Decision No. NYM/2018/0076/R3

Town and Country Planning Act 1990
North York Moors National Park Authority

Notice of Decision of Planning Authority on Application for Permission to Carry out Development

To: North York Moors National Park Authority
c/o Cass Associates
fao: Mr Darren Muir
Studio 204B
The Tea Factory
82 Wood Street
Liverpool, L1 4DQ

The above named Authority being the Planning Authority for the purposes of your application validated 14 February 2018, in respect of proposed development for the purposes of application under Regulation 3 (Town and Country Planning General Regulations 1992) for alterations and single storey extensions to Visitor Centre including the installation of solar PV together with modifications to existing car parking areas, creation of additional car parking areas, proposed paths and erection of a dark skies viewing/bird hide building at Sutton Bank Visitor Centre has considered your application and has granted permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

   - Site Location Plan 1325-P011D 14 Feb 2019
   - Site Layout as Proposed 1325-P003G 14 Feb 2019
   - Dark Sky Pavilion Proposed Plans 1325-P030D 8 Feb 2018
   - Dark Sky Pavilion Proposed Elevations 1325-P031D 14 Feb 2018
   - Visitor Centre Proposed Ground Floor 1325-P023G 14 Feb 2018
   - Visitor Centre Proposed Elevations 1325-P025E 14 Feb 2018
   - Visitor Centre Proposed Elevations 1325-P026F 5 Mar 2018
   - Visitor Centre Proposed Roof 1325-P024E 5 Mar 2018
   - Proposed New Car Park Sections 1325-P040 5 Mar 2018
   - Proposed Surfacing Plan SUT-AWP-00-GF-DR-C-0005 P5 8 Jan 2019
   - Proposed Levels Sheet 2 SUT-AWP-00-GF-DR-C-0004 P4 8 Jan 2019
   - Proposed Levels Sheet 3 SUT-AWP-00-GF-DR-C-0006 P3 8 Jan 2019
   - External Works & Drainage Details Sheet 1 SUT-AWP-00-GF-DR-C-0100-P2 14 Feb 2019
   - External Works & Drainage Details Sheet 2 SUT-AWP-00-GF-DR-C-0110-P2 14 Feb 2019
   - Highway Signage MR17007/HSL/001 T1 14 Feb 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

Continued/Conditions

Mr C M France
Director of Planning

Date 04 March 2019

Please Note your Rights of Appeal are attached to this Decision Notice
3. 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.

4. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.

5. No work shall commence on the timber cladding of the development hereby permitted until details, including the design and fixing of the timber cladding including samples if so required have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.

6. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

7. The development hereby permitted shall be carried out in accordance with the Habitat Improvement Recommendations set out in Section 4.6 of the submitted Breeding Bird Survey by Wold Ecology dated 2017.

8. No work shall commence to clear the site in preparation for the development hereby permitted until a Management Plan detailing measures to maintain and enhance the habitats about the visitor centre, including conditions for their dependent species, and measures to be incorporated into the buildings to encourage bat roosting and bird nesting, has been submitted to and approved in writing by the local planning authority. The work shall not be carried out otherwise than in accordance with the details so approved.

9. No work shall commence to clear the site in preparation for the development hereby permitted until measures for the monitoring of the footpaths through the nearby Gormire SSSI to assess the impact of any increase in footfall arising from the development, including mitigation measures to minimise disturbance to the protected floral communities and habitats of the SSSI, have been submitted to and approved in writing by the local planning authority. The work shall not be carried out otherwise than in accordance with the details so approved.

10. The development hereby permitted shall not be brought into use until the approved renewable energy measures to generate energy on site from renewable sources to displace at least 10% of predicted CO₂ emissions have been installed and thereafter maintained in a working condition.

Continued/Conditions

Mr C M France
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11. 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.

12. Unless otherwise approved in writing by the Local Planning Authority, the access(es) to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
   a. The existing entry access off the A170 shall be improved by widening as shown on the approved plans and External Works & Drainage Details Sheets 1 & 2. The existing north-western overflow vehicular / coach access onto the C189 shall be improved by widening and up-grading of construction specification as shown on the approved plans and External Works & Drainage Details Sheets 1 & 2.
   b. The proposed overflow car park vehicular entry access and allied pedestrian crossing link over the highway verge of the C189 shall be constructed in accordance with the approved plans and External Works & Drainage Details Sheets 1 & 2.
   c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on Proposed Levels Sheets 2 & 3 and maintained thereafter to prevent such discharges.

   All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the creation of additional car parking areas until:
   a. An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
   b. A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

14. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority:
   Re-location / renewal & installation of new prescribed traffic signs, poles and road markings as detailed on Drawing Highway Signage Layout No. MR17007/HSL/001 Rev. T1 allied to the revised and upgraded entry / exit arrangements onto the C189 county highway.

15. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Proposed Surfacing Plan Drg. No. SUT-AWP-00-GF-DR-C-0005 Rev. P5 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Continued/Conditions

Mr C M France
Director of Planning

Date 04 March 2019
16. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The Statement shall provide for the following in respect of the phase:
   a. the parking of vehicles of site operatives and visitors;
   b. loading and unloading of plant and materials;
   c. storage of plant and materials used in constructing the development;
   d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;
   e. wheel washing facilities;
   f. measures to control the emission of dust and dirt during construction;
   g. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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 order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
4. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
6. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
7. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.
8. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.
9. 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 NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
10. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

Continued/Reasons for Conditions

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Director of Planning

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13. In accordance with NYM Development Policy 23 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.


15. In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

16. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle parking and storage facilities in the interests of highway safety and the general amenity of the area.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
Rights of Appeal

(1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

(2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates’ Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority’s decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority’s decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.