

**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: Mr John Nelson
c/o MD2 Consulting Ltd
fao: Mr Glenn McGill
The Dene
36 Nevilledale Terrace
Durham
DH1 4QG

The above named Authority being the Planning Authority for the purposes of your application validated 30 June 2020, in respect of proposed development for the purposes of **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)** at **The Rusty Bike, 20 Black Horse Lane, Swainby** has considered your application and has **granted** permission for the proposed development subject to the following:

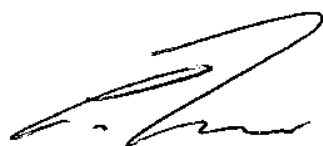
Condition(s)

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 plan	19019-004A	20/05/2020
Proposed plan	19019-002A	20/05/2020
Proposed elevations	19019-006A	20/05/2020
Proposed shed stores	19019-007	20/05/2020

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
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. The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
 5. The external elevations of the storage containers hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.

Continued/Condition(s)



Mr C M France
Director of Planning

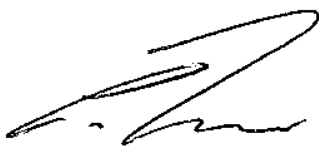
Date 07 September 2020

**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**

6. The external elevations of the lean-to extension hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
7. 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.
8. 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 Drawing no.19019-004A 20/05/2020 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
9. 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.
Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.
10. 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.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 07 September 2020

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

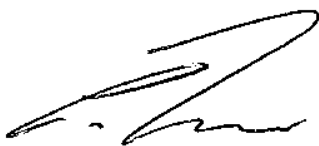
**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

11. 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:
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.
12. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
13. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the hardsurfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Informative(s)

1. Please note that advertisements may require the separate express consent of the Local Planning Authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. You are therefore advised not to display the advertisement(s) until such consent is obtained.

Continued/Informative(s)



Mr C M France
Director of Planning

Date 07 September 2020

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

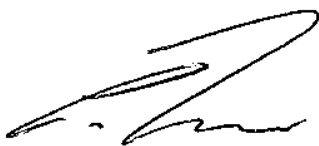
**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

2. The applicant is advised to contact the Environmental Health Service for advice and assistance because a food business must be registered with the Council and there are specific physical requirements for food premises which must be complied with, as well as having a food safety management system in place. Also advice can be given on the sanitary accommodation for the staff and the public

Reason(s) for Condition(s)

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 Strategic Policies A and C, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to comply with the provisions of NYM Strategic 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 Strategic Policies A and C 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 Strategic Policies A and C 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.
6. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A and C 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 Strategic Policies A and C 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.
8. In accordance with NYM Policy CO2 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.
9. To ensure that the design is appropriate in the interests of the safety and convenience of highway users and in accordance with NYM Policy CO2.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with NYM Policy CO2 and in the interests of highway safety.
12. In order to comply with the provisions of NYM Strategic Policy E which seeks to conserve and enhance the quality and diversity of the natural environment.

Continued/Reason(s) for Condition(s)



Mr C M France
Director of Planning

Date 07 September 2020

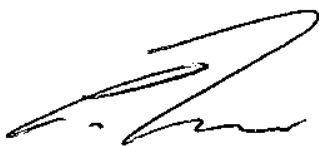
**Town and Country Planning Act 1990
North York Moors National Park Authority**

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

13. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Strategic Policy C which seeks to ensure that development proposals incorporate suitable hard landscaping details.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



Mr C M France
Director of Planning

Date 07 September 2020

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

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.