

**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: Rockery Developments
c/o Compasspoint Planning & Rural Consultants
fao: Ms Andrea Long
The Old Vicarage
Victoria Square
Lythe
Whitby
YO21 3RW

The above named Authority being the Planning Authority for the purposes of your application validated 08 September 2020, in respect of proposed development for the purposes of **construction of 5 no. terraced principal residence dwellings with associated amenity spaces, access, parking and landscaping works at land adjacent Windy Ridge, Egton** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s)

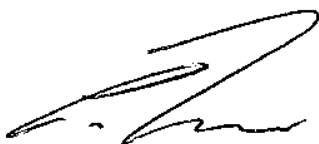
1. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Development Site	D8133-10 Rev A	21/09/2020
Proposed site plan	D8133 -04 Rev M	27/10/2020
Outline house plan	D8133 -03 Rev J	27/10/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

Continued/Condition(s)



Mr C M France
Director of Planning

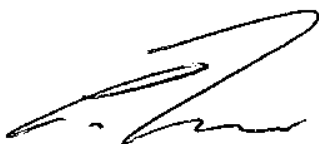
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3. The dwelling units hereby permitted, shall be used as principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
4. No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
5. All new stonework shall match that of the stone panel approved under NYM/2009/0550/CVC both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel, unless otherwise agreed in writing by the Local Planning Authority. The stone panel so constructed shall be retained until the development hereby approved has been completed.
6. The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and natural slate as shown on drawing no.D8133-03 and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. All new window frames, glazing bars and external door frames shall be of timber construction, painted either white or cream and thereafter the door/window frames and glazing bars shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
8. Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
9. No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the external appearance of all external doors have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Condition(s)



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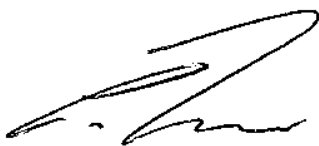
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10. The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilized in the development and shall thereafter be so maintained.
12. The rainwater goods utilised in the development hereby permitted shall be coloured black and thereafter so maintained.
13. The separate systems of drainage on and off site; the proposed amount of domestic foul water discharged to public sewer; and the point of discharge of foul water into the public foul sewer shall be completed and maintained in accordance with Drawing no. D8133-04 (Revision N) approved under NYM/2009/0550/CVC.
14. Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
15. Prior to work commencing on the construction of the walls of the dwellings hereby approved the access to the site shall be laid out and re/constructed in accordance with the following requirements:-
 - (ia) the access shall be formed with 6 metre radius kerbs to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6W and the Specification of the local Highway Authority.
 - (iii) that part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 - (v) provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the local Highway Authority.
 - (vi) Any access gates shall be made to open inwards only.
16. Prior to work commencing on the construction of the walls of the dwellings hereby approved, visibility splays providing clear visibility of 2.4 metres by 4.5 metres measured down the centre line of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.
17. Prior to work commencing on the construction of the walls of the dwellings hereby approved visibility splays providing clear visibility of 2 metres by 2 metres measured down the centre line of the access road and the back of the footway of the major road shall be provided. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

Continued/Condition(s)



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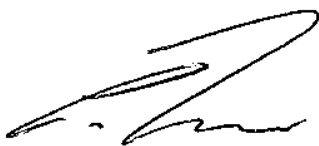
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18. The development hereby permitted shall not be brought into use until the vehicular access, parking and turning facilities have been formed in accordance with the submitted drawing ref.: D8133-02. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
19. The reconstruction of a footway across the front of the development shall be completed prior to the first occupation of the dwellings hereby approved, in accordance with Drawing no. D8133-04 Rev M approved under NYM/2009/0550/CVC and thereafter be so maintained.
20. The proposed boundary treatment to the site shall be implemented in the first planting season following the first occupation of the development hereby approved and in accordance with the approved details, as shown on Drawing no. D8133-04 Rev M, approved under NYM/2009/0550/CVC. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
21. Vegetation on the site should be cleared outwith of the bird breeding season (March to August inclusive) unless first checked by a suitably qualified ecologist. The rough vegetation of the site should be reduced carefully to avoid killing or harming protected or priority species. The rough vegetation should be strimmed to a height of 10cm and left for 48 hours, before removing the cuttings and strimming down to ground level, prior to site preparation works taking place to give any animals present time to leave the site. During groundworks, any trenches or pits left open overnight must include a rough sloped ramp escape route (such as a timber board) for hedgehog or other small animals to escape and prevent becoming trapped.

Informative(s)

1. The applicant is requested to include at least 4 integral (in built) swift bricks and 4 integral bat bricks for incorporation into the specification for the new houses (whilst termed 'bricks' these bird and bat bricks can actually be made to blend in with any exterior including stone facades). Integral boxes should be sited in appropriate elevations in line with manufacturer and other expert guidance. Further boxes for bird nesting could be added to the external sheds.

Continued/Informative(s)



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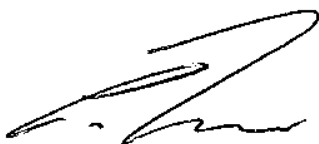
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be 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/speciallyprotecte dbirds.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.

Reason(s) for Condition(s)

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
2. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
3. In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development within larger villages to those who occupy it as their principal home.
4. In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.

Continued/Reason(s) for Condition(s)



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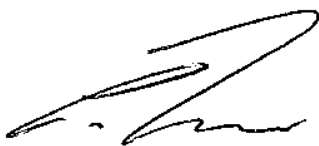
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- 5 – 7. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 8 – 12. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.
- 13 & 14. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 15 – 19. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
20. In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
21. In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.

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.



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Date 29 October 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.