

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0822/FL

Development description: proposed art installation with associated accessible access path and ground mounted solar array

Site address: near Cross Cliff Car Park, Dalby forest

Parish: Allerston

Case officer: Mrs Helen Stephenson

Applicant: Mrs Petra Young
Forestry Commission , Outgang Road, Pickering, YO18 7EL

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Conditions

Condition number	Condition code	Condition text															
1.	TIME01	<p>Standard Three Year Commencement Date</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>															
2.	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>18 Oct 2021</td> </tr> <tr> <td>Site Plan</td> <td>SGR01</td> <td>02 Nov 2021</td> </tr> <tr> <td>Solar Array</td> <td>N/A</td> <td>18 Oct 2021</td> </tr> <tr> <td>Design Statement (including Singing Room details)</td> <td></td> <td>18 Oct 2021</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location Plan	N/A	18 Oct 2021	Site Plan	SGR01	02 Nov 2021	Solar Array	N/A	18 Oct 2021	Design Statement (including Singing Room details)		18 Oct 2021
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Site Plan	SGR01	02 Nov 2021															
Solar Array	N/A	18 Oct 2021															
Design Statement (including Singing Room details)		18 Oct 2021															
3.	GACS07	<p>External Lighting - Submit Details</p> <p>No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.</p>															
4.	MATS00	<p>The external timber elevations of the installation hereby approved shall be allowed to weather naturally or treated with a product/colour which shall first be agreed in writing with the Local Planning Authority and shall be maintained in that condition in perpetuity.</p>															

5.	LNDS00	The development hereby permitted shall be carried out in accordance with the Tree Protection Measures set out in the "Singing Room, Crosscliffe, Dalby - Basic tree survey dated 06 December 2021(received 08 December 2021) prepared by Cath Bashforth, Yorkshire Forest District Ecologist. All works within the root protection areas of retained trees shall be carried out in line with the guidance in BS5837 and/or NJUG UK Volume 4.
6.	ARCH02	Archaeological Interest Requiring Full Survey No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
7.	MISC00	If the use of the installation (including the associated solar array) for arts/visitor purposes permanently ceases, the structure shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing.
8.	MISC00	The solar array hereby permitted shall be located at least 5 metres back from the edge of the adjacent public bridleway unless otherwise agreed in writing with the Local Planning Authority.

Reasons for conditions

Reason number	Reason code	Reason text
1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN00	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3.	GACS00	In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.

4.	MATS00	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
5.	LNDS00	In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
6.	ARCH00	In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
7.	MISC00	In order to comply with the provisions of Strategic Policies A and J of the North York Moors Local Plan which seek to ensure that opportunities are provided for all people to increase their awareness, understanding and enjoyment of the special qualities of the National Park to justify an exception being made to normal planning policies which seek to restrict new development in the open countryside.
8.	MISC00	In accordance with Policies SPA and J of the North York Moors Local Plan and in the interests of public safety.

Informatives

Informative number	Informative code	Informative text
1.	MISCINF09	<p>PROW to be Kept Free From Obstruction at all Times</p> <p>Please note that the public bridleway situated adjacent to the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.</p>

Consultation responses

Parish

Original comments - request additional information.

Response to addition information - The information has clarified all the Councillors' questions and there are no objections to the application.

Highways

No objection.

Forestry Commission

Standing advice provided.

Police – Designing out crime

Northern Gas Networks

Environment Agency

Environmental Health Officer

Third party responses

None received.

Publicity expiry

Site notice expiry date – 01 December 2021.



View of the existing access route to the site from the parking area.



View of existing clearing within which the Singing Room is proposed. The clearing is a scrub area surrounded by tall conifer trees. (photo credit: Forestry England)

Background

Full planning permission is sought for the installation of an art installation entitled “Singing Room” within Dalby Forest, close to the existing Crosscliffe Car Park towards the northern edge of the forest. The structure is proposed to be located amongst existing trees, just off the designated public bridleway. The aim of the art installation is to create a different way of experiencing the forest, relating to and interpreting the great variety of its sounds.

In providing background context, the applicant has explained that Singing Room forms part of Forestry England’s arts strategy for Dalby Forest, which aims to establish Dalby Forest as a destination for high quality art activities. These art activities are based on the landscape, people, heritage and wildlife of the forest and are used to engage our visitors more in the unique and interesting aspects of the forest.

The proposal comprises an inner chamber, roughly cube shaped and constructed of veneered marine plywood. The outer structure seeks to echo the tree planting and comprises vertical sections spaced at matching intervals and constructed of solid local larch. A sound system will be housed in the inner chamber and powered by a proposed solar array located adjacent the forestry access/bridleway which forms the principle public access to the site and which is suitable for wheelchair use. Smaller-scale access paths leading to and from the site are also proposed as part of the application, again providing access for all users.

Policy Context and Main issues

The relevant policies contained within the NYM Local Plan to consider with this application are Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Strategic Policy J (Tourism and Recreation) and Policy ENV10 (Archaeological Heritage).

SPA states that a positive approach to new development within the Park will be taken in line with the presumption in favour of sustainable development and where decisions are consistent with National Park Statutory Purposes (applying the Sandford Principle if necessary). Development will be supported where it: is a high quality of design which respects the local landscape and built heritage; supports the function and vitality of communities; protects or enhances natural capital and ecosystem services; maintains and enhances geodiversity and biodiversity through conservation; builds resilience to climate change; makes sustainable use of resources and; does not reduce the quality of soil, air and water in and around the National Park.

SPJ supports applications of a tourism and recreation focus where it is consistent with the principles of sustainable tourism; it does not harm landscape character or an ecological or archaeological asset; it provides and protects opportunities for people to increase their awareness, understanding and enjoyment of the National Park and does not undermine the enjoyment of those qualities by other visitors or local residents; it is

of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is for short-stays; it does not compromise existing facilities or public rights of way and; does not lead to unacceptable levels of noise or activity.

Policy ENV10 seeks to preserve the significance of Scheduled Monuments or other nationally important archaeological sites by requiring applicants to provide sufficient information to allow for an informed assessment of the significance of the archaeological heritage asset and its setting, and the impact of the proposed development on that significance.

The main issues are considered to be whether the proposal is of a size, scale and design which are appropriate for the area and which contributes to visitor experience and understanding of the landscape.

Local Plan

The proposed development has been specifically designed in order to provide visitors with an understanding of some of the heritage and qualities of Dalby Forest and the wider landscape setting. It will be located within an existing clearing close to an existing route which is suitable for a wide range of users.

The structure will be partially screened by existing vegetation and the surrounding forest is intended to contribute to visitors' experience of the art installation. The structure will not cause an obstruction to the access routes and by reason of its position, set back into the woodland, the feature is not anticipated to result in any 'overcrowding' of the main bridleway thus ensuring the normal route is unobstructed at all times. The simple and complementary design of the installation is considered compatible with the woodland setting and therefore would not have a detrimental impact on the landscape character of this part of the National Park.

The Authority's Woodland Officer requested the submission of a basic tree survey, arboricultural impact assessment and tree protection plan given the woodland location. Although he identified that the submitted survey did not follow the guidance in BS 5837, he confirmed that the tree removals are considered reasonable, and providing any activity within the root protection areas of trees for long term retention is carried out in a suitable manner there will be no significant impact. A condition is therefore recommended.

Having regard to archaeological matters, Cross Cliff Brow is known for several Scheduled Bronze Age round barrows, these making up a more complex barrow cemetery on the ridge line. Although the Authority's Archaeology Officer has advised that records indicate there are at least two badly damaged barrows within 50m of the application site, that does not necessarily preclude them from retaining significant archaeology below ground. As the full extent of the cemetery on Cross Cliff is unknown,

it is necessary to have a watching brief in case prehistoric archaeology should be present.

The applicant has provided further information in relation to the likely ground disturbance at the site (which is minimal) and confirmed that an archaeological contractor will be appointed. The Authority's Archaeology Officer has considered the additional information and confirmed that he is happy with the information. It is however recommended that a condition is included.

The Area Ranger has requested that the solar array is located approximately 5m back from the edge of the bridleway and that the bridleway remains open for use at all times. These matters have been included in the recommended conditions and informatives above.

Although the solar panel array would be visible from the bridleway, by reason of its need for uninterrupted sunlight, alternative locations are not possible within this woodland setting. The panels would be seen in relatively close proximity to the structure and ground disturbance through connection would be minimal. The applicant has also highlighted that in addition to powering the artwork the solar array will also highlight a new way of thinking about energy and engage people in Forestry England's drive to become carbon free by 2033.

The site is remote and has no immediate residential neighbours and therefore the development will not have an impact on private amenities. The site is located within an already popular tourist area and although it is on a main walking route (the Old Wife's Way) between the Hole of Horcum and Hackness) there is a car parking provision nearby.

In conclusion the proposed scheme is not considered to have any detrimental impact on the landscape character of this part of the National Park and will help to promote the understanding and appreciation of the area and wider landscape.

On the basis that the development would be in accordance with Strategic Policies A and J of the NYM Local Plan, approval is therefore recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.