be eroded by traffic
- The bridge at Coniston (on the A65) has been damaged twice and caused long hold ups of traffic, situation would be far worse if development allowed to proceed
- Development makes minimal effort to increase safe travel for pedestrians and cyclists coming to and from the site
- Park and ride as proposed cannot work as there is no right of access across private properties and would in any case lead to noise and disturbance to residents
- Transport Assessment states that there would be a minimal material increase in traffic during the construction phase but clearly there would be a significant increase
- Traffic management inside/outside of the site is not included in the proposals
- Park and ride is not necessary as submission claims that there are good transport networks in the area

Ecology:

- Land (Flashes) is an important resource for bird population as migration stop-over site, feeding site, shelter, nesting and moulting site.
- Two areas (Hellifield Flashes and Preston Deepes) should be seen as one site
- Area such as application site are not common in the area which is why Hellifield is important for bird population

- Site is habitat for thousands of birds including rare and endangered species
- Site is grazing land for deer
- Site is wetland habitat for rare newts and other protected species
- Nesting birds would not stay on the site once development is built because of presence of large numbers of people and disturbance
- Proposals would lead to loss of water quality both during and after construction
- Ecological Appraisal accompanying the application makes recommendations for mitigation of the effects on endangered species but this is not addressed
- Whilst mitigation measures have been suggested to address the impact of the development on birds these are not part of the application and are not deliverable as land which is key to any mitigation is not in the applicants ownership
- There is Japanese Knotweed on the adjacent railway banking and implications and danger of spreading because of groundworks that would need to take place
- Development would lead to further fragmentation of increasingly uncommon habitats and thereby adversely impact on wildlife within Craven and National Park
- Although site not statutorily protected it is a valuable habitat for many species
- There is concern that the 1991 permission is still valid and if implemented could further impact on the habitat available for birds between the A65 and the railway and on mitigation measures proposed in relation to the present application.
- The proposed development will increase the carbon footprint of the area significantly and adversely affect the Council attaining its carbon reduction targets thereby potentially costing the Council money, adversely affecting the Craven and NYCC contribution to the UK target and on the local residents.
- The peat land areas across the site have a valuable contribution to the environment in the form of carbon storage and is not dealt with in application
- There is a further survey needed to assess the impact of the development on badgers
- YDNP subject to £20k per annum for footpaths and cycleways, have withdrawn their objection, and the Ribble Trust and RSPB subject to land being provided at the Long Preston Deeps have also withdrawn their application. The withdrawal of these objections based on the promise of payments and land does not outweigh the harm this proposal will cause. The amenity of local people will be adversely affected. The landscape will suffer irreparable harm
- The temporary screening suggested is flawed. By accepting that screening is necessary it is natural and reasonable to assume that this means 12months of the year. Deciduous planting does not provide permanent screening as witnessed in the neighbouring location of Gallaber Farm where landscaping measures were reduced and deciduous planting substituted which offers screening of alien development for part of the year only.

Drainage/Sewerage/Flooding:

- Land is a flood plain
- Development would increase danger of flooding
- Local utilities especially foul sewer arrangements could not cope with development
- Diversion of watercourses would be dangerous
- Who would have responsibility of maintaining the culvert under the A65?
- Modelling of flooding has been carried out with reference to the 1/100 AEP with an allowance for climate change – this does not include information as to exact frequency at which flooding of the local area is to be expected
- FRA states that EA consulted in 2012 and NYCC in 2014 – developer should have more up to date discussions

- Proposal gives no information of how sewage and foul water from the site would be managed – development will generate a significant volume of sewage
- Application states that a borehole would be used to fill the ponds during dry periods – this is not a sustainable approach
- Plans are inconsistent as FRA shows a concept plan B which shows green space in front of houses on Kendal Road and no wetland lake whereas other maps show the wetland lake elsewhere. Clarification of what is proposed is required.

Heritage Issues:

- Development would seriously detract from the setting of the Grade II listed Hellifield railway station which is a major asset to the Yorkshire Dales National park and the Settle/Carlisle railway conservation area
- Site is adjacent to three listed buildings that should be protected

Other Issues:

- No need for hotel as there is hotel with spa facilities only 2 miles away at Coniston and the hotels already at Long Preston and Hellifield
- There is already a large caravan park opposite to the site
- No evidence to identify need for the development
- Railway station already has an access road
- Development would put a strain on existing community facilities
- More open space is needed on the development
- Development should have been subject to an Environmental Assessment
- Site is an important community asset which would be lost
- If project goes ahead and fails does it open the doors to a housing development?
- Where is the business plan for the development?
- If development fails it would leave an eyesore in the landscape
- Hellifield has had a lot of development and is in danger of losing its identity
- Residents have not been properly notified or kept up to date with amendments to the application
- Original objections should be taken into consideration
- Council has colluded with developer to ensure that the application is referred to the Planning Committee devoid of any objections.
- The development would have no economic benefits as plans suggest there would be no reason to leave the site unless taking the train out of the village
- Local businesses would not benefit from the proposed development.
- Information submitted with the application is inaccurate and misleading
- Benefits from jobs created would be minimal and offset by adverse impacts
- Development around village should be housing and not on a wildlife rich site
- Size of development is unsustainable
- None of the existing holiday homes and caravan parks have helped the village to retain its shops and services
- Locals would not be allowed to use any of the new facilities but customers will expect to use village facilities without having to contribute to them
- There is no police service in the area
- Only developer and CDC would benefit from the development
- Proposed day passes to the site would not be taken up and are limited in any case

- Applicants state that site is already allocated as leisure facilities which is incorrect – only application was for railway museum/visitor centre which has been abandoned and left a structure on site which would be much smaller than proposed development in any case
- Village is already under pressure from development as a result of the emerging Local Plan
- Development would adversely affect the archaeology of the site – submitted documents identify moderate/substantial impacts on possible prehistoric ring ditch, marl pits and other features – proposed mitigation measures are not adequate
- The developers supporting documents do not mention community involvement once
- Applicants state development would create 500 jobs but this is not substantiated and there are not 500 unemployed local residents in any case – developers statement is a dishonest attempt to tip the balance of favour to their benefit
- Proposed jobs would be low paid and taken up by migrant workers who would need low-cost housing the area
- Development would split the village in two
- Land is agricultural and should be used to grow crops/feed livestock
- It is not necessary for the developer to offer to contribute to the cost of upgrading the existing National Park footpaths adjacent to the development
- Proposal would make no contribution to the Craven housing supply
- There are adequate swimming facilities in Settle and Skipton and investment in those pools would be better than a leisure centre in-between
- Development would have over 3000 residents located next to village with 1500 residents
- Applicants claim to be allowing local people to use the facilities but in practice are limiting to 40 day passes
- The existing road on the site (Waterside Lane) was paid for with public/EU money and was intended to take visitors to a planned railway heritage centre and car park for railway station. This was away from village and not detrimental to wildlife, would not affect village properties or PROW's.
- Proposals will adversely affect the values of nearby property
- There is no proven need/demand for this type of development. Location is poor and would suffer from disturbance from busy A65 in close proximity and from railway which regularly transports freight. This problem is evidenced by complaints of similar problems at nearby Gallaber Park site
- The site is not poor quality agricultural land and has been in use for grazing livestock or producing silage. Higher areas are fertile and have been used successfully for agricultural purposes
- Developer is not local and lives in the Isle of Man – profits from development will not therefore remain in the community and tax revenue lost to HMRC
- Money spent to create application has not gone to any companies within the Craven area
- People passing opinion on the development have no idea of local feeling and make comments about impact knowing it won't affect them
- The proposal would require substantial investment by the main utilities and would have to cross into the national park
- Proposals would increase footfall to the national park and AONB and lead to maintenance problems
- The EIA is same as originally submitted in 2009 and a new EIA should be carried out
- There would be increase in dogs and pets on the site which would be dangerous in such a rural location

- There is insufficient detail in application to enable a decision to be made
- Consultation on screening of the site has not taken place with local residents
- The scale of development is too great for location and incompatible with other recreational facilities in the Dales which are generally small scale
- Links to surrounding footpaths are not suitable for the extent of footfall that would occur
- Proposed fencing and security lighting will make the appearance of site like a prison
- The development would not provide social or economic benefits capable of outweighing the harm
- It would be unlawful to grant outline planning permission for this development without further details of the development and information about its environmental effects
- The existing planning permission on the site is not a viable fall back position and has not been considered in the ES or as a main alternative by the developer

Policy Issues:

- Area is defined as a tourism development opportunity site in the Local Plan but as policy requires development to be guided by a development brief if there is no brief, or if development does not comply if there is one, it cannot be in accordance with policy
- At time that site was designated as tourism development opportunity site it was intended that the traffic would come from a proposed by-pass thereby avoiding the village. Also the scheme for heritage centre at the railway station would have been the focus for visitors and would have encouraged visitors to arrive by train
- Under policy site for accommodation would have been on south side of the A65 whereas the current application site was to remain open with a hotel, golf course and fishing lake as the main focus.
- With the development of the SRB funded road and large 'managers' house and no other development having taken place the current policy must be regarded as being out of date and irrelevant
- Most relevant development plan strategies and policies are those that seek to protect the open countryside except where it is specially justified. This development is outside of development limits and therefore requires special justification and, in the absence of such justification, should be refused
- The NPPF does not override the Local Plan and is not planning law and has no statutory force unlike the development plan. NPPF emphasises the statutory duty to determine applications in accordance with the development plan unless material considerations indicate otherwise
- Local Plan policies that seek to protect the open countryside are still relevant and compliant with the NPPF which seek to protect the open countryside
- As no development plan policy favours the scheme it is necessary to demonstrate advantages from the scheme sufficient to outweigh the harm – there are no advantages to the scheme and none to outweigh the harm and it should therefore be refused
- As scheme is contrary to the development plan and is of more than local (district wide) significance and is subject to a lot of opposition it should be referred to the National Planning Casework Unit for the application to be called-in by the Secretary of State and then be subject to a public inquiry
- Any extant permissions for the site do not provide justification to approve this development and should be subject to a completion notice in which case the unbuilt elements of the proposal will lapse with no compensation being payable

9. Summary of Principal Planning Issues

9.1 Summary of planning policies and their relevance to the principle of development.

9.2 Landscape and visual impact.

9.3 Impact on ecology.

9.4 Impact on amenity.

9.5 Impact on heritage assets.

9.6 Flooding and drainage.

9.7 Highway safety issues.

9.8 The principle of development and the planning balance.

10. Analysis

Summary of planning policies and their relevance to the principle of development:

Submission Draft Craven Local Plan:

10.1 In consideration of the relevance of the emerging Local Plan (ELP) it is important to understand the weight that can be attributed to the policies in the ELP before reaching a decision as to whether or not those policies can inform a decision on this planning application.

10.2 Specific policies in the NPPF address the question of how to deal with policies in an emerging plan and at paragraph 48 it is stated that:

'Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this [the] Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.3 At the time of compiling this report (March 2019) the Submission Draft Local Plan (ELP) has been submitted for examination and hearings took place in October 2018. The Council has now commenced its modifications exercise following those hearings. Whilst the final round of public consultation has yet to be completed and the policies in the ELP remain un-adopted it is clear that the ELP is at a very advanced stage and therefore it is reasonable to come to the view that the NPPF paragraph 48 requirements set out above have been met. On that basis it is considered that the draft policies in the Draft Craven District Local Plan can be afforded significant weight.

10.4 The draft policies listed below are those considered to be of the most relevance to the consideration of this application:

Draft Local Plan Policy ENV1: Countryside and Landscape:

10.5 This policy recognises the quality of the Craven countryside and landscape and seeks to ensure that development proposals in areas not subject to national landscape designations *'respect, safeguard, and wherever possible, restore or enhance the landscape character of the area'*.

Officer Note Proposed modifications to Policy ENV1 are minor wording changes to clarify the policy.

Draft Local Plan Policy ENV2: Heritage:

10.6 The draft policy on heritage is consistent with the requirements of the NPPF in that it seeks to conserve Craven's historic environment or to enhance it where appropriate. The policy seeks to ensure that *'particular attention is paid to the conservation of those elements that contribute most to*

the District's distinctive character and sense of place' including bridges and structures associated with the Settle-Carlisle Railway which in this case includes the grade II listed Hellifield Railway Station located immediately adjacent to the site. Essentially the policy requires that development proposals that affect a designated heritage asset such as a listed building should conserve those elements which contribute to its significance, the more important the asset the more that weight is given to its conservation. The draft policy is reflective of national policy in that it states unequivocally that harm to the significance of heritage assets will only be permitted if the harm is outweighed by the public benefits of the proposal. Substantial harm to the significance of a designated heritage asset will only be permitted in exceptional circumstances where it can be demonstrated that there are substantial benefits that outweigh that harm or loss.

- 10.7 In the case of the application site draft policy ENV2 is of relevance in that it requires the impact on the adjacent Long Preston Conservation Area, the listed Hellifield railway station and the Settle-Carlisle Railway heritage assets to be assessed. Notwithstanding, the policy is entirely reflective of the national planning policies and the statutory duties of the local planning authority would apply in respect of heritage assets irrespective of the draft policy.

Draft Local Plan Policy ENV10: Local Green Space:

- 10.8 Following the October hearings the Planning Inspector wrote to the Council regarding the proposed Local Green Space designation of the application site. In that letter the Inspector requested a modification to the ELP to the effect that the proposed Hellifield Local Green Space (designated HE-LGS1) be amended to include only the 'Gallaber Pond'. This represented a substantial modification from the policy as originally proposed which sought inclusion of the whole of the site area within the proposed LGS. Following the Inspectors letter a 'Draft Schedule of Main Modifications' was published by the Council for public consultation from 19 February to 1 April 2019. It is now proposed under Policy ENV10: Local Green Space that only 'Gallaber Pond' be designated as Local Green Space (designated HE-LGS7).
- 10.9 The purpose of Policy ENV10 is to allow for designation of Local Green Spaces (LGS) in order to allow *'communities to identify and protect green areas of particular importance to them'* (paragraph 99 of the NPPF refers). Under the policy LGS are protected from incompatible development which is seen as harmful, in particular the construction of new buildings or structures, and such development would only be permissible under the policy where there would be *'no conflict with the purpose of designating the site as Local Green Space'*.
- 10.10 The relevance of Policy ENV10 is that provided there are no further modifications to the ELP the pond area would be designated as LGS and, whilst the policy would prohibit most forms of built development, there would be very little practical impact in the case of Gallaber Pond which would clearly not be suitable for development and would in fact remain as such under the current planning application.

Draft Local Plan Policy EC4B: Tourism Development Commitment at Hellifield:

- 10.11 This policy has been formulated in recognition of the designation of the application site as a Tourist Development Opportunity Site under saved policy EMP11 in the current Local Plan and also as a result of extant planning permissions that relate to parts of the site.
- 10.12 Originally proposed as part h) ELP policy EC4: Tourism. It is proposed to modify part h) of policy EC4 to become a separate Draft Policy EC4B: Tourism Development Commitment at Hellifield and applies exclusively to the Hellifield site and reads as follows:

'Alternative sustainable tourism development will be supported on land at Hellifield identified as grey hatching on Diagram EC4B, provided that the following requirements are met:

- i) Conservation of the landscape and of the setting and special qualities of the Yorkshire Dales National Park*
- ii) Conservation of heritage assets, including archaeological remains, the Long Preston Conservation Area and the Settle-Carlisle Conservation Area*

- iii) Conservation of biodiversity value
- iv) Preservation and enhancement of Local Green Space, including its open character, local significance and value to the community
- v) Preservation and enhancement of the existing public rights of way network
- vi) Preservation and enhancement of the character and appearance of the local area.

Proposals that include the development of non-designated land (shown in white on Diagram EC4B) for the purposes of sustainable tourism will be supported in principle, provided that:

- i) The land adjoins an area identified by grey hatching on the policies map and Diagram EC4B; and
- ii) The amount of any such land is limited in scale compared to the amount of adjoining land identified by grey hatching; and
- iii) The proposal meets the requirements of i) to vi) above.

Individual proposals that accord with the Council's approach set out above must also accord with all other relevant local plan policies and any relevant neighbourhood plan policies'.

- 10.13 The implications of Draft Policy EC4B is that it would only be permissible to develop those areas within the application site that benefit from extant planning permission although the policy would allow for some limited expansion of those areas subject to development meeting the criteria i) to vi) set out in the policy. Clearly, unless further substantial modifications were to occur to policy EC4B the wholesale development of the area covered by Draft Policy EC4B (the application site) would not be acceptable under the emerging Local Plan policy.

The NPPF and Saved Policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan:

- 10.14 In the following section of this report it is proposed to consider the most relevant of the saved Local Plan policies (listed at paragraph 4.1 above) that are applicable to this application and also to consider which of the NPPF policies apply. In order to determine which policies it is most appropriate to address, and to be compliant with the NPPF, it is then necessary to consider the weight that can be attached to the saved Local Plan policies as this is fundamental to their role in the determination of this planning application.

- 10.15 The Councils development plan at present comprises the saved policies of the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan (LP) which was adopted in July 1999 and had an intended plan period which ran until 2006.

- 10.16 In September 2007 the Secretary of State saved certain policies of the adopted LP under the transitional provisions of Schedule 8 to the Planning and Compulsory Purchase Act 2004 and these saved policies will remain part of the development plan until they are superseded by policies of a later development plan which expressly states is superseding them.

- 10.17 The upshot of the above is that the development plan for the purposes of Sn 38 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) is the saved policies of the adopted LP.

- 10.18 The PCPA 2004 at Section 38 (6) provides that:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

For planning purposes '*material considerations*' would include matters such as draft policies and the guidance in the NPPF which may (or may not) '*indicate otherwise*'.

- 10.19 In summary, the planning application under consideration must primarily accord with the saved policies in the adopted Local Plan unless material considerations '*indicate otherwise*'. From this standpoint therefore it is important to come to a view of what material considerations apply in this

case and, if so, whether or not those material considerations indicate that a proposal that may appear contrary to the adopted Local Plan policies should otherwise be approved.

10.20 The significance of the NPPF policies in relation to the development plan is also addressed in the NPPF which at paragraph 11 states that:

'Plans and decisions should apply a presumption in favour of sustainable development' which 'for decision-making ... means:

- a) *Approving development proposals that accord with an up-to-date development plan without delay; or*
- b) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i) *the application of policies in this [the] Framework that protect assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies taken in this [the] Framework taken as a whole'.*

10.21 Notwithstanding the above, paragraph 12 of the NPPF stresses that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making'.*

10.22 Paragraph 12 is even more specific and states:

'Where a planning application conflicts with an up-to-date development plan Permission should not usually be granted'

10.23 Paragraph 12 goes on to emphasise that LPA's can make decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

10.24 This policy approach advocated by the NPPF is in itself a material consideration in relation to this planning application and raises the following fundamental questions:

- i) Does the proposal accord with the relevant (*most important*) saved policies in the adopted development plan?
- ii) Are the relevant saved policies in the development plan up to date?
- iii) Are there any specific policies in the NPPF that provide a clear reason to refuse planning permission?
- iv) Would any adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies of the NPPF taken as a whole? (if so, planning permission should be refused by reference to those adverse impacts, if not, planning permission should be granted).

Officer note: For the purposes of the following policy analysis, having regard to the above, it is proposed to reference only those relevant saved policies that are considered to be fundamental to the principle of the proposed development. Any of the listed saved policies that are of relevance (as listed at 5.1 above) and are not referred to here will be addressed as appropriate later in the report.

10.25 Of the listed saved policies set out above it is considered that the following are of particular relevance to this application:

- ENV1: Development in the Open Countryside
- ENV2: Requirements for Development in the Open Countryside
- EMP11: Tourist Development Opportunity Sites
- EMP16: Static Caravans and Chalets

- EMP18: Permanent Buildings on Camping, Caravanning and Chalet Developments

The following will address the 4 questions set out earlier with reference to each of the above policies.

10.26 The application site lies outside of development limits and therefore is in an area of open countryside (as defined in paragraph 1.8 of the supporting text to policy ENV1). Saved policy ENV1 applies specifically to development in the open countryside and is a restrictive policy that is intended to *'protect the character and quality of the open countryside from being spoilt by sporadic development'* which it does so by limiting development in the open countryside to *'small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character'*.

10.27 Saved policy ENV1, having defined the type of development permissible in the open countryside then states that such development will only be permitted where it:

1. *Clearly benefits the rural economy;*
2. *Helps to maintain or enhance landscape character;*
3. *Is essential for the efficient operation of agriculture or forestry; or*
4. *Is essential to the needs of the rural community'.*

Finally, saved Policy ENV1 states that:

'Large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security'.

10.28 Saved Local Plan policy ENV2 is a 'follow on' policy that sets out more specific criteria for development in the open countryside such as landscape, design and traffic considerations but only applies in cases of development that is permissible under policy ENV1. For this reason policy ENV1 remains the dominant policy as it defines the limitations of the type of development that can be considered to be acceptable in the open countryside which would only then be subject to policy ENV2.

10.29 Saved policy EMP11 is a policy that identifies three 'Tourist Development Opportunity Sites' (TDOS) one of which is identified in the Local Plan as the 'Hellifield Station site'. This is shown on the accompanying proposals map as encompassing the whole of the application site, Hellifield railway station and its sidings and an area of land at Gallaber Park to the south of the A65.

10.30 Policy EMP11 states that the identified TDOS are acceptable in principle for tourist related development falling within Class D1 uses – as defined in the TCP (Use Classes) order 1987 and also states that:

'Applications for planning permission will be assessed against other relevant policies in the plan and against Development Briefs, to be provided for these sites'.

The justification to policy EMP11 states:

'The above sites are felt to be suitable in principle for tourist related development, particularly as they are likely to encourage visitors to make greater use of rail travel to visit attractions in the area. The identification of these sites therefore contributes towards the plan's objectives to promote sustainable development'.

Officer note: Class D1 uses under the 1987 Use Classes Order comprised 'Non-residential institutions' subject to a number of exceptions such as museums, exhibition halls, nurseries/day centres etc. but not including residential uses.

10.31 Saved policy EMP16 relates to static caravans and chalets and states that such development is permissible (other than within the AONB and SSSI sites) subject to various criteria. Those criteria are as follows:

1. *The site is well screened by landforms and/or existing landscaping from roads, elevated viewpoints and other public places and development will not have an adverse effect on the character and appearance of the countryside.*
2. *The scale of development is in context with its surroundings.*
3. *The site is of a high standard of layout, design and landscaping and the caravans and chalets satisfactorily blend into the landscape in terms of their siting, colour and materials.*
4. *An adequate tree planting scheme is submitted with the application. This should indicate species type, number, size, location and planting densities, sufficient for their long term contribution to the landscape and screening to be assessed.*
5. *The site is located in an area with local opportunities for informal countryside recreation, but should not itself be detrimental to those attractions.*
6. *The site will not have an unacceptable impact on the character or setting of settlements or the amenity of local residents. Any ancillary permanent development must be of a good standard and comply with the provisions of Policy EMP18.*
7. *The traffic generated can be satisfactorily accommodated on the local highway network.*
8. *The proposal is well related to the highway and public transport networks.*
9. *The proposal will not have an adverse impact on sites of nature conservation value or archaeological or historic importance.*

10.32 In the justification to policy EMP16 it is stated that:

'where landscaping is to form important screening it is essential that it is established before development of the site. Any subsequent tree/foliage planting should compliment existing landscaping, not attempt to compensate for the lack of it. Preference will be given to development proposed in well wooded areas.'

10.33 Saved Local Plan Policy EMP18 relates to the provision of permanent buildings for eating, drinking and leisure by use of residents of camping, caravan and chalet developments and is permissive of such development provided they are ancillary to the main use of the site and:

1. *Are necessary for the operation of the site, with the size and nature of the buildings relating to the needs of site residents.*
2. *Do not have an adverse effect on the character and appearance of the countryside.*
3. *Are of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials.*
4. *Are compatible with the landscape policies, nature conservation policies, and policies for the AONB, and SSSI's'*

10.34 Considering the saved Local Plan policies thus far it is necessary to establish the relevance of both policy ENV1 and EMP11 and to come to a view as to whether or not either of those policies should take precedence over the other and whether either is to be afforded any weight. Similarly, it is important to establish the relevance of policies EMP16 and EMP18 and whether or not these policies would take precedence. The basis of this approach is that all four policies are saved policies of the adopted Local Plan and all four relate to the proposed development.

10.35 Firstly, the question of whether or not ENV1 or EMP11 has the greater significance in the determination of this application. Specifically, there is a need to establish the status of the site, that is whether or not it is *'open countryside'* by virtue of its location outside of development limits, or is exempt by virtue of being identified as a TDOS in the LP.

10.36 Paragraph 1.8 of the supporting text to saved Policy ENV1 states that:

'Land beyond the existing built-up areas of the settlements, as defined by the Development Limits if not allocated for development on the Proposals map will, unless clearly inappropriate, be treated as open countryside.'

The significance of the above is that for a site to be classed as something other than open countryside it is necessary for it to be within an area specifically allocated for another use i.e. 'the land use assigned to a parcel of land as proposed in a statutory Development Plan' (Appendix A – Glossary of the adopted LP refers). In this case it is clear that whilst policy EMP11 identifies uses that are 'acceptable in principle' it does not state expressly that the 'Opportunity Site' is allocated and therefore it must be concluded that the site is located within open countryside.

10.37 In coming to the above view it is also noted that in the justification to policy EMP11 at paragraph 11.1 of the adopted LP it is stated:

'The identification of these sites therefore contributes towards the Plan's objectives to promote sustainable development.'

Specifically, it is stated that the TDOS have been identified, not that they have been allocated. The conclusion must be that as the site is not within development limits and has not been allocated for any other purpose it must by definition be in open countryside and therefore falls to be assessed against saved policy ENV1.

10.38 Policy ENV1 draws a distinction between 'small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other small scale development having a rural character' and 'large scale development in the open countryside'. In this case, whilst the distinction between 'small scale' and 'large scale' is not quantified within the adopted LP there can be no question that the proposal, which covers a site area of some 31.75 ha, is a large scale development. As such the proposal would only be permissible under the criteria of policy ENV1 'where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security'.

10.39 It is clear that as a large scale development in the open countryside the proposal cannot be acceptable under policy ENV1 as it does not fall within any of the categories of development to which an exception would apply. Equally, if policy ENV1 is to be applied to the TDOS in the countryside (which they all are) it follows that any tourism related development would have to be small scale as anything other could not realistically satisfy the test in policy ENV1 for large scale development.

10.40 An important point to consider here is that Policy ENV1 is prohibitive of large scale development other than in the case of clearly stated exceptions and, where none of the exceptions can be met, would allow such development if a need for it can be established. Referring to the relevant test at paragraph 11 of the NPPF there is a requirement for the 'relevant development plan policies' to be up to date if they are to be given any significant weight. In other words for saved Local Plan policy ENV1 to be applied it must be consistent with the NPPF and it is this which will be examined next.

10.41 Policy ENV1 as a matter of principle prohibits all large scale development outside of the defined development limits unless it can demonstrated that there is 'an overriding need' on grounds of utility provision, transport, minerals, or national defence. This degree of restriction has no parallel in the NPPF which at paragraph 83 expects planning policies and decisions to 'enable':

- 'the sustainable growth and expansion of all types of businesses in rural areas' and 'sustainable rural tourism and leisure developments which respect the character of the countryside;
- the development and diversification of agricultural and other land based rural businesses;
- sustainable rural tourism and leisure developments which respect the character of the countryside; and,
- the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'.

- 10.42 Paragraph 84 of the NPPF expands upon this point stating that:
- 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.*
- 10.43 Further to the above paragraph 170 b) of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*.
- 10.44 Considering Policy ENV1 therefore it can be concluded that whilst there are some parallels it cannot be said to be entirely up to date when tested against the current guidance in the NPPF as large scale development in the open countryside is not expressly prohibited by the Framework. Notwithstanding, in a recent appeal decision (Ref: APP/C2708/W/18/3210048) the Planning Inspector considered saved Local Plan Policy ENV1 and concluded that dismissal of the appeal on the grounds that the development was contrary to the saved policy was justified.
- 10.45 The conclusion that might be drawn from the above is that the proposal would not be consistent with saved Local Plan Policy ENV1 and should therefore be refused as large scale development in the open countryside. However, In this case it is not considered that this approach would be entirely viable as there are other policies, both saved and in draft form, that would be far more significant.
- 10.46 The next *'most important'* saved Local Plan policy is EMP11 which is a site specific policy that identified three sites all of which related to heritage railway stations, including the application site, on which there was considered to be potential for *'tourist related development'* falling under Class D1 (non-residential) uses.
- 10.47 Firstly, it is important to consider the justification to EMP11 which emphasised the link between tourist related development and the potential for such development to *'make greater use of rail travel to visit attractions in the area'* and secondly, to consider the background to that policy.
- 10.48 Regarding the background it would be reasonable to come to the view that policy EMP11 has been overtaken by events if considering the officer report relating to the reserved matters application for the Rural Environment Centre in 2005 (ref: 42/2005/5082) in which it was stated:
- 'the concept behind the allocation of the TDOS relied on the construction of a new by-pass for Hellifield. This would have defined the south western boundary of the TDOS and allowed the existing route of the A65 (which bisects the TDOS) to be downgraded.....Members will be aware that the by-pass is no longer scheduled and the existing A65 is likely to remain as the primary road through the TDOS for the foreseeable future'.*
- On the basis of the above it would appear that policy EMP11 (in relation to the Hellifield site) is no longer of relevance and therefore can reasonably be said to be out of date. However, this is not entirely correct as it must also be noted that the Secretary of States Direction under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Act 2004 (in which policy EMP11 was saved) was issued after the abandonment of the Hellifield by-pass. Consequently, it must be assumed that the matter of the by-pass was considered when the policy was saved.
- 10.49 No explanation for saving EMP11 was provided by the Secretary of State. However, a copy of an assessment of the Local Plan policies to be saved beyond the Local Plan period was carried out by CDC prior to the Secretary of States Direction in 2007. This assessment summarises Policy EMP11 as follows:
- 'This policy aims to direct and link the locations of sites identified within this policy to existing rail links in order to promote sustainable development. This policy should be reviewed during preparation of the Allocations DPD. Not saving this policy beyond September 2007 is likely to be premature to*

the preparation and adoption of the Allocations DPD (likely adoption date of 2010). This policy is not considered contrary to national planning guidance relating to tourism’.

10.49 The conclusion that must be arrived at from the above is that, as a saved Policy, EMP11 legitimately remains part of the development plan but the intention was for the policy to enable implementation of a Development Brief for the Hellifield TDOS leading to the site being subsequently allocated as part of a post-1999 adopted Local Plan. Whilst the aspiration behind the identification of the Hellifield TDOS might remain consistent with the NPPF it is clear that policy EMP11 is no longer of any relevance and can be considered out of date and therefore is no longer a material consideration in the determination of this application. It should also be noted that Draft Policy EC4B of the Craven Submission Draft Local Plan acknowledges the ‘Tourism Development Commitment’ of two areas of land at Hellifield that fall within the application site boundaries. This relates to an extant planning permission dating from an original outline planning permission granted in 2000 and within that much reduced area sustainable tourism development would be considered favourably (an environmental centre and hotel that were granted planning permission mark the full extent of the area earmarked for potential tourism development under Policy EC4B). The draft policy would allow for limited expansion of the identified areas under certain circumstances but would not support development across the whole of the site originally identified as a TDOS.

10.50 Saved Policy EMP16 comprises the next ‘*most important*’ development plan policy in relation to the current planning application. EMP16 is supportive of the principle of new static caravan and chalet development in Craven District provided that development lies outside the AONB or any SSSI’s and provided:

- *‘The site is well screened by landforms and/or existing landscaping from roads, elevated viewpoints and other public places and development will not have an adverse effect on the character and appearance of the countryside’.*
- *‘The scale of development is in context with its surroundings’.*
- *‘The site is of a high standard of layout, design and landscaping and the.. ...chalets satisfactorily blend into the landscape in terms of their siting, colour and materials’*
- *‘The site will not have an unacceptable impact on the character or setting of settlements or the amenity of local residents’.*

Officer note: The policy refers to chalets whereas the application refers to lodges. It is considered that there is no discernible difference between the two in planning terms, both describing static holiday accommodation, and therefore Policy EMP16 is applicable to the current application.

10.51 In the justification to Policy EMP16 at paragraph 16.2 of the adopted Local Plan it is stated that:

‘....proposals for such development [static caravans and chalets] must meet rigorous criteria. Where landscaping is to form important screening it is essential that it is established before development of the site. Any subsequent tree/foliage planting should complement existing landscaping, not attempt to compensate for the lack of it. Preference will be given for development proposed in existing well wooded areas’.

10.52 Finally, in relation to the principle of development, it is necessary to consider saved Local Plan policy EMP18 which relates to proposals for permanent buildings on camping, caravanning and chalet developments.

10.53 EMP18 is supportive of the construction of permanent buildings ‘*including clubhouses and dining or leisure facilities, provided in association with camping, caravanning or chalet development*’ provided they:

- *‘Are necessary for the operation of the site, with the size and nature of the buildings relating to the needs of site residents’.*
- *‘Do not have an adverse effect on the character and appearance of the countryside’.*

- *'Are of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials'*
- *'Are compatible with the landscape policies, nature conservation policies and policies for the AONB and SSSI's'.*

10.54 In the justification to Policy EMP18 it is stated:

'Facilities for eating, drinking and leisure may be permitted for the use of residents in association with tourist development, provided they are ancillary to the main use of the site'.

10.55 In terms of the development plan taken as a whole it is considered that both Policies ENV1 and EMP11 might arguably have formed the dominant policies with which to assess the application.

10.56 Notwithstanding, before considering the detailed criteria of Policy EMP16 and EMP18 it is necessary to come to a view of whether or not these policies are up to date as this will determine how much weight can be applied to them.

10.57 The NPPF approach to development of the type proposed is set out at paragraph 83 of the NPPF (see above) and requires planning decisions to support a prosperous rural economy which, in the case of sustainable tourism and leisure developments, should also respect the character of the countryside.

10.58 It is considered that Local Plan policy EMP16 is consistent with the aims of national planning policy and therefore as a saved policy in the adopted Development Plan can be afforded significant weight.

10.59 Similarly, Policy EMP18, which can be seen as an associated policy relating to development incorporating static holiday accommodation, can also reasonably be argued to be consistent with the NPPF as none of the requirements of the policy run contrary to NPPF guidance.

10.60 In summary therefore, it is concluded that in reaching a decision on the principle of development and having regard to the provisions of the Planning and Compulsory Purchase Act 2004 saved Local Plan Policies EMP16 and EMP18 are relevant policies in the adopted development plan that must be afforded significant weight in the determination of this application. Of these it is EMP16 that is most significant in relation to this application as the provisions of EMP18 only apply in cases where development already exists or is permissible under EMP16. The implications of the EMP16 criteria are considered later in this report.

Landscape and visual impact:

10.61 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by JBA Consulting on behalf of the applicants (dated October 2016).

10.62 The LVIA provides a summary of the visual impacts of the proposal with the caveat that *'although the indicative scale and size of elements of the proposal were considered the application nevertheless is based on an outline and therefore it has not been possible to assess detailed proposals'.*

10.63 In assessing the characteristics of the application site the LVIA comments that its *'...overall character is predominantly open and rural although the visual prominence of a relatively recent access road and nearby buildings including a modern engine shed and a farming machinery sales business reduce the sense of remoteness'* the latter emphasising *'the site's position on the edge of the settlement and association with a formerly important railway junction'.*

10.64 The LVIA continues to describe the application site thus:

'Overall, the site offers a balance of enclosure – through the presence of the village edge, railway embankment and recent plantation woodland – with a degree of openness that arises from the lack of prominent physical features within the site itself. The latter allows views towards upland areas in the north and north-west, including the rising edge of the Yorkshire Dales, the distant Forest of Bowland and the distinctive mass of Pendle Hill'.

10.65 Despite commenting on the existing access road, previous planning permissions, the construction of a house and plantation woodland, concluding that these are *'collectively suggestive of an area in*

transition or abeyance, awaiting possible development', the LVIA identifies the application site as an outlier of the low-lying farmland to the south '*...that has strong amenity value through private residential and public views, the setting of the listed railway station and the recreational opportunities offered by public footpaths that cross the site. It is also part of the open countryside separating Hellifield and the neighbouring village of Long Preston*'.

- 10.66 In summarising the impacts of the proposed development the LVIA comments that the landscape effects would '*arise through the permanent, effectively irreversible change within large parts of the site from agricultural, semi-improved grassland to built form, access routes and associated infrastructure. It will result in a marked transition from a rural to a settled character, with reduced tranquility*'. The LVIA continues further to acknowledge that:
'At a site level, the magnitude of change is considered to be high, given that the proposals will bring about a fundamental change in the landscape characteristics of the site'.
- 10.67 In terms of the wider impacts such as views of the site from the surrounding footpath networks and nearby national park the LVIA concludes that, subject to mitigation, the impacts of the proposals would range from *moderate adverse* to *overall negligible*. However, in terms of the impacts on the footpath network across the site itself and the impact on the immediate site surroundings the LVIA describes these as *substantial adverse, significant effects*. Similarly, the LVIA considers the impacts on residential receptors, i.e. the terraced properties lying immediately adjacent to the site, acknowledging that the effects were only assessed from '*publicly accessible locations and aerial mapping*' but nevertheless concludes that '*effects are likely to range from substantial adverse at most to moderate adverse or possibly less; for some properties the effects will be significant*'.
- 10.68 There is no doubt that taken as a whole, and notwithstanding what it describes as '*a substantial landscape change from open fields to a development of lodges with access and associated facilities*', the LVIA does not identify any specific impacts which would appear to be significant enough to warrant refusal of planning permission. However it is fair to say that the conclusions are based on extensive mitigation in the form of landscaping and also take into account previous development on-site and a planning approval which would not cover a comparable site area or result in similar development proposals. Equally, the impacts of the most proximate receptors, the adjacent terraced housing and on-site footpaths, are arguably somewhat underplayed in the overall assessment. Notwithstanding, it is likely that some of the potential adverse visual impacts would be reduced by the introduction of landscaping although this would be at the expense of a substantial change in the overall character of the area. With this in mind it would appear to be appropriate to come to a view as to whether or not mitigation in the form of landscaping would be sufficient to overcome the adverse visual impacts to a sufficient extent that approval could be justified in this case.
- 10.69 What is clear from the submitted LVIA is that the development will substantially alter the characteristics of the site and that the wider visual impacts would need to be mitigated in order to be considered acceptable. This point is illustrated by the planning statement accompanying the application which in considering the proposed development concludes that there would be significant residual effects which would '*reduce over time as the planting within the site grows and the development blends into the wider landscape*'. (para. 6.3.1 of applicants planning statement refers)
- 10.70 The conclusions that can be drawn from the applicants LVIA are:
- Notwithstanding the presence of the access road, a house and an area of tree planting the application site has a predominantly open, rural character that has a strong amenity value through private residential and public views.
 - The proposed development would substantially alter the character of the site and would give rise to significant residual effects unless mitigated by the incorporation of extensive screen planting.
- 10.71 It is acknowledged that almost any development site would result in a substantial alteration to the character of that site and its surroundings and on this basis it might appear reasonable to consider mitigation such as landscaping to be an entirely reasonable approach to take in order to offset any potentially negative impacts that may arise. This can be true of many sites, particularly housing

developments that extend existing development limits and established areas of housing further into open countryside. Nevertheless, in many cases the scale and nature of development, such as a modestly sized housing development adjacent to a much larger established area of housing would not necessarily change the character of the wider landscape and impacts can often be offset by appropriate landscaping in those circumstances. However, in the case of this application the characteristics of the site and its relationship to the wider site surroundings warrant further consideration.

- 10.72 The LVIA fairly assesses the essential characteristics of the site which it describes as predominantly open rural land that sits on the edge of the established settlement boundary of Hellifield but which nevertheless exhibits a tranquil character, is accessible, and can reasonably be regarded to be of significant amenity value. There is no question that the proposed development would introduce extensive changes to the site both visually and in terms of its most defining characteristics as identified in the LVIA. Those changes could only possibly be sanctioned if extensively screened from view, in this case by landscaping as the existing landform does not lend itself particularly well to screening and the existing landscaping would not be sufficient to adequately screen the proposed development. In short the proposed development would inevitably result in permanent loss of the open, rural character and tranquillity of the application site. Moreover, the proposed development would irrevocably change the character and amenity value of the existing publicly accessible footpath network as a result of the '*substantial adverse, significant effects*' that would arise.
- 10.73 The conclusion drawn from the above is that there is a clear justification to consider carefully the implications of the loss of the application site to development of the type proposed and in particular to come to a view as to irrespective of whether or not landscaping could screen the site, would the impact of the substantial change in the landscape be acceptable.
- 10.74 In arriving at a decision on this matter it is important to also consider the Local Plan policy requirements. These are set out in saved policy EMP16 which is essentially supportive of caravan and chalet development but only where such development can be accommodated without resulting in undue harm such as:
- adverse impacts on the character and appearance of the countryside; or
 - where the scale of development would appear out of context with its surroundings; or,
 - where development would have an unacceptable impact on the character or setting of settlements.
- 10.75 In order to achieve the above aims saved policy EMP16 is explicit - it requires that sites should be well screened by landforms and existing landscaping and that where landscaping is to form important screening, as is the case here, such landscaping should be established before development of the site. Clearly, EMP16 is only supportive of chalet (lodge) development in locations where it can be accommodated without significant changes to the site that would have an adverse effect on the character and appearance of the countryside. Moreover, the policy together with its justification makes it clear that development requiring extensive landscaping in order to '*compensate for the lack of it*' should not be approved.
- 10.76 The application site is a predominantly open site with very few features by way of landforms capable of screening the proposed development and/or sufficient landscaping to overcome the need for mitigation in order to offset the adverse visual impacts identified in the submitted LVIA. On this basis the proposal does not meet criteria 1 of EMP16 and therefore cannot be approved under the saved Local Plan policy.
- 10.77 The second of the relevant EMP16 criterion is the requirement for the scale of the development to be in context with its surroundings. In this case the site area covers approximately 32 ha and lies immediately adjacent to the Hellifield development limits defined in part by the row of terraced housing fronting onto Station Road that lie adjacent to the eastern site boundary. Whilst it is acknowledged that parts of the site would remain undeveloped and the proposals would include extensive landscaping (some 73% of green space/landscaping according to the submitted illustrative

plans) there is no question that the undeveloped areas and landscaping would be part of a larger development site that would be irrevocably changed in character and would be part of a large clearly defined leisure development which would be substantial in scale in comparison to the existing village of Hellifield.

- 10.78 There can be no question that the scale of development, and the impact it would subsequently have on the settlement of Hellifield cannot be considered to be anything other than out of context and therefore the proposal clearly conflicts with criterion 2 of EMP16. Moreover, it is apparent that the resultant effect of a development of the scale proposed would be to make Hellifield appear almost subservient to the leisure park rather than being the 'host' village. In coming to this view, and to illustrate the point only, the full extent of the development limits of Hellifield (as presently defined in the adopted Local Plan) equates to approximately the same site area as the application site and therefore the development, if approved, would effectively result in a twofold increase in the size of the village. This can in no way be considered to be equitable or in context with the site surroundings and therefore criteria 2 of EMP16 is not met.
- 10.79 Following on from the scale of the proposed development it is considered that the proposals would result in a significant effect on the character and setting of Hellifield resulting in loss of a tranquil, predominantly open area of rural land that defines the essential character of the village and its wider rural setting and context. On this basis therefore the proposal also fails to comply with criteria 6 of saved Local Plan policy EMP16 and is therefore unacceptable.
- 10.80 In considering the criteria of saved Local Plan Policy EMP16 it is necessary to understand that the policy is saved and forms part of the development plan which has statutory status and is the starting point for decision-making (para.12 of the NPPF refers). Having regard to the requirements set out in paragraph 11 of the NPPF it is necessary then to come to a view whether or not the most important development plan policies are up-to-date and therefore comprise a material consideration that must be afforded significant weight. For the reasons outlined earlier in this report it is considered that the broad aims and detailed criteria of saved Local Plan Policy EMP16 are compatible with the guidance in the NPPF and that it is therefore entirely reasonable to apply this policy to the determination of the current application.
- 10.81 In coming to the above view, and significantly to the view that the development is contrary to Local Plan policy EMP16 and therefore should not be approved, it is important to note that it is not the scale of the development per se that is considered unacceptable but rather the scale when considered in the context of the application site and its immediate surroundings. It is also the implication of such large scale development changing the overall character of the area that needs to be considered. It is clear that the saved Local Plan policy does not specifically preclude large scale development and therefore is not at odds with the NPPF, but rather that it seeks to impose reasonable restraints in order to minimise the impact that such development might have. The specific constraints imposed by the policy criterion of EMP16 are considered to be consistent with the broad aims and objectives of the NPPF which, whilst permissive of sustainable rural tourism and leisure development, requires such proposals to respect the character of the countryside. In this case the development proposed, for the reasons set out above, is not considered to respect the character of the countryside and therefore is unacceptable.
- 10.82 An addendum to the applicants LVIA was issued in June 2017. The addendum was in response to changes to the proposals comprising:
- reduction in lodge roofline heights to 4.5m,
 - phased planting of woodland belts to the site boundary after construction of the site access and prior to construction of the lodges,
 - Additional heavy standard trees (up to 5m in height) included both within boundary planting and between lodges.

The addendum concludes that the above changes would result in:

- Presence of a more spatially extensive and taller woodland structure.

- More rapid establishment of a woodland belt to the edge of the site, increasing levels of screening at the earliest opportunity
- Greater levels of screening and lower ridgelines resulting in reduced visibility and perceptual influence of lodges on wider landscape resource and visual amenity.

10.83 It is not considered that the changes and revisions to the conclusions of the LVIA are of any great significance as;

- The application is outline with only principle and access applied for – the heights of the lodges do not form part of the application at this stage. In any case the changes do not take account of the height of the other proposed buildings on the application.
- Increasing/speeding up the establishment of landscaping is mitigation to offset the significant visual effects and landscape effects that the development would give rise to. This is not considered sufficient to allow the development to take place.

Impact on ecology:

10.84 The application site does not have any specific designations in terms of ecology but is nevertheless an important habitat that supports a variety of wildlife, including significant numbers of migrating birds. The site also has close connections with nearby SSSI sites, most notably Long Preston Deepes which is located less than 2km away. This SSSI has been designated for the unique aquatic flora of the river and the importance of the floodplain for breeding, migrating and overwintering birds and consultees such as Yorkshire Wildlife Trust and the RSPB confirm that there is considerable movement of birds between the application site and the SSSI. Therefore, even without consideration of the impacts on other wildlife species present on the application site, the development of the site has implications not only for the site itself but potentially for the nearby SSSI that shares close connections with it.

10.85 In the applicants supporting planning statement (Summary of Environmental Statements) it is noted that ecological surveys were carried out across the site to identify habitats and species that could potentially be affected by the proposals which included the two flashes within the site; woodland; hedgerows; Kell Well Beck; birds; great crested newts; badgers and bats.

10.86 The surveys were undertaken by JBA Consulting on behalf of the applicants and assessed direct/indirect disturbance including habitat loss and injury to wildlife, changes in water run-off and dust deposition impacts. The recommendations of the commissioned surveys have been to incorporate mitigation measures, primarily through implementation of a Construction Environmental Management Plan followed by further surveys on protected species to be undertaken once the detailed design of the site is completed (presumably at reserved matters stage?) at which point more informed mitigation strategies would be formulated.

Officer note: In addition to a desk-based study carried out in 2012 the following surveys were undertaken:

- | | |
|-------------------------------|-----------------------------------|
| • Extended Phase I habitat | August 2012 |
| • Birds | Oct – Dec 2013 and Jan - Dec 2014 |
| • Water Vole | Aug 2012, May 2013 and July 2013 |
| • Otter | Aug 2012, May 2013 and July 2013 |
| • Bat roost potential | Apr 2013 |
| • Bat activity | May 2013, June 2013 and Sept 2013 |
| • Badger | Aug 2012 and Summer 2013 |
| • Great Crested Newt | Mid-Apr 2013 and mid-Jun 2013 |
| • White-clawed crayfish | Oct 2012 |
| • Aquatic Macro-Invertebrates | Oct 2012, Spring-Summer 2013 |

- 10.87 In summary, the conclusion of the consultants' ecological report is that, subject to appropriate mitigation (some 28 separate measures having been identified), there would be no significant negative ecological effects arising from the proposed development. Effects without mitigation on the other hand were assessed as having temporary negative effects at either a local, regional or national scale.
- 10.88 The local authority has consulted on this application seeking independent opinion on the ecological implications of the proposals in addition to the statutory consultations that would normally take place. The full list of consultees and their respective responses are set out earlier in this report and it can be seen that a number of concerns over the effectiveness of the proposed mitigation measures had been expressed by various of those consultees prompting the submission of further information by the applicants' agent in June 2018. This information included a Habitat Management Plan, an Avian addendum to the Ecological Appraisal and a Woodland Planting and Management Strategy. In some cases consultees who had initially objected to the application have since removed those objections following agreements by the applicants to certain undertakings namely;
- Payment of a significant financial contribution to the Yorkshire Dales National Park Authority to help maintain and improve the local footpath and cycle network within the National Park.
 - Enhanced management of Gallaber Pond and the creation of additional wetlands.
 - Agreement to purchase 77 acres of land in Long Preston Deeps floodplain to be leased to the RSPB to provide a compensatory habitat.
 - Formation of a Habitat Management Group for both on and off-site mitigation.
- 10.89 The most current position is that, subject to the undertakings set out above and further detailed mitigation, objections to the application have been withdrawn by the YDNPA, the RSPB, Natural England and the River Ribble Trust. However, it remains the case that the Yorkshire Wildlife Trust continue to object to the proposals on the grounds that the compensatory habitat being proposed by way of mitigation has not been adequately defined, and in any case is stated to be 22ha of existing habitat close to Long Preston Deeps set against the loss of over 30ha of very high quality habitat. With this in mind YWT considers that in order to demonstrate that there will be no net loss of biodiversity and that a net gain will be achieved, the applicants must submit a biodiversity offsetting calculation as part of their application. To date this has not been requested nor has it been provided by the applicants.
- 10.90 Notwithstanding the clear objection raised by YWT it is officer's opinion that a refusal of planning permission on ecological grounds could only be sustained on the basis of a lack of information as it has not been clearly demonstrated either way whether adequate mitigation is possible to offset the loss of habitat. In any case it would be possible for the Council to grant outline approval with an appropriate pre-commencement condition that would effectively prevent development of the site if adequate mitigation could not be provided. On this basis it is concluded that, subject to the imposition of an appropriate planning condition, the application is acceptable on ecological grounds. This approach would accord with para. 175 of the NPPF which states:
- 'When determining planning applications, local planning authorities should apply the following principles:*
- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, at a last resort, compensated for, then planning permission should be refused....'*
- Impact on amenity:
- 10.91 In terms of saved Local Plan policy the most relevant in relation to the issue of amenity is EMP16: 'Static Caravans and Chalets' which at part 6 requires that any new static caravan and chalet development should *'not have an unacceptable impact on the character or setting of settlements or the amenity of local residents.* Draft Local Plan Policy ENV3: 'Good Design' also sets out the same requirement under part e) which states:

'Development should protect the amenity of existing residents and business operators as well as create acceptable amenity conditions for future occupiers.

Both the saved Local Plan policy and the draft policy within the ELP accord with the NPPF which, under para. 127 part f), states that planning policies and decisions should:

'create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users...'

- 10.92 The main issue in the determination of this application as regards amenity relates to the potential impact of the development on the occupiers of the housing that lie immediately adjacent to the eastern site boundary on Station Road, Hellifield. There is also the amenity issue of the impact of the proposed development on the wider settlement of Hellifield which is in effect the 'host village' given the proximity of the application site.
- 10.93 In making an assessment on the issue of amenity it is important to note that the application is in outline form only and as a consequence there are no detailed plans with which to consider the likely impacts the development might give rise to. A 'Proposed Masterplan' has been submitted as part of the application but as layout has not been applied for this particular plan can only be regarded as illustrative. Notwithstanding, it would be reasonable to assume that the local planning authority would not be obliged to approve any significant departure from the illustrative layout at the reserved matters stage and therefore some consideration of the potential impact can be given.
- 10.94 The illustrative masterplan shows a landscaped area at the south-eastern end of the site which is marked on plan as 'Outdoor Activities'. Further to the north, amidst further landscaping, the plan shows a 210 space car/coach parking area whilst beyond that further to the west the rear elevations of the proposed leisure centre and hotel would lie. On the illustrative plan the car parking would lie between 20m and 30m from the rear elevations of the existing housing.
- 10.95 The potential impacts that could most likely occur would be overshadowing, loss of outlook, light pollution, noise and in this case it is also considered reasonable to consider the more general compatibility of the proposed development with the existing housing and the wider settlement.
- 10.96 The illustrative designs for the proposed leisure centre and hotel include cross sections which indicate that they would be constructed below the level of the land to the east (rear) of the buildings. With this in mind, and taking into account the interface distances and orientation of the proposed buildings, it is not considered that there would be any possibility of overshadowing of the neighbouring housing occurring. Similarly, the outlook to the neighbouring properties would not be adversely affected by the proposed buildings. In terms of the car/coach parking which would lie considerably closer it is difficult to see how this could result in overshadowing although it must be acknowledged that it would be necessary to incorporate extensive landscaping around the periphery of the application site which in itself could lead to loss of light. On balance, it is officer's opinion that whilst there could potentially be issues with a loss of outlook and overshadowing from the proposed landscaping these are matters that could be resolved at the more detailed reserved matters stage.
- 10.97 The proposed development will require extensive lighting throughout for example in publicly accessible areas, along footpaths and roadways as well as lighting emanating from the proposed buildings and the chalets themselves. Whilst this is a legitimate concern and the protection of the local environment from light pollution forms part of both saved Local Plan policy (ENV18) and draft policy (ENV1 and ENV3) it is considered that it is a matter that could be effectively controlled by planning condition and/or detailed consideration of lighting proposals at the reserved matters stage. With this in mind it is not considered that light pollution is an issue that would constitute grounds to refuse planning permission.
- 10.98 With regards to noise the application has been accompanied by a noise assessment (November 2016) undertaken on behalf of the applicant by Wardell Armstrong. The methodology for carrying out the noise assessment was agreed with CDC Environmental Health prior to this work being undertaken and it was determined appropriate to consider noise impacts both during the construction and operational phases of the development. It should be noted that the accuracy of the noise

assessment must be considered against the limitations imposed by the application being in outline form only.

- 10.99 For the purposes of determining this application it is proposed to consider the potential for noise at the operational stage of the development only as it would not be reasonable for the Council to base a planning decision on impacts on amenity during the construction phase of a development. In summary the conclusions of the applicants' noise assessment are as follows:

*'Changes in road traffic noise at existing sensitive receptors as a result of development led road traffic will result an effect significance of **none** at the majority of receptors in both the short and long term. An effect significance of **moderate** is predicted at CTRN 6 (Waters View House) due to traffic noise from the proposed access road. Noise from the proposed commercial premises will also be attenuated to ensure that there is no significant impact at existing sensitive receptors. This should be taken into consideration when determining the application in line with the IEMA Guidelines for Environmental Noise Impact Assessment'*

Following consultation with CDC Environmental Health no objections to the application regarding noise have been raised and the conclusion that is drawn is that whilst there will undoubtedly be increased levels of noise from the site once developed the impact of that noise would not be grounds to refuse planning permission. In coming to this view it is acknowledged that as the application is outline only it is difficult to fully assess the potential impacts of noise on amenity. With this in mind it could be argued that more information is required to enable a more thorough analysis of the impacts the application might give rise to in which case the application should be refused due to lack of information. On balance this is not considered to be a tenable grounds to refuse planning permission. In particular, in reaching conclusions regarding the impacts from overshadowing, loss of outlook, light pollution and noise paragraph 54 of the NPPF must be considered. It states:

'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations'

In this case it is considered that the direct effects of the proposed development that could potentially impact on amenity would be short-term, e.g. during the construction phase, or could be controlled by appropriate planning conditions. Consequently, it is not considered that loss of amenity would form a legitimate ground to refuse planning permission.

- 10.100 The final amenity issue concerns the question of the general compatibility of the proposal given its close proximity to existing residential development and the wider settlement of Hellifield. It could be argued that the specific form of leisure development proposed is better suited to a more secluded location and that its presence immediately adjacent to a long established residential community would be somewhat overbearing. This, in officer's opinion, is a legitimate point of view and is borne out by the Councils saved Local Plan policies which seek to restrict holiday park developments to secluded out of town locations. However, in terms of impact on amenity the presence of car parking, nearby chalets, leisure centre and hotel are unlikely to give rise to any specific amenity issues that would be significantly harmful and therefore constitute grounds to refuse planning permission in this instance. In coming to this view it is important to note that the assessment here is of the direct amenity impacts of the proposed development such as noise, loss of light etc. This in no way supposes that the location of the development, in particular its proximity to the existing village of Hellifield, is not an amenity issue and should not form part of any subsequent refusal of planning permission.

Impact on heritage assets:

- 10.101 In this case the following heritage assets have the potential to be affected by the development proposals:

Conservation Areas:

- A length of the Settle-Carlisle Railway Conservation Area
- The Long Preston Conservation Area

Grade II Listed Buildings:

- Hellifield Railway Station
- Milepost S of Stablecross Bridge
- Milepost S of Kendall Close

Undesignated Heritage Assets:

- The field boundaries (unreferenced) within the site
- The Parish boundary
- The geophysical field anomalies within the site identified in the Archaeological survey undertaken in 2016.

- 10.102 Consultation on the application was undertaken with Historic England and the Council's Heritage Advisor and summaries of their responses have been set out earlier in section 7 of this report. The overall conclusions and advice of the consultees is that the level of detail submitted with the application falls some way short of what would be ideal but could be dealt with at the reserved matters stage subject to appropriate planning conditions. The response of the Heritage Advisor is somewhat more detailed than that provided by Historic England and the summary of his recommendations is:
- The submitted Planning Statement has significant omissions and has misrepresented the importance of Hellifield Station's landscape setting (as set out in the CDC Settle-Carlisle CA Appraisal (2016)).
 - The relationship between the application site and the embankment on the SW side of the station must be clarified before determination as the impact of the development on the Settle-Carlisle CA and Hellifield Station cannot be fully assessed without this information.
 - Accurately rendered images should be provided to enable a better understanding of the visual impact of the proposed hotel on views.
 - Full details of landscaping of the proposed pedestrian route to the station should be requested by condition.
 - Consideration should be given to a Sn106 legal agreement to require the applicants to provide some funding to facilitate the further development of the station for business/leisure uses.
 - Stone boundary walls should be marked on plans and clarification provided that they would be retained. To be required by planning condition.
 - A condition should be imposed to require that an archaeological evaluation be undertaken of the 6 identified features on the application site. This in advance of any application for reserved matters.
- 10.103 In terms of planning policy there are no relevant saved policies in the current Local Plan although there is a draft policy in the ELP (ENV2: Heritage – see paras. 9.7 – 9.8 above). The policy requirements set out in the draft policy in relation to heritage assets are consistent with national planning policy as set out in paras. 184 to 202 of the NPPF and reflect the statutory duty of local planning authorities to ensure that the significance of heritage assets is not compromised as a result of harmful development. In cases where harm might arise, it must then be considered whether or not that harm is outweighed by the benefits of allowing development to take place before planning permission can be granted. It is also necessary to consider that impact on heritage assets can arise both through direct
- 10.104 In this particular case there is no doubt that the application, which is in outline form and has no details for consideration, makes a full assessment of the heritage impacts difficult to achieve. However, and notwithstanding the recommendations of the Heritage Advisor, the overall conclusion is that the impacts are unlikely to be significant enough to warrant refusal of planning permission and

could moreover be adequately controlled through use of planning conditions and more detailed consideration at the reserved matters stage. In addition, it is the case that aspects of the proposals would be beneficial to the future viability of the listed Settle Station building, particularly if coupled with a planning obligation as recommended by the Conservation Advisor. It is the case officer's opinion that there are no matters in relation to heritage that are unresolvable or would support a refusal of planning permission and therefore the conclusion is that the application is acceptable in terms of its impact on heritage assets.

Flooding and drainage:

- 10.105 A number of third party representations have raised concerns over drainage and flooding issues associated with the application site and the proposed development. Clearly this is a legitimate concern especially in view of the fact that Gallaber Pond itself is formed by flooding and is situated on land immediately adjacent to the application site. Equally, the site does not lie within an area that has been identified as being at flood risk in the Environment Agency's Strategic Flood Risk Assessment mapping. Notwithstanding, the applicants have submitted a Flood Risk Assessment together with an Environmental Statement that deal with the matter of flood risk and drainage of the application site.
- 10.106 There are no saved Local Plan policies that deal with flood risk and drainage but there is a draft policy (ENV6: 'Flood Risk') that requires development to be limited to areas of low risk and for suitable management of foul and surface water to be incorporated. This accords with paras 155 to 165 of the NPPF which also sets out the need for, amongst other requirements, site specific flood-risk assessment and the use of sustainable drainage systems.
- 10.107 In a Sustainability Statement accompanying the application the drainage strategy for the site has been set out and includes:
- Kell Well Beck to be restored to its former course
 - An engineered overflow arrangement to allow excess flows to spill into Gallaber Pond
 - The 'Railway Culvert' is to be opened up through the site
 - An engineered inlet structure is to be built on the inlet to the A65 culvert
 - Surface water discharges to Kell Well Beck are to be controlled to the greenfield rate by means of temporary storage in a variety of off-line new and existing ponds.
- 10.108 Consultation on this application has taken place with NYCC as the lead flood authority and their comments can be seen in full earlier in this report. In summary the LLFA have no concerns regarding flood risk and consider that the submitted documentation accompanying the application demonstrates a reasonable approach to the management of surface water on the site. They have nevertheless recommended that the applicants provide the following:
- Confirmation of ownership/rights to Gallaber Pond
 - Indicative Greenfield calculations and storage estimates
 - Confirmation that the downstream condition of Kell Well Beck is acceptable to take flows from the development.
- 10.109 At the time of compiling this report the above information has not been requested or submitted. Notwithstanding, in consideration of the determination of the application, and in particular whether or not flooding or drainage issues associated with the site are sufficiently of concern to warrant refusal of planning permission, it is concluded that:
- The site is not at risk of flooding to an extent that would justify refusal of planning permission
 - The management of surface water is highly unlikely to present problems that could not be resolved either through the suggested drainage strategy or an alternative scheme via agreement with LLFA. Concern over surface water/drainage problems would not justify refusal of planning permission.

10.110 In coming to the above view it is considered that it would not be reasonable to base a refusal of planning permission on the grounds that the management of drainage from the site is not possible, particularly without further confirmation from the LLFA.

Highway safety issues:

10.111 The relevant saved Local Plan policy in relation to highway safety is T2: Road Hierarchy which is supportive of development proposals provided they:

1. *Are appropriately related to the highway network and in particular;*
2. *Do not generate volumes of traffic in excess of the capacity of the highway network;*
3. *Do not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and*
4. *Have full regard to the highway impact on, and potential for improvement to the surrounding landscape’.*

10.112 In terms of the NPPF the national policy is set out in part 9, paragraphs 102 – 111. Of most relevance are paragraphs 108 – 110 which state:

‘108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

111. *All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’.*
- 10.113 Draft Policy relating to highway safety is set out in INF7: ‘Sustainable Transport and Highways’ which is a ‘catch all’ policy introduced at the modifications stage of the Local Plan preparation, as such the policy is out to public consultation until 1st April. Draft Policy INF7 states:
- ‘The minimisation of greenhouse gases and congestion, and the provision of safe and accessible travel facilities will be supported by maximising the opportunities for travel by sustainable transport modes; avoiding severe residual cumulative impacts of development relating to transport; and the design of safe and convenient access to transport facilities. This will be achieved through:*
- a) working in partnership with the local highway authority, other authorities, local enterprise partnerships, transport providers, developers and local groups to implement Policies SP5 (Site SK140), ENV3 i to l), ENV11 and 12, INF4e) and SP2 c) of the Local Plan, and In the interests of bringing together all aspects of the plan’s provisions for sustainable transport and highways infrastructure into one policy and to clarify how the Local Plan will deliver at a local level national planning i. promote a sustainable and improved transport system which is safe, reliable, and onvenient, ii. improve transport connectivity with the rest of North Yorkshire, the wider Leeds City Region, Lancashire, Cumbria and Greater Manchester.*
- b) maintaining a pattern of growth which reflects the spatial strategy and settlement hierarchy set out in Policy SP4 of the Local Plan.*
- c) ensuring that all developments maximise opportunities to travel by non- car modes of transport through the location and design of new developments and developer contributions for off-site transport facilities, including securing access to transport facilities by walking and cycling.*
- d) ensuring all developments that generate significant amounts of movement are supported by appropriate sustainable travel assessments, such as a Transport Statement, or Transport Assessment and a Travel Plan as reasonably required by the local highway authority, North Yorkshire County Council.*
- e) providing safe, suitable and convenient access to all development sites for all modes of transport and all people, including vulnerable users of the highway, and wheelchair-users, people with limited mobility and people with other disabilities.*
- f) ensuring that the residual cumulative impact of traffic generated by developments on the highway network is mitigated and where new development necessitates the provision of new or upgraded infrastructure, including safety measures and pedestrian and cycle connectivity:- this is to be developer funded.*
- g) securing tariff style developer contributions for the highway improvements necessary to mitigate the cumulative impact of the level of growth planned for the town of Skipton up to 2032 which are fairly and reasonably related in scale and kind to the relevant development. The relevant policy development will be those greenfield residential site allocations in this Local Plan in or adjacent to the built up area of Skipton’.*
- 10.114 Both saved and emerging policy in relation to highway safety matters are consistent with the NPPF which is essentially supportive of new development provided it does not result in any unacceptable impact on highway safety.
- 10.115 In this case the application is accompanied by a Transport Assessment and a Travel Plan and consultation has taken place with NYCC Highways who have had access to that documentation when considering their response to the proposed development. In an initial consultation response the Highways Engineer raised no objections to the application but on later consideration has now advised that in his opinion:

- The development is remote from any amenities and attractions and this may result in more vehicle trips being generated by the development than that predicted by the applicant,
- Development will attract visitors from some distance away who would most likely travel there by car,
- Proposal would require speed reduction from 60mph to 30mph on A65 which would not be likely to be supported by the police or Highway Authority due to site location away from urban environment.
- Railway link may not be a practical means of travelling to the site
- Developer needs to explore more how the site could be improved with sustainable links to surrounding countryside and the local market towns.
- Site is remote and cannot be a sustainable development.

10.116 The upshot of the above is that the NYCC Highways Engineer is objecting to the proposal and advises that the access could not meet the required safety standard as the necessary traffic speed reduction could not be achieved. In view of this objection it must be concluded that the development cannot meet the requirements of the saved Local Plan policy, emerging Draft policy or the NPPF and should therefore be refused.

Officer note: In reaching the above view it is acknowledged that the existing access was constructed to an adoptable standard. However, the scale of development and associated vehicular traffic were not of the same magnitude that is now proposed and therefore the objection of NYCC Highways is reasonable and can be justified as a reason for refusal.

The principle of development and the planning balance:

10.117. Whilst it is clear that the proposed development fails to be compliant with saved Local Plan policies, policies in the emerging Draft Local Plan and policy requirements of national planning policy as set out in the National Planning Policy Framework, there remains a requirement for the local planning authority to have regard to the overall 'planning balance' when reaching a final decision on this application. This is set out in address the NPPF at paragraph 11 d) ii. which states that planning permission should be granted unless:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this [the] Framework taken as a whole'.

10.118 The benefits of the development have been set out by the applicant's agent and have been reproduced in paragraph 3.4 of this report and comprise 14 bullet points to which the following comments are made:

1. Growth in sustainable tourism – Whilst it is accepted that the proposal is likely to result in an increase in tourism it is questionable just how sustainable that would actually be given the substantial impacts that would arise given the scale and proximity of the site to the existing settlement of Hellifield. The NPPF at paragraph 8 defines the means by which sustainable development should be achieved identifying three overarching and interdependent objectives; economic, social and environmental. It is considered that the proposals would fail to meet the social and environmental objectives and therefore cannot be considered to be sustainable development.
2. Park and Ride connectivity – There is limited information with which to fully assess this element of the application and therefore only limited weight can be afforded to this potential benefit. Conversely, it could be argued that the large volume of parking/coach spaces would lead to increased vehicle movements and may not have any direct correlation with an upturn in rail travel.
3. Access to railway station via application site – the applicant's agent asserts that the proposed parking and access to station would be a benefit to local residents when in fact it would represent a much more circuitous route from the majority of the village and is therefore unlikely to be a significant benefit.

4. Proximity of parking and transport links to National Park – whilst it could be argued that site will generate more activity in the National Park it is not necessarily the case that the presence of the site and new bus stops will equate to an extension of the local bus network and/or routes – this is speculative at best and any benefit should be assessed accordingly.
5. Creation of Jobs – There is no doubt that the development would lead to new employment opportunities and that this is undoubtedly a benefit. Notwithstanding it is necessary to consider whether this would outweigh the dis-benefits of development which in this case is the physical proximity and impact on the environment and existing settlement of Hellifield. On balance, the provision of employment prospects does not outweigh the dis-benefits of the development.
6. Public access to hotel and facilities – It is considered that this would be a very limited benefit and would have no significant weight in the overall planning balance.
7. Use of the existing access road – The assertion that use of road in connection with the proposed development is a benefit is questioned. The road was designed to accommodate a much lower impact development that has extant permission. It is not considered that it's use in connection with the proposed development, which would require further highway improvements in any case, would represent a significant benefit.
8. Enhancement of the existing PROWS – This assertion is highly questionable as physical maintenance is not the only issue – the existing PROWS are likely to be far less appealing to local residents and walkers given the significant changes to the land that would take place.
9. Management of Gallaber Pond – This is not a significant benefit as the existing pond has flourished as a wildlife area for a number of years. Citing an arrangement that only applies should the development proceed is only considered to be a marginal benefit at most.
10. Capital cost of development – there would be a boost to the economy of Craven and this is accepted as being a benefit. However, the economic benefits should not outweigh other considerations, in particular national and local policy requirements, and therefore this is not considered sufficient to outweigh the dis-benefits of development.
11. Business rates – as above this is not seen as sufficient justification to outweigh other planning merits.
12. TDOS – as set out in the report this is not an allocation in the Local Plan and has no significance in terms of planning benefits – the policy EMP11 that identifies the potential TDOS sites does not support the development proposals in any case and extant planning permissions only cover limited parts of the application site.
- 13 and 14 - Ecological enhancement – this is not accepted – the development is only possible through mitigation, this is not an enhancement in comparison to no development taking place and therefore cannot be a benefit of the application.

10.119 The above is a brief summary of each of the benefits put forward by the applicant's agent. Overall, the conclusion is that in this instance the development would not provide sufficient benefits to outweigh the dis-benefits should development be allowed to take place. Specifically, for the reasons set out in this report, the proposal is contrary to saved Local Plan policies ENV1 and EMP16 and would, in the opinion of the local planning authority, result in a development that would be out of scale and out of context with its surroundings that would moreover have a significant and detrimental visual impact on the character and appearance of the open countryside in addition to the existing settlement of Hellifield and give rise to significant traffic impacts. These represents significant dis-benefits which the local planning authority consider would outweigh any benefits that the proposed development might give rise to. Accordingly, the recommendation to refuse planning permission remains.

11 Recommendation:

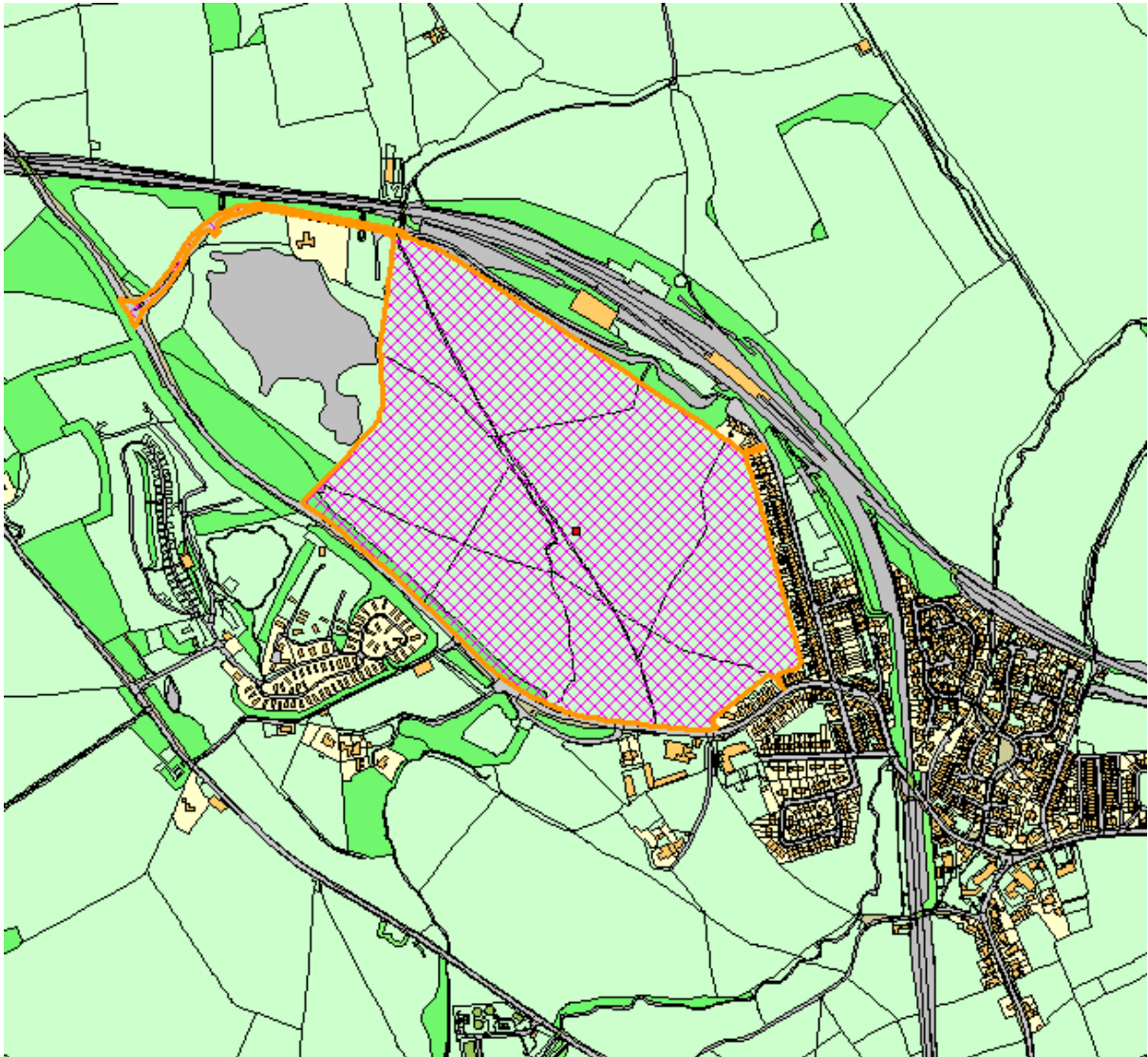
11.1 That planning permission is refused for the following reasons:

Reasons for Refusal

1. The proposed development which would be located in the open countryside as defined in the adopted Craven (outside the Yorkshire Dales National Park) Local Plan would:
 - i) Not be well screened by landforms and existing landscaping from roads, elevated viewpoints and other public spaces and would have an adverse effect on the character and appearance of the countryside,
 - ii) Be out of scale in the context of its surroundings,
 - iii) Would have an unacceptable impact on the character and setting of Hellifield,
 - iv) The traffic generated by the development could not be satisfactorily accommodated on the local highway network.

For the above reasons the proposal would conflict with saved Local Plan policies ENV1 and EMP16 and national planning policy as set out in the NPPF.

2. The proposed development would give rise to significant traffic movements that would exceed the parameters of the existing access and immediate highway contrary to the requirements of saved Local Plan Policy T2: Road Hierarchy and the national planning policy requirements as set out in paragraphs 108 to 109 of the NPPF.



Application Number: 42/2016/17496

Proposal: Outline application for the development of a leisure centre, including swimming pool, hotel and visitor accommodation, including up to 300 lodges, a park & ride facility, pedestrian access to Hellifield Station, parking areas, bus and coach drop off point. Landscaping including ground modelling and water features.

Site Address: Land To The West Of Hellifield, Hellifield, BD23 4HJ

On behalf of: Ballan Ltd