

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

To: Mr J Kingham
c/o BHD Partnership
fao: Mr Neil Duffield
Airy Hill Manor
Waterstead Lane
Whitby
YO21 1QB

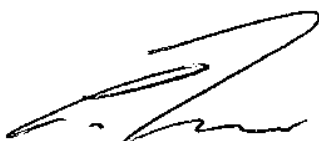
The above named Authority being the Planning Authority for the purposes of your application validated 26 November 2019, in respect of the proposed **refurbishment works including replacement windows** at **Downhill Cottage, New Road, Robin Hoods Bay** has considered your said application and has **granted** consent in respect of the proposed works 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
Location Plan & Block Plan	D11726-01 rev A	18 November 2019
Existing and Proposed Elevations and Floor Plans	D11726-02 rev D	09 April 2020
Proposed Floor Construction	D11726-05 rev A (& emails)	09 & 21 April 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. No additional external lighting shall be installed on the property without consent/permission first being sought from the local planning Authority. Any replacement external light fittings shall not be installed without the details first being agreed in writing with the Local Planning Authority. The replacement lighting shall then be installed in accordance with the agreed details and maintained in that condition in perpetuity.
4. No joints shall be raked out until a sample area which shall be at least 1m x 1m in size has been prepared on site for inspection and approved in writing by the Local Planning Authority. Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1½ times the width of the joint or until sound mortar is reached. Power tools such a drills should not be used. The work shall continue in accordance with the approved sample.
5. Notwithstanding the submitted details all pointing in the development hereby permitted shall accord with a specification which has been approved in writing by the Local Planning Authority. The mortar mix proposed should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand) and include the method of application and finish. A sample area of pointing shall also be provided and approved by the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

Date 24 April 2020

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

6. No work shall commence on the windows until a condition report has been submitted to and approved in writing by the Local Planning Authority which assess the condition of windows W1, W2, W3 and W5 as indicated on the submitted plans including any evidence of historical glass. All work to these windows shall then be carried out in accordance with the agreed approach.
7. No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Informatives

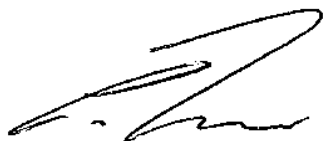
1. Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission reference NYM/2019/0794/FL and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning permission.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
3. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotected/birds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.

Reasons for Conditions

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Continued/Reasons for Conditions



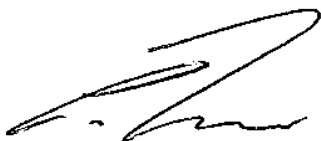
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2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order 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. In order to comply with NYM Development Policy 5 which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on their special historic or architectural interest.
5. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
6. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
7. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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Notes

1. 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 further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. 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.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims 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 works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) 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

4. Please note, only the applicant possesses the right of appeal.
5. 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.
7. 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.
8. 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.