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Branch Chair
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Authority: North Yorkshire Council (former Craven District)

Type of consultation: Planning Consultation

Full details of application/consultation: ZA24/25752/REMMAJ - Application for the approval of reserved matters (appearance, landscaping, layout, and scale) for Phase 2 of the employment development pursuant to outline planning permission reference 62/2017/18064.

At land: Anley Crag Business Park, Land To The West Of The B6480 (Skipton Road), Settle, North Yorkshire

Type of response: Objection

Date of Submission: 5th April 2024

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on the abovementioned application for the approval of reserved matters for phase 2 part of the employment development pursuant to the outline planning permission 62/2017/18064 at Anley Crag Business Park, Settle.

CPRE objected to the development of this site in open countryside and within the setting of the Yorkshire Dales National Park (YDNP) previously when the proposals were submitted in outline in 2017. They also objected to the allocation of the site (reference SG064) in the adopted Craven Local Plan. However, it is understood that the principle of development at this site has been established through the award of outline planning permission and subsequent allocation for mixed use in the Local Plan. However, whilst that was accepted, CPRE also objected to the previous application in April 2021 and August 2021 to a reserved matters application for the employment and residential phases of the overall site. Despite receiving objections from ourselves, the Town Council, Craven Heritage Trust and Natural England and other statutory consultees requesting more information the proposal was approved following officer recommendation on 5th July 2021.

Given the fact that the adopted Craven Local Plan is considered up to date, CPRENEY were surprised that the Council approved the application without receiving and being satisfied with the information required by the Local Plan Policy SP6. Simply because the site is allocated in the Local Plan does not mean that the applicant is not required to meet the policy requirements. CPRENEY object to the current proposals in the strongest possible terms.

CPRENEY were previously concerned about the employment proposal in relation to the submission of insufficient information by the applicant – specifically regarding a lack of evidence of net gain for biodiversity, lack of information regarding any increased provision of green infrastructure across the site, lack of hydrological investigation and bird survey in relation to the impact on the Long Preston Deeps SSSI, lack of a heritage assessment in relation to Anley House and the Settle to Carlisle Railway Conservation Area, and the lack of an up to date flood risk assessment.

Considering the current limited documentation submitted on behalf of the applicant and published on the Council's Public Access portal, CPRENEY remain concerned about such issues. There appears to be no information in relation to landscaping and only basic plans and elevations in relation to the appearance, layout and scale or the impact these proposed buildings will have on the surrounding environment and heritage assets.

Further whilst the applicant has submitted some information to the Council to discharge conditions in relation to Highways and Drainage as attached to the 2017 original outline permission – these have not as yet been determined according to the Council's planning portal pages. It appears, however, that the full information requested in those conditions has not been submitted as there does not appear to be onsite storage for non-vehicle movements, including cycle storage or any information in relation to EVC points etc. The current application does not address this either.

CPRENEY cannot find any information to support an application to discharge condition 1 (*'No development shall commence on either the 'employment area' or the 'residential area' until approval of the details of the layout, scale, external appearance, and the landscaping/boundary treatments (hereinafter called "the reserved matters") for the respective area has been obtained from the local planning authority in writing' . [...]*) and Condition 7 (*'The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include full details of both hard and soft landscape works and these works shall be carried out as approved. The details shall include a detailed scheme for the planting of trees and shrubs specifying types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required; details of hard landscaping materials, including the surfacing materials of any hardstanding, drives, footways, screen walls, fences and other means of enclosure. Development shall be carried out in accordance with the approved details.'*) of the original outline application.

The original outline application was approved on the basis of the below submitted proposed site plan for the overall site (fig.1). It is acknowledged that outline applications are 'illustrative' and that landscaping was a matter reserved for a later application.

Fig.1: Approved site plan (outline permission)

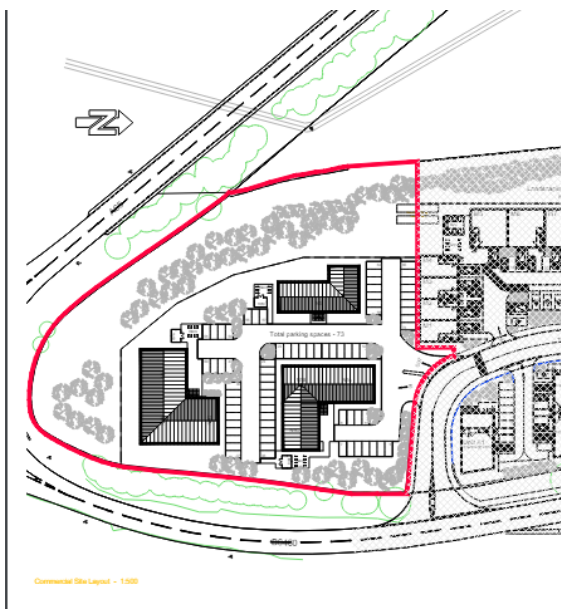


(Candelisa)

The applicant submitted a planning application for Phase 1 of the employment development pursuant to the original permission in February 2021 (2021/22605/REM) which received planning approval on 21st July 2021, subject to conditions. Condition 4 detailed that *'within three months of development first taking place a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority'* and included 5 criteria to be included within the scheme amongst other pertinent matters. CPRENEY are not aware that an application to discharge landscape conditions has been made.

However, the current proposal proposed site plan (fig.2) whilst proposing similar shaped buildings, does not reflect the illustrative landscaping from the outline permission, nor is mention of landscaping made in any of the documents submitted in support of this phase of the development proposal, which given it was a reserved matter is extremely remiss.

Fig.2 – current proposed site plan



(Candelisa)

The agent's covering letter alludes to a discussion having taken place between them and the Council seeking submission and prompt processing to ensure the documents are validated prior to the lapsing of consent for phase 2 of 26th February 2024. CPRENEY consider that the obvious rush to validate the documents has significantly impacted the quality of the submission and that the applicant appears to have relied upon the fact that the site is allocated for mixed use development in the Local Plan and an outline planning approval exists. The developer MUST still demonstrate that requirements set out in the policy brief for the site are met and delivered. To be satisfied with the proposals, including

landscaping, the Council must realize their statutory duty to place great weight on the landscape quality of the designated landscape, including its important setting. Settle is one of the primary entry points into the YDNP and retains its character as a small market town. The proposal would drastically alter the character of this entry point into the Park. The development sits on a raised embankment and is very prominent in the landscape and views of the development looking towards the National Park would have a significant visual impact.

CPRENEY does not consider that appropriate weight has been given to the importance of the setting of the National Park by the applicant (nor the previous District Council to date). We consider that the lack of reference to and consideration of the setting and importance of views into the National Park and the special qualities for which the YDNP was designated is highly inadequate. The setting and importance of views into National Parks should be given great weight in decision making regarding landscape impacts in accordance with paragraph 182 of the NPPF. Indeed Policy ENV1d of the adopted Local Plan seeks to ensure that when determining development proposals affecting the setting of the YDNP, *'the Council will give great weight to conservation of their special qualities, including their landscape, scenic beauty and intrinsically dark landscapes.'*

Policy ENV4 of the Craven Local Plan sets out how growth in housing, business and other land uses on allocated sites will be accompanied by improvements in biodiversity and goes on to set a number of criteria that should be considered by the developer at the design stage. Most importantly it goes on to specifically set out a guiding principle to identify indicative areas of green infrastructure within each site where an overall net gain in biodiversity will be expected (my emphasis). This list suggests that 1.6Ha of the site should be green infrastructure. The same requirement of 1.6Ha is set out in adopted Policy ENV5 of the Local Plan which deals specifically with Green Infrastructure. – there is simply NO evidence in any of the planning documents associated with the entire development that the 1.6Ha of Greenspace is planned within the design.

The NPPF (paragraph 180) requires development proposals to demonstrate a 'measurable' net gain in biodiversity, which is supported by the Environment Act 2021 which expects proposals to achieve a 10% net gain in biodiversity. At no point in the development proposals for this site has the applicant submitted information setting out information in relation to a measurable net gain and this remains true for the current proposal. The allocated site is greenfield development located away from Settle or any other settlement and is currently predominantly farmland, woodland and individual barns, any new green infrastructure development must be considered 'on top' of the existing in order to produce a measurable net gain.

The applicant has not provided a comprehensive landscape plan for the entire site, nor for the current proposal. Neither has information pertaining to increased green infrastructure been submitted including opportunities to deliver recreational walking opportunities relieving pressure on the Ingleborough Complex Special Area of Conservation. A detailed Landscape Masterplan should be submitted prior to determination of the current proposals in order to ensure required aspects set out in policy are delivered alongside opportunities to ensure that adequate mitigation has been provided for the site. CPRENEY believe that the removal of trees to the eastern perimeter alongside the lack of provision of green infrastructure and open space has lessened any perceived mitigation to such an extent that a detrimental impact on the important gateway to Settle (and the YDNP) will occur as a result of the proposals. The revised (2023) NPPF now requires applications to consider the need for trees both within and across sites (including tree lined streets) and as such, the current proposal fails in this regard.

Local Plan Policy SP6 sets out a development brief for the allocated site (site ref: SG064). This specifically provides a number of development principles for the site which must be adhered to in order to receive planning permission. Regardless of the fact that an outline application has been granted (which effectively established the principle of the site for development in the same way as the Local Plan allocation), the application for Reserved Matters should satisfy all of these policy points. It fails to address many. The principles require (amongst other matters):

- A Biodiversity Appraisal to be undertaken. This has not been submitted.
- 1.6Ha of Green Infrastructure. – No evidence of this has been submitted
- A hydrological investigation and bird survey in relation to the impact on the Long Preston Deeps SSSI should have been provided. This has not been submitted.
- A heritage impact assessment re. the Settle to Carlisle Railway Conservation Area. This has not been submitted.

Without this information it is not possible for the Council to adequately determine that this proposal will not detrimentally impact the YDNP, the Long Preston Deeps SSSI, the Settle-Carlisle Railway Conservation Area. Nor is it possible to determine, as previously mentioned, whether a measurable net gain for biodiversity or sufficient green infrastructure has been achieved and as subsequently whether the design is appropriate. As such the proposal should be refused.

With reference to the appearance of the three proposed units, CPRENEY are of the opinion that the proposal is particularly uninspiring and is considered that this is contrary to Local Plan Policy ENV3 as good design sympathetic to local distinctiveness has not been fully considered.

The applicants appear to have resubmitted a previous document entitled 'Sustainable Design and Construction Methods Statement' which pays lip service to matters involved with sustainable design but does not offer any real information to conclude that the development will achieve a reduced carbon footprint and as such offers nothing to the planning proposal. For example, the paragraph entitled 'energy' states that the proposed buildings will be insulated. It provides no information regarding the type or level of insulation to be provided. There are multiple ways of reducing the carbon footprint of dwellings and none of these have been explored. The applicant has not even provided detail regarding whether a specific level of energy efficiency will be achieved in the provision of new building or meet a specific design code (e.g. BREEAM 'Very Good' as a minimum). Neither has the provision of Electric Vehicle Charging Points been detailed in the drawings, DAS or Sustainable Design Statement submitted in support of the proposal. Policy ENV3 requires 'sustainability' to be *'designed in so that development takes all reasonable opportunities to reduce energy use, water use and carbon emissions and to minimise waste, ensure future resilience to a changing climate and wherever possible to generate power through solar or other means in accordance with building regulations.'* Furthermore, as set out above, the application has changed and the outline LVIA is out of date. It is therefore not sufficient for the applicant to rely on that document. The proposal is completely contrary to the provisions of this policy.

The Council should be proactive in requiring the policy requirements (as a minimum) to be delivered when trying to achieve net-zero by 2050 in line with Government targets. Especially when the Council has declared a Climate Emergency and aims to be carbon-neutral by 2030 which is an even more ambitious target.

In conclusion, despite having objected to the allocation of this site and the proposal at outline stage, CPRENEY recognise the principle of development at this site has been established. However, regardless of the allocation or outline permission previously granted, the proposal must satisfy the development brief and other policies of the development plan. As set out above, the application is not supported by sufficient evidence to warrant the granting of planning permission at this stage or indeed the discharge of previous conditions.

The Council cannot adequately assess the proposals against the provisions set out in planning policy without a significant amount of further information being submitted.

CPRENEY consider this site to be located at a key gateway into the YDNP which is afforded the highest level of landscape protection in the country in planning terms and any development in this location should be small scale and sympathetic of this given that development within the setting of a designated asset can drastically impact the experience of that asset. It is believed that this proposal, especially in its current guise will considerably alter the character of the gateway to the NP and without sufficient evidence to the contrary, the proposal should be refused as being harmful to the setting of the YDNP and surrounding heritage assets.