

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Grosmont	App Num. NYM/2013/0052/R3
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Proposal: Application under Regulation 3 (Town and Country Planning General Regulations 1992) for construction of a 120 metre x 1.5 metre stone footpath

Location: Land to the north of Grosmont Engine Sheds, Grosmont

Applicant: North York Moors National Park Authority, fao: Mr Matthew Fitzgerald, Moors Centre, Lodge Lane, Danby, Whitby, North Yorkshire, YO21 2NB

Date for Decision: 21 March 2013

Grid Ref: NZ 482802 505009

Director of Planning's Recommendation

Approval subject to 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. LNDS11 Details of Access Surfacing to be Submitted

Reasons for Conditions

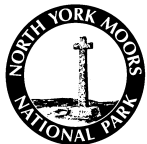
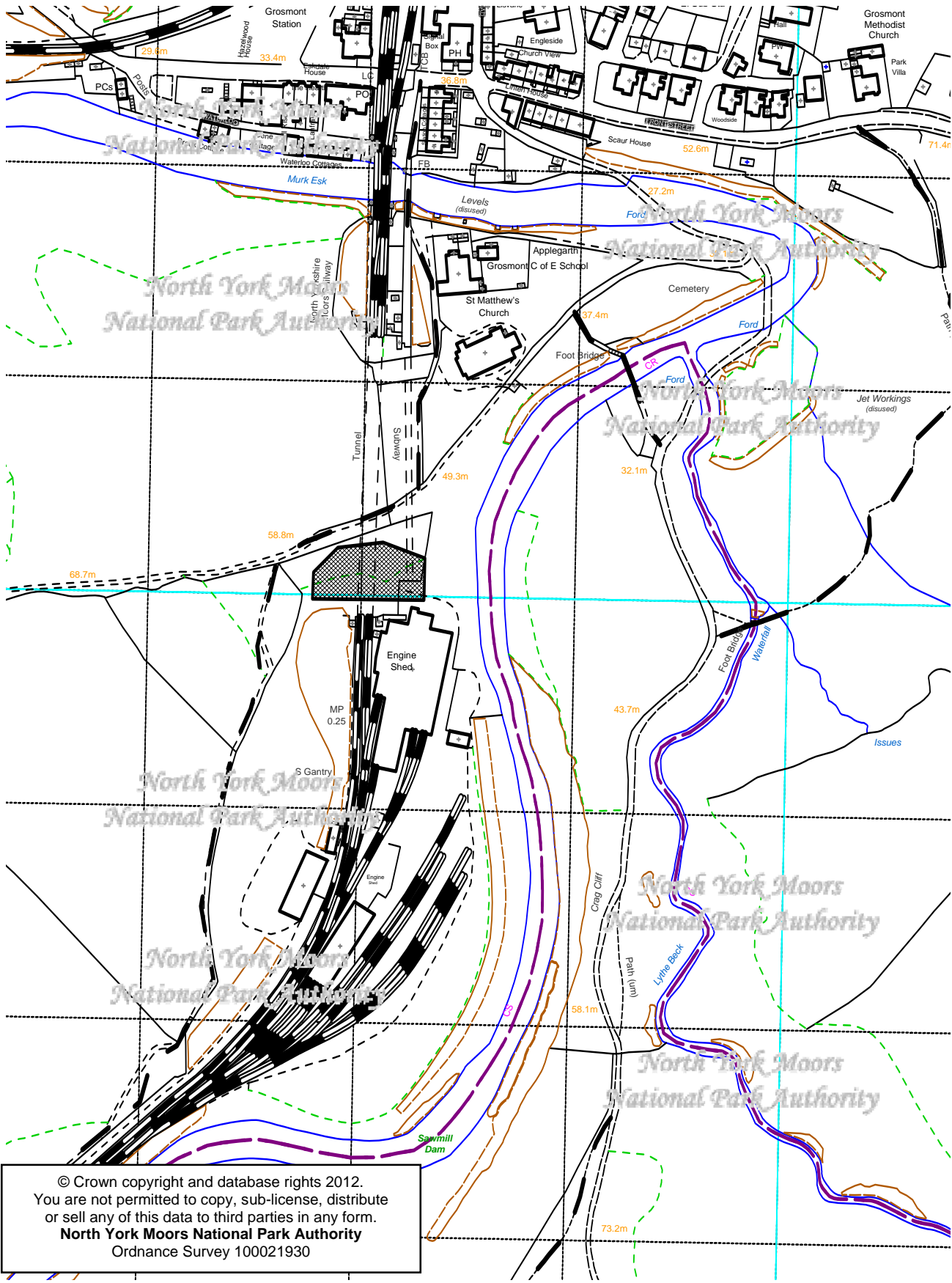
1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.

Consultations

Parish - Objects to the proposed development. The proposed route is on Church land and the Church has not been consulted. There is no good reason for the proposed diversion. The proposed route will divert people away from existing tourist services in the village.

Advertisement Expiry Date - 01 March 2013.

Others -
Mr George Morton, 12 Institute Row, Grosmont
John M Harrison, 20 Esk Valley, Grosmont
Bill Sanderson and Emily Thwaite, Old School Coffee Shop, Grosmont
Mr P Naylor, Oak Tree House, Esk Valley, Grosmont
Tammy Naylor, Oak Tree House, Esk Valley, Grosmont
Lynn Measor, 14 Esk Valley, Grosmont.
Barbara Cowie, Park Villa, Grosmont



North York Moors National Park Authority
 The Old Vicarage
 Bondgate
 Helmsley
 York
 YO62 5BP
 Tel: 01439 770657

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Scale: 1:2500



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The people listed above have raised objections to the proposed development for one or more of the following reasons:

- Angle of proposed path is too steep.
- Conflict of different types of user on the route and in the existing tunnel.
- Impact of horse droppings.
- Lack of land owner agreement.
- Money would be better spent on other improvements in the area.
- Diversion of people away from existing facilities such as the Old School Coffee Shop and the Church.
- Potential for collapse of the bank.
- There are alternative routes that horse riders can use instead of this proposed route.

Background

The application is for the creation of a section of permissive footpath associated with localised alterations and improvements to the Rail Trail in Grosmont. The proposed development will effectively form a link between the Rail Trail and the engine sheds and gift shop on the North York Moors Railway.

The proposed Permissive Footpath would be formed down a steep bank between the Rail Trail in a location above and to the south of the Grosmont tunnel. The proposed formation of the permissive route will require a certain amount of engineering to enable the route to be created.

Following consultation responses the applicant has submitted a further supporting statement as outlined below:

There is no intention for the new permissive path to be suitable for, or designed for horse riders. Horse riders will not be given any new access to the tunnel. Landowners have been consulted and there is currently on-going negotiation and discussion regarding the proposed permissive path. The works to the existing paths are a separate issue subject to the confirmation of a current path legal order and does not require planning consent. The legal order is currently going through the consultation process. The result of the diversion would remove the need for Rail Trail users to negotiate two gates - further safeguarding stock control and improving accessibility. Members of the public who choose to use the new path and walk through the tunnel when heading towards Rosemont will still be able to reach the Coffee Shop by walking the 25 metres up the path towards the Church. The Coffee Shop is also very visible from the northern end of the tunnel. Members of the public who choose to use the new path and walk through the tunnel when heading towards Rosemont will still be able to reach the Church if they wish by walking under 50 metres up the path towards the church. Increasing visitor numbers to the Church could be achieved by improving promotion through signage which has been offered to the Church as part of the project. Members of the public who wish to walk directly past the Church and Coffee Shop will still be able to do so. The proposed Permissive Path will not affect their ability to still do this.

Main Issues

The main issues are whether the proposed development will have any detrimental impact on the special qualities of the North York Moors National Park and whether the development will detrimentally impact on other tourism offers in the area.

The most pertinent Local Development Framework policy is considered to be Development Policy 14 which is supportive of appropriate new tourism development.

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Main Issues (continued)

Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network (by classified roads) or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity; where it will make use of existing buildings and where proposals for new accommodation do not have an adverse impact on the character of the local area.

The proposed new Permissive route will create a new link from the Rail Trail to the existing engine sheds in Grosmont. The route runs down a steep, vegetated bank which is covered in scrub and some larger trees. The bottom of the valley in this location is dominated by the noise, activity and buildings associated with the Railway. The proposed development will not be readily visible in the wider landscape and is not considered to be detrimental to the landscape quality of this part of the National Park. The purpose is to add to the local access routes not create a diversion or diminution of access routes.

The question of competition between businesses and impact on existing business has been raised by objectors to the scheme. Competition between businesses is not a planning matter in this instance and indeed the existing footpath past the Church and the Old School House Café will be retained. The Permissive route would simply provide an alternative route for people to access the engine sheds when entering the village from the south along with a circular walk from the village itself.

The question of land ownership has been raised. Part of the route is on land the owner for which has not been identified. As such the applicant has undertaken appropriate advertisement as required by the planning legislation. The matter of the legal use of the land is not otherwise a matter for the Planning Authority to consider.

In conclusion the proposed development will create a Permissive Footpath without detriment to the special qualities of the National Park or the amenity of users of the area. The proposed route is not considered to have an adverse impact on other tourist facilities in the area.

Approval is 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Reason for Approval

The proposed development will complement the existing right of way network in this location and will have no detrimental impact on the special qualities of the North York Moors National Park. The proposed development will have no impact on residential amenity and is in compliance with Development Policy 14 of the NYM Local Development Framework.