

## North York Moors National Park Authority

### Internal Memorandum

To: Mr Chris France (Director of Planning)  
Mr Mark Hill (Head of Development Management)

From: Mrs H Saunders

File Ref: NYM/2019/0354/OU

**Application for outline application for a proposed sculpture ('Ebenezer') in the form of a traditional stone building (all matters reserved) at Land north of Northdale Farm (Ebenezer), Rosedale Abbey**

**For: David Ross Foundation c/o Agent**

I enclose for your attention the file relating to the above planning application which was Approved by the Planning Committee on 05 December 2019, subject to the following conditions.

1. TIME04 The development hereby permitted shall be commenced on or before whichever is the earlier of the following dates:
  - i) three years from the date of this permission;
  - ii) the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. RSU00 The building hereby approved shall not be used other than as a shelter for a piece of sculpture for visual and sensory experience and shall not be used for any other purpose and shall not be used to provide any form of overnight living accommodation.
3. GACS00 The building hereby approved shall be made available for public access in accordance with an access scheme to be agreed in writing with the Local Planning Authority. A written scheme detailing the nature of public access arrangements shall be submitted to the LPA for approval before the approved sculpture building is made available for internal viewing in accordance with this scheme, in perpetuity.
4. GACS00 No external lighting shall be installed in the development hereby permitted
5. MATS00 No work shall commence on the construction of the walls of the development hereby permitted until details of the external material and finish, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development including for walling and dressings 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. MATS60 All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

7. MATS00 No work shall commence on the construction of the roof of the development hereby permitted until details of the roof material, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof material used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
8. MISC00 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in paragraphs 7.1 and 7.2 of the submitted Bat Survey Roost Assessment Report by Curtis Ecology dated 26 January 2017 and Section 4 of the Ecology Assessment Addendum dated September 2019
9. ARCH00 The developer shall:  
 (a) secure the services of a suitably experienced and qualified archaeological contractor to undertake a phased scheme of archaeological investigating to enable the better understanding of the site to inform the final design proposals. All archaeological works shall be undertaken and completed in line with a Written Scheme of Investigation which should be approved in writing by the Authority,  
 (b) the appointed contractor should give no less than ten working days' notice in writing of commencement of works to the Local Planning Authority's in-house archaeological officer and no works shall commence on site until the ten working day notice period has expired and  
 (c) shall afford safe access within the site to the Authority's Officers at all reasonable times
10. MATS00 The applicant is advised that in relation to condition 9 above, the archaeological investigation shall likely comprise the following phases  
 \* A level 3 Historic Building Recording scheme  
 \* A topographic survey (where required)  
 \* A scheme of targeted trenching with community engagement and provision for sampling  
 \* A watching brief over any areas of interest identified by the above

## Informatives

1. The details required by Condition 9 will be produced in line with current best practice and industry standards. The results of this recording will inform the final design of the new / rebuilt structures hereby approved. The results of the investigation will be archived to national standards, and will also be offered to the Rosedale History Society. Consideration should be given to the production of a public publication setting out the findings of the archaeological study for future visitors.
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at [www.groundstability.com](http://www.groundstability.com)
3. The applicant is advised that in relation to condition 9 above, the recording shall be to the industry level 2 standard and particularly include:
  - A full photographic survey of the interior and exterior of the building, including all interior and exterior elevations (where it is safe to access the building), any

unusual or distinctive details, and the building's setting. Photographs should be digital and accompanied by an annotated plan of their location.

- Measured, drawn, annotated floor plans.
- Measured, drawn, annotated elevations.
- A written account of the building's plan, form, function, age and development sequence, including a map regression.
- Surveys must be submitted in a digital format.
- Where replacement roofing is proposed, investigations shall be undertaken for signs of earlier roofing arrangements,

Consideration should be given to the production of a public information leaflet setting out the findings of the archaeological study for future visitors.

### **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 enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
4. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
5. 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.
6. 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.
7. 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.
8. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
9. In order that any remains of archaeological importance can be adequately investigated & recorded before any development takes place on the site and to comply with NYM
10. Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

### **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.

I should be pleased if you would approve the issue of the decision notice.

Signed: Mr Chris France

Date: 31/03/2020