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**From:** DOLLY HANNON

**Sent:** 28 August 2020 15:51

**To:** Richard Smith

**Subject:** Application NYM/2020/0342/FL Rusty Bike

[BE CYBER AWARE. THIS IS AN EXTERNAL EMAIL: Please do not click on any links or open any attachments unless you trust the sender and are expecting the content to be sent to you]

Dear Mr Smith,

In his request to speak at the Planning Committee with regard to this application, Mr Morgan has stated that the Parish Council need to declare a conflict of interest and excuse themselves from the meeting.

Just to be clear, no Parish Councillor has declared a pecuniary interest in this business nor is there any other conflict of interest other than being a customer.

Regards

Dolly Hannon

Chair, Whorlton Parish Council

**DISCLAIMER**

This email (and any files transmitted with it) may contain confidential or privileged

**From:**  
**To:** [Planning](#)  
**Subject:** NYM/2020/0342/FL The Rusty Bike planning application  
**Date:** 20 August 2020 20:57:43  
**Attachments:**

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Following recent telephone discussions with Mrs Hannon, Chair of Whorlton Parish Council I would add to our earlier submission regarding the application as follows.

As the Planning Authority is unable to undertake the usual site visits and local consultations during this pandemic, as requested by the Authority the Parish Council has posted a site notice at the premises of the Rusty Bike café and widely circulated the Neighbourhood consultation letter to residents. The Parish Council requests that the Planning Authority accepts residents views as having been submitted in good faith.

Further, the Parish Council wishes to make the Planning Authority aware that the Council had cause to request that a call made to North Yorkshire Police was recorded as malicious. The caller falsely reported the Council for an gathering in the village, in contravention of Covid-19 restrictions, and which resulted in unnecessary police attendance.

Kind regards Angela  
Clerk to Whorlton Parish Council

-----Original Message-----

From:  
Sent: Wednesday, 22 July, 2020 11:26  
To: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
Subject: RE: NYM/2020/0342/FL

Thank you for sending the information, Whorlton Parish Council had been involved in asking for the use of highway land behind the premises to be used in order to help alleviate severe traffic problems on Black Horse Lane, as minuted March/April 19, so I can confirm they fully support this application.

Kind regards Angela

-----Original Message-----

From: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
Sent: Monday, 6 July, 2020 16:05  
To:  
Subject: NYM/2020/0342/FL

As you will be aware the North York Moors National Park Authority office is closed. As a result of staff no longer having access to printers and post, regrettably the Authority has had to temporarily suspend neighbour consultation letters. As your Parish/Town Council/Meeting may wish to display the attached site notice in your Parish notice board and/or send to any relevant person locally you consider may be affected by the proposal, we have provided a copy for your usage.

You have received this email from North York Moors National Park Authority (Planning Service) in relation to a planning matter at The Old Vicarage, Bondgate, Helmsley, .

The attached correspondence contains important information; please retain it for your records.

If this is a consultation/re-consultation and you are set up with a log-in username and password, please click the link <http://tinyurl.com/z5qmn4j>

In any correspondence, please quote the Authority reference number, which is included in the attached letter.

If you are a statutory consultee and would like to use electronic correspondence via our e-consultation site please contact the Planning Dept via email at [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk) who will be happy to set you up with a log-in username and password..

If you cannot open the attachment you can download the following software free of charge:

- Microsoft Word Viewer for Word attachments.
- Adobe Reader for PDF attachments.

**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM/2020/0342/FL**

**Proposed Development:** Application for extension to existing car park, cladding of containers and of north elevation of existing building, construction of single storey side extension and revised internal layout (part retrospective)

**Location:** The Rusty Bike, 20 Black Horse Lane, Swainby

**Applicant:** Mr John Nelson

**CH Ref:** **Case Officer:** Tony Lewis

**Area Ref:** 2/146/73 **Tel:**

**County Road No:** **E-mail:**

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 29 July 2020

**FAO:** Hilary Saunders **Copies to:**

**Note to the Planning Officer:**

The land over which the extension to the car park is proposed is both owned by the County Council and also highway maintainable at the public expense. Should the application gain planning approval then the area of land would require to be Stopped Up by Order. A Stopping Up Order extinguishes all highway rights from an area of land the Order is subject to.

The correct process to enable obtain a Stopping Up Order is via Section 247 of the Town and Country Planning Act 1990. This allows an area of highway to be stopped up if the area is subject to a valid planning approval. This application is made by the applicant ( or applicant's agent) to the Secretary of State via the Department for Transport and not the County Council as the Local Highway Authority is a consultee in this process. If the planning application is successful then the Secretary of State may grant the Stopping Up Order if all other requirements relating to the process are satisfied.

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

MHC-07 Delivery of off-site highway Works

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM/2020/0342/FL**

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Measures to stop vehicle parking and vehicle access from the A172 to the rear of the business should this become a problem as a result of the car park being constructed.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

**MHC-09B Provision of Approved Access, Turning and Parking Areas**

The access, parking, manoeuvring and turning areas shall be constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

**MHC-15B Construction Phase Management Plan**

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM/2020/0342/FL**

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of the access from the A172 for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity

**Signed:**

***Tony Lewis***

*For Corporate Director for Business and Environmental Services*

**Issued by:**

Thirsk Highways Office  
Thirsk Industrial Estate  
York Road  
Thirsk  
North Yorkshire  
YO7 3BX

**e-mail:** \_\_\_\_\_



# NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00362499  
Job: 1207250

Harrogate Fire Station  
Skipton Road  
Harrogate  
North Yorkshire  
HG1 4LE

When telephoning please ask for: S Meynell

21 July 2020

Dear Sir or Madam

**Mr John Nelson, Rusty Bike Cafe, 20 Black Horse Lane, Swainby, Northallerton, DL6 3EW**

## **FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY**

Receipt is acknowledged of your planning communication:

Dated: 7/07/20  
Plans No: 19019002A

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, [www.northyorksfire.gov.uk/about-us/yourdata](http://www.northyorksfire.gov.uk/about-us/yourdata).

North Yorkshire Moors  
National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives

[www.northyorksfire.gov.uk](http://www.northyorksfire.gov.uk)

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, [www.northyorksfire.gov.uk/about-us/key-documents/links-registers](http://www.northyorksfire.gov.uk/about-us/key-documents/links-registers).

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

**S Meynell**

**From:**  
**To:**  
**Subject:** RE: NYM/2020/0342/FL  
**Date:** 22 July 2020 11:26:58  
**Attachments:** [120070616060201056](#)

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Kind regards Angela

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Subject: NYM/2020/0342/FL

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- Microsoft Word Viewer for Word attachments.
- Adobe Reader for PDF attachments.



**North York Moors**  
National Park

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[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

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Your Ref: NYM/2020/0342/FL

20<sup>th</sup> July 2020

Dear Sir/Madam,

**Application details – The Rusty Bike, 20 Black Horse Lane, Swainby**

Thank you for consulting Northumbrian Water on the above proposed development.

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

Yours sincerely

**Carrie Taylor**  
Developer Services

**From:**  
**To:**  
**Subject:** Comments on NYM/2020/0342/FL - Case Officer Mrs H Saunders - Received from Mr Paul Robertson at Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU  
**Date:** 16 July 2020 15:30:29

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I have considered this plan with respect to the potential for the changes to cause nuisance or the loss of amenity to local residents. I cannot envisage any issues and therefore I offer no objections to the application.

Comments made by Mr Paul Robertson of Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU

Preferred Method of Contact is Post

Comment Type is No comment/No recommendation

Our Ref: 270-1-2020  
Your Ref: NYM/2020/0342/FL  
Date: 8 July 2020



Mrs Saunders  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
North Yorkshire  
YO62 5BP

Dear Helen,

**Proposal**      **Extension to existing car park, cladding of containers and of north elevation of existing building, construction of single storey side extension and revised internal layout (part retrospective)**

**Location**      **The Rusty Bike 20 Black Horse Lane Swainby**

Thank you for giving North Yorkshire Police the opportunity to comment on this planning application. Having reviewed the documents submitted in relation to designing out crime, it is considered that the proposed boundary treatment proposed for the extension to the car park would leave the rear of the site vulnerable to crime until the hedging had matured.

I have no further comments to make regarding the proposal.

If I can be of further assistance, do not hesitate to contact me.

Yours sincerely,

Mr Richard Ball, MPlan  
Designing out Crime Officer