

North York Moors National Park Authority

Ryedale District Parish: Appleton-Le-Moors	App No. NYM/2018/0791/FL
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Proposal: use of part of the former quarry for leisure purposes in the form of 1 no. additional log cabin, 12 no. touring caravan pitches with associated package treatment plant and access road and change of use of quarry building to visitor club/meeting facility

Location: Land at Spaunton Quarry, Kirkbymoorside

Applicant: George Winn Darley, c/o Agent, Rural Solutions, Skipton, BD23 1DR

Agent: Rural Solutions, fao: Mrs Fiona Tiplady, Canalside House, Brewery Lane, Skipton, North Yorkshire, BD23 1DR

Date for Decision: 05 April 2019

Grid Ref: 471979 486557

Director of Planning's Recommendation

Approval subject to the demolition of the brick meeting room building and the following conditions:

1.	TIME01	Standard Three Year Commencement Date
2.	PLAN01	Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3.	LNDS01	Landscaping Scheme Required
4.	LNDS02A	Landscaping Scheme to be Implemented – Large Scale Development/General Development
5.	MATS00	Prior to the timber chalet first being brought into use samples of all materials, including windows and doors, and the external colour of the walls and roofs to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall not be altered without the prior written approval of the Local Planning Authority.
6.	GACS02	No Outside Storage
7.	GACS07	External Lighting – Submit Details
8.	LNDS00	Within 2 months of the commencement of the development hereby approved a woodland management scheme shall be submitted to and agreed in writing with the Local Planning Authority to include the proposed management regime for all proposed and existing trees on the application site and on land in the applicant's ownership immediately surrounding the site and to include a programme for replanting and new planting to ensure a continuous woodland cover.
9.	RSU000	The chalet unit hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one financial year.
10.	LNDS00	Full details of all hard surfacing, including paths, tracks and parking areas, and timber amenity block shall first be submitted to the Local Planning Authority for approval prior to the commencement of the development.

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Conditions continued

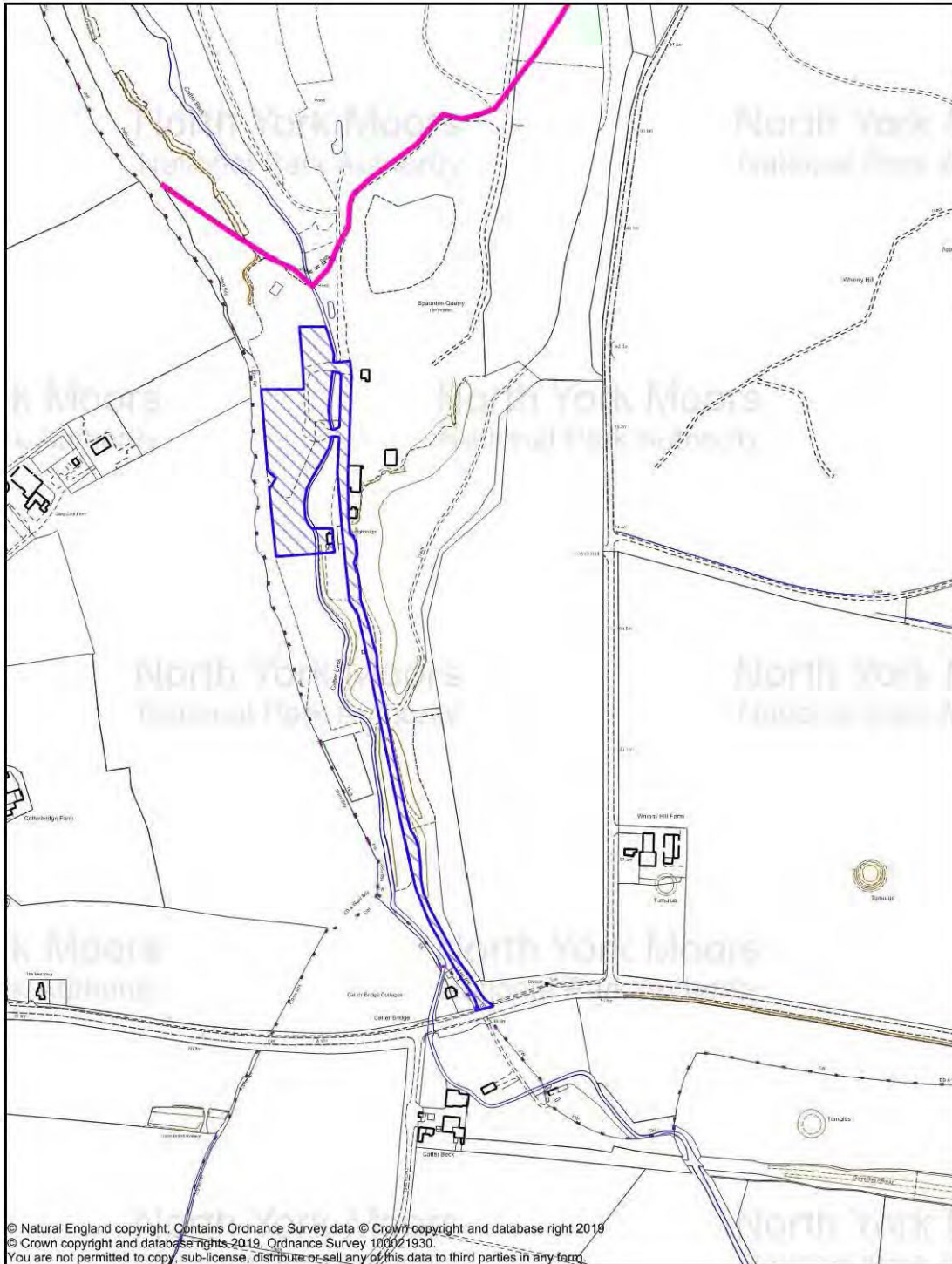
11.	MATS00	Prior to the establishment of any form of foundation for the chalet, details of the construction and in particular foundation design of the cabin hereby approved shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the ability to remove the unit in the event of the business ceasing to operate.
12.	RSU000	In the event that the cabin hereby approved is no longer used for holiday letting purposes it shall be removed from the site within a period of six months of last use and the site shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority.
13.	MISC00	In accordance with the development hereby approved there shall be no overhead cables erected as part of the development. All new cables required as part of the development shall be undergrounded in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
14.	MISC00	Prior to the development first being brought into use details of a proposed security system shall be submitted to and approved in writing by the Local Planning Authority.
15.	MISC00	Prior to the development first being brought into use , the semi-derelict brick originally proposed as a meeting room shall be demolished and the land restored and the timber structure amenity block shall be installed .
16.	DRGE01	Surface Water and Foul Drainage Details



North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

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Scale: 1:5000





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Consultations

Parish – No objections.

Highways – No objections, note proximity to bus service and PROW.

Environment Agency – No objections, recommend informatives.

Common Land 162 Group – It is notable that the application makes no mention of the Common Land status of the site which is a material planning consideration. Reference is made to 'land swop' of Common Land and private land but this has not been agreed. The legality of the implementation of the five log cabins should be questioned as the land swop associated with that permission has not been granted by the Secretary of State. In 2007 Planning Officers underplayed the significance of the Common Land status. We do not intend to let the distinguished heritage, cultural or social value of the Common be fractured as a result of lack of due consideration in the planning process.

EHO –

Water –

Police – Traffic –

North Yorkshire Moors Association –

Site Notice Expiry Date - 28 March 2019

Others – Ron & Andy Dale, Nr Spaunton Quarry – No objections applicant has answered our queries regarding access and traffic movements during a meeting with him.

Background

Spaunton Quarry is a former limestone quarry, now closed and approximately 90+% restored back to agriculture/woodland. It is located some 2.5 km east of Kirkbymoorside with good road access off the A170. The area that has not been fully restored essentially relates to the non-demolition of a series of semi-derelict former quarry buildings. The layout of the quarry can be described as comprising three distinct areas, a northern basin section and associated tree planted slopes was the first area to be restored, a middle basin area and a southern basin section in two parts which was the last to be levelled and is now being naturally vegetated. All the buildings awaiting demolition lie in the southern section which is closest to the quarry link road which leads onto the A170. The application site lies in one of the two southern parts, and comprises a mid-slope platform with some perimeter tree belt screening, it was previously used for the storage of quarried building products ready for sale.

This area already has planning permission for five log cabins granted in 2007 with some foundation work undertaken to keep the permission 'alive'. This area, along with much of the quarry is also classified as 'Common Land' as part of the larger Spaunton Common, although that designation for the quarry part of the Common is currently 'suspended' whilst the quarry was working/being restored and will revert when restoration is complete. The whole quarry is approximately 93 ha with a valley/gorge type topography and is surrounded by woodland belts. A stream, Catter Beck runs through the site north-south. A public footpath crosses the site east-west.

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Background continued

The application site extends to 1 hectare and the applicant is seeking consent to erect another log cabin (close by the previous permission for five cabins) together with establishing a 12 pitch caravan site on the other half of the mid slope plateau together with associated accessways and additional landscaping and septic tank/mini-treatment plant. A further part of the application as submitted is the retention of a semi derelict brick built former office/weighing station building as a meeting room for the caravans/cabins with potential for installation of amenity features such as toilets/showers.

The log cabin would be of timber construction with stained timber log walls and slate pantile roofing with parking in a communal car park. The cabin is approximately 70 square metres in footprint and would have three bedrooms, single storey with a ridge height is approximately 3.7 metres.

No reception or manager's accommodation is proposed, in 2007 the applicant had advised that the cabins will be managed as part of the wider estate with CCTV cameras and security alarm systems linking to existing estate accommodation will also be used. A S106 Agreement was signed by the applicant to prevent the log cabin development being sold off separately from Spaunton Estate. The agent has recently confirmed that the applicant has now purchased one of the two dwellings at the entrance to the quarry with a view to this dwelling being used by the site manager.

The applicant's agent has submitted lengthy supporting information with the application, in brief it states:

- Consider there is scope for low key re-use of the former quarry hence this leisure application and a second application for agricultural development associated with sheep farming on Spaunton Estate.
- A detailed 'Landscape and Visual Assessment' (LVA) has been submitted with the application which demonstrates that although the site has a high sensitivity to change the development would not have an unacceptable effect on landscape character or visual amenity.
- A preliminary Ecological Assessment has been submitted which demonstrates that the land and buildings have low potential for ecology and bats and subject to land clearance taking place outside of the bird nesting season (March to August inclusive) and a further Bat Survey there would not be significant impact on protected species.
- A Contaminated Land Survey is submitted with the application (the site previously operated a bitumen coating plant to create road surfacing materials) , which demonstrates that whilst there had been some historical hydrocarbon contamination in 2012, naturally occurring ground bacteria has had the effect of rendering the levels to acceptable levels by 2017.
- The development would result in economic benefits to the local and wider area throughout the year by also tapping into the shooting market.

In terms of other relevant site history, the applicant advises that quarrying has been taking place in the vicinity for over 170 years. In 1992 the owner signed a S106 Agreement to commit to progressive restoration and landscaping of a replacement restoration scheme. In 1997 following a decision by the Planning Committee to allow further extraction at the quarry and retain jobs, the decision was called in and considered before a Planning Inspector at a Public Inquiry. In brief the Inspector concluded that continued limestone extraction in the context of other limestone supplies was not exceptional and in the public interest and refused permission to keep the quarry open. In 2003, a Review of Mineral Permission (ROMP) of the extant planning conditions, resulted in issuing of new planning conditions for

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Background continued

the quarry, the most notable being a requirement to cease winning and working of minerals by December 2007 and implementation of a restoration masterplan.

Pre-application discussions for an alternative restoration (with additional modest leisure & renewables as well as agriculture & woodland) have been going on for many years alongside progressive restoration. In 2015, the applicant undertook a public consultation in preparation for the submission of an application to the Planning Inspectorate (PINS) to swap areas of Common Land with private land. Officers are not aware of the result of that process. In 2017, when progress stalled, a 'breach of condition' type Enforcement Notice was issued by the Authority to require the final restoration works. In 2018, Members may recall a proposal for a substantial leisure scheme at the quarry for: a time-share dwellings/ hotel/ club/ leisure/sports facility village that was presented at a Members Pre-application Presentation notwithstanding Officers earlier advice that the scheme represented "major development" and was contrary to policy and unlikely to be supported. That scheme appears to have been dropped. Later in 2018, Officers commenced legal proceedings for a prosecution for failure to comply with the 'breach of condition notice'. The submission of this application and another for agricultural development has resulted in Officers pausing with the prosecution arrangements until these applications have been determined.

The Authority's ecologist would prefer the use of a mini treatment plant over a septic treatment plant to avoid potential pollution of Catter Beck and asks that any ground clearance takes place outside the bird nesting season together with asking that consideration be given to additional mitigation in respect of grassland enhancement given the relative proximity to a rare habitat for Pearl Bordered Fritillary butterflies. A bat informative should be attached in respect of the building. The Authority's Woodland Officer notes that the some of the caravan pitches would result in tree loss and recommends that compensatory tree planting is provided. Members will be updated on officer's request for extra tree planting at the meeting. The Area Ranger has no objections.

Main Issues

Core Policy A of the NYM Development Plan (2008) seeks to further Park purposes in part by ensuring the scale of new development is commensurate with existing activity levels in an area, conserves the landscape and strengthens the rural economy with tourism opportunities which are based on enjoyment of the National Park's special qualities.

Development Policy 14, amongst other things, supports the expansion of existing businesses provided that proposals preserve or enhance special qualities, can be satisfactorily accessed from the public road network, are of a scale which would not detract from the amenities of visitors or residents and use existing buildings rather than new.

Development Policy 16 supports small scale chalet and camping sites subject to proposals meeting a range of criteria, these are: location in an area of substantial existing woodland, physical and functional link to an existing business and would not lead to pressure for a managers dwelling, appropriate small scale (accompanying text suggest no more than six units), the design minimises the level of permanent buildings to permit removal of the development if the business fails.

In terms of national guidance the NPPF promotes small scale rural developments which would not harm their countryside setting.

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Main Issues continued

The key issue is considered to be whether this 'intensification' of a business that was begun but not established would harm the character or appearance of the area, which will become Common Land in the near future, or whether the relatively contained nature of the site could represent an appropriate rural economy activity in what will always appear as previously quarried landform albeit restored to agriculture and woodland.

In terms of policy compliance, whilst the site is not located in established woodland the valley/gorge topography and woodland tree belts serve a similar visual screening effect as established woodland. Although the intention when the quarry was permitted was for the site to be fully restored (and conditions and a legal agreement were applied to this effect) the Authority nevertheless granted permission for a small scale chalet development (five units) on this site which is still extant. The existence of this permission has established the principle of a small scale tourism accommodation facility at this location and it is not considered that the principle of this further application is unacceptable as the proposal would not conflict with the landscape objectives of Development Plan Policies CPA, DP14 & DP16 taken together.

The site is accessible and has excellent connection to the public road network. The scale and mitigation measures should ensure that ecological resources are not adversely affected. The applicant has previously agreed to retain the leisure park within the operation of the wider Estate and the purchase of a dwelling at the quarry entrance indicates that there is unlikely to be pressure for a managers dwelling and details have been request to ensure the cabins could be removed if the business fails. Whilst the applicants have indicated a desire to retain a semi-derelict quarry office building as a meeting room or potentially an amenity block, this element conflicts with the aims of the policy and would harm the full restoration of the quarry and compromise the objective of retaining the openness of Common Land. The applicant has been requested to omit this aspect of the application with a view to considering a timber removable structure if an amenity block is critical for operational reasons and in a much less visible location.

The returning status of Common Land is a material consideration and the nature of its consideration in decision making on planning applications is considered to be very similar to the status of National Park designation wherein the landscape is valued for its intrinsic scenic beauty together with recognising the value of its openness as well as being of social and cultural value and being of agricultural value. Having regard to the mitigating factors of the extant permission the relatively contained nature of the site, the extent of the wider restoration work and the secondary regime for protecting common land from enclosure, it is not considered that the returning common land designation would be unacceptably compromised by the small fragmentation that would occur if planning permission and enclosure consent were granted including an appropriate land swop.

Having regard to the small scale nature of the proposal together with the contained site within what will be a restored quarry setting and the existing and proposed landform and tree screening the economic & social benefits are considered to outweigh the relatively small environment harm and as such approval is recommended.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policy B4 which seeks to improve the quality and variety of tourism accommodation in the Park.

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

Approval (No Amendments Required)

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.