

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0764

**Development description:** variation of condition 10 of planning approval NYM/2003/0709/CI to allow revised dark skies compliant lighting

**Site address:** Courtyard, Dalby Forest Visitor Centre Low Dalby

**Parish:** Thornton Le Dale

**Case officer:** Miss Emily Jackson

**Applicant:** Forestry England

**fao:** Mrs Petra Young, Outgang Road, Pickering, York, YO18 7EL

**Agent:** N/A

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text									
1	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><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Supporting Information</td><td>N/A</td><td>20/10/2022</td></tr><tr><td>Confirmation of lighting locations</td><td>N/A</td><td>14/11/2022</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	Supporting Information	N/A	20/10/2022	Confirmation of lighting locations	N/A	14/11/2022
Document Description	Document No.	Date Received									
Supporting Information	N/A	20/10/2022									
Confirmation of lighting locations	N/A	14/11/2022									
2	GACS00	No external lighting shall be installed anywhere on the application site other than that hereby approved unless									

Document title

		otherwise agreed in writing with 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.
3	MATS00	The external finish materials of all walls and roofs of the development hereby permitted shall be maintained in full accordance with the details approved under planning permission reference NYM/2003/0709/CI.
4	RSU000	The use of the workshops hereby permitted shall be restricted to uses falling within Class BI of the 2015 Town and Country Planning (Use Classes) Order or any provisions equivalent to that Class in any statutory instrument revoking and re-enacting that Order and there shall be no retailing of goods from any of the workshop units except for the ancillary sales of craft goods made on the premises.
5	RSU000	The bike hire facilities and the snack bar hereby permitted shall not be open to the public except between the hours of 08.30 hours and 19.30 hours April to September and 08.30 hours to 17.30 hours October to March as approved under planning permission reference NYM/2003/0709/CI unless the prior written agreement of the Local Planning Authority has been obtained.
6	RSU000	The use of rooms/space shall be and shall remain as shown on plan 4395/PL/04 ·Revision b received by the National Park Authority on 16 October 2003 under planning permission reference NYM/2003/0709/CI unless otherwise agreed in writing by the local planning authority.
7	DRGE00	Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

8	DRGE00	Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority. Roof water shall not pass through the interceptor.
9	DRGE00	Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, impermeable roads and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

**Reason(s) for condition(s)**

Reason number	Reason code	Reason text
1	PLAN00	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	GACS00	In order to comply with the provisions of Strategic Policy A and ENV4 of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents or the character of the locality, and so that development helps maintain the National Park's status as an international dark sky reserve.
3	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 building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4	RSU000	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Strategic Policy A of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the NYM National Park.
5-6	RSU000	In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Strategic Policy A of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the NYM

		National Park.
7-9	DRGE00	To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.

### Consultation responses

#### Parish

No Objections

#### Third party responses

None Received

#### Publicity expiry

Advertisement/site notice expiry date – 15<sup>th</sup> November 2022

Photograph showing existing external lighting within the Courtyard



Photograph showing existing external lighting within the Courtyard (near Café)



## Background

The 'Courtyard' is a series of converted stone and pantile buildings operated by Forestry Commission adjacent to Low Dalby Village, northeast of Pickering, that are used as an extension of the Dalby Forest Visitors centre, consisting of a cycle hub, art centre, toilets, café, and outdoor seating area for those visiting the forest.

Planning Permission for the courtyard was approved in December 2003.

This application seeks to vary Condition 10 of the previous 2003 planning approval (NYM/2003/0709/CI) to allow Dark Night Skies compliant lighting to replacement the existing lighting on site.

## Main issues

### Local Plan

The most relevant policies contained within the North York Moors Local Plan 2020 to consider with this application are Strategic Policy C (Design), Strategic Policy J and Policy ENV4 (Dark Night Skies).



Strategic Policy C seeks to maintain and enhance the distinctive character of the national park by considering appropriate siting, orientation, layout and density of proposals in addition to appropriate scale, height and massing and form. Proposals should utilise good quality materials and be of a high-quality, sustainable design that reflects and complements the architectural character and form of the original building and/or that of the local vernacular.

Strategic Policy J states that tourism and recreation development will be supported where: it is consistent with the Authority's principles of sustainable tourism; it does not lead to unacceptable harm to the local landscape; it provides opportunities for all people to increase their awareness and enjoyment of the special qualities of the National Park; it is of a quality and scale that reflects the sensitivity of the local landscape; it does not compromise the enjoyment of existing tourism and recreational facilities or public rights of way; and it does not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood.

Policy ENV4 states that the darkness of night skies above the National Park shall be maintained and where possible enhanced. All development will be expected to minimise light spillage through good design and lighting management. To ensure this, the following lighting principles will be applied: no external lighting will be permitted in remote areas; and in open countryside or settlements listed in the Authority's settlement hierarchy, proposals that involve external lighting will only be permitted where it can be demonstrated lighting is essential for safety and security and meet/exceed any lighting guidelines adopted by the Authority.

### Material Considerations

In December 2020, the North York Moors National Park was designated an International Dark Sky Reserve by the International Dark-Sky Association, one of 20 in the world. As identified in the North York Moors National Park Management Plan 2022-2027, 'Dark Night Skies' are one of the Parks 'Special Qualities' that help to define what makes the North York Moors distinctive and valuable.

Dark Night Skies compliant lighting acts to protect this special quality by reducing light spillage from developments throughout the park. As the Courtyard was developed prior to the introduction of Dark Night Skies policy, its current lighting infrastructure is not compliant with guidance.

The Courtyard is a large site with significant light installations; therefore, it is considered that Dark Night Skies compliant lighting would offer a significant enhancement over the existing lighting, reducing light spillage from the site. The applicant also hopes that this would help to promote Astro-tourism on the site, which would increase visitor enjoyment of one of the special qualities of the National Park.

The proposed replacement lighting units are considered to be compliant with the Authority's lighting guidance, offering a mixture of zero-degree upward light output

ratio (ULOR), warm white, maximum 3000 kelvin LED luminaires which are more directional and energy efficient than the existing lighting on site. There are no light fittings pointed towards any adjacent residential or commercial properties.

The Authority's Dark Night Skies consultee has expressed no concerns regarding the proposal, stating that the site is an important location from a Dark Night Skies perspective, and therefore, Dark Night Skies compliant lighting is welcomed.

### Conclusion

For the reasons outlined above, the updated proposal meets the aims of Strategic Policy C, Strategic Policy J and Policy ENV4, and as such approval is recommended.

### Pre-commencement conditions

N/A

### Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.