

**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: Wilf Noble Building Supplies Ltd
c/o Bell Snoxell Building Consultants
fao: Mr Louis Stainthorpe
Mortar Pit Farm
Sneatonthorpe
Whitby
YO22 5JG

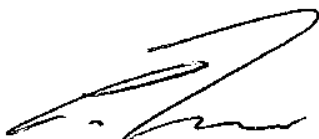
The above named Authority being the Planning Authority for the purposes of your application validated 11 April 2019, in respect of proposed development for the purposes of **alterations to highway junction, site layout and concrete plant together with replacement building at Wilf Noble Building Supplies, Sneaton Lane, Ruswarp**, 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:

Document Description	Document No.	Date Received
Proposed site layout	35127 Rev P3	29 May 2019
Proposed shed layout	35127 RevP1	3 April 2019
Proposed concrete plant View B	35127	3 April 2019
Proposed concrete plant View C	35127	3 April 2019
Proposed ramp section	35127 Rev P1	3 April 2019
Vehicle tracking	35127 Rev P1	3 April 2019
Proposed drainage layout	35127 Rev P1	3 April 2019

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The premises shall not be used other than as a Builders Merchant and Building Waste Recycling Station and shall not be used for any other purpose.
 4. No sorting or crushing machinery shall be operated on the premises before 10.00hrs nor after 15.00hrs on Monday, Wednesday or Friday. Sorting and crushing machinery shall not be operated on Tuesdays or Thursdays, on weekends or any Bank Holidays without the prior written agreement of the Local Planning Authority.
 5. No more than 10,000 tonnes of waste material shall be processed on site in any one calendar year. A record shall be kept of the tonnage of material processed through the site and shall be made available for inspection by the Local Planning Authority as required.

Continued/Conditions



Mr C M France
Director of Planning

Date 06 June 2019

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

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2019/0238/FL

6. 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.
7. Unless otherwise approved in writing by the Local Planning Authority, no work shall commence on the construction of the access hereby approved until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - i) The existing access shall be improved by the placing of the proposed kerbs. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No new tree planting shall be located over or within 5m either side of the centre line of the sewer which crosses the site.
9. All hedge planting comprised in the approved details shall consist of at least 6 native hedge species, and the hedge planting shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The hedging shall be maintained through weed control and replacement of lost saplings as appropriate for the first 3 years to ensure establishment. The hedge shall thereafter be managed to create a tall and wide hedge in order to secure its benefit to wildlife and should not be cut more than once every 2 years with a height of height/width of at least 2 metres being maintained in perpetuity.

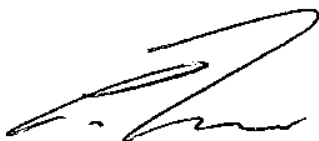
Informatives

1. In relation to condition 7 you are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition
2. The applicant is advised that the conditions attached to planning permission reference NYM/2013/0763/FL remain in force and have not been superseded by this planning permission.

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.

Continued/Conditions



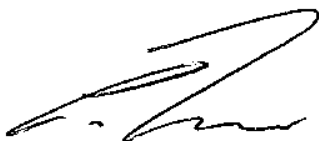
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3. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
- 4 – 6. 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.
7. 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.
8. In order to protect the structural integrity of the sewer from tree root infestation
9. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.

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 recommended changes to the proposal including amendments to hard surfacing and hedging, so as to deliver sustainable development.



Mr C M France
Director of Planning

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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.