

North York Moors National Park Authority

Internal Memorandum

To: Mr Chris France (Director of Planning) From: Mrs Ailsa Teasdale
Mr Mark Hill (Head of Development Management)

File Ref: NYM/2018/0732/FL

Applicant: Mr & Mrs Mark Pearson

Application for conversion of and extension to stable building to form cycle hire shop and cafe at ground floor and 2 no. holiday letting units at first floor, construction of plant room/store together with alterations to access, provision of parking and landscaping works at 20 Dikes Lane, Great Ayton

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 **signing of a Section 106 agreement**.

This agreement has now been finalised, however in the meantime the applicant has addressed a number of the prior to commencement conditions and therefore a number of the conditions require updating. The full list of proposed conditions and reasons are listed below:

Approval subject to the following conditions and a Section 106 Agreement requiring an ongoing contribution to public route maintenance and repair in the area and also the requirement for scheme of signage to restrict parking on the road outside the site:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSU000 The area of the building hereby approved to be used as a café (Use Class E) shall not be extended beyond the area marked as café on the Proposed Ground Floor Plan S17.24 (00)3 and shall not be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
4. RSU000 The area of the building hereby approved to be used as a cycle hire shop (Use Class E) shall not be extended beyond the area marked as a cycle hire shop on the Proposed Ground Floor Plan S17.24 (00)3 and shall not be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
5. RSU000 Sales from the cycle hire shop area hereby approved shall be limited to ancillary retail sales associated with cycling unless otherwise agreed in writing with the Local Planning Authority.
6. RSU011 Use as Holiday Accommodation Only - Outside Villages

7. RSU000 The holiday units hereby permitted shall form and remain part of the curtilage of the cycle hire business and cafe below and shall not be sold or leased off from the main business or let off except as holiday accommodation in accordance with the terms of Condition 6 above without a further grant of planning permission from the Local Planning Authority.
8. GACS00 The café and shop hereby permitted shall not be open to customers outside the hours of 8am to 8pm on any day between April to September and 8am to 6pm on any day between the months of October and March inclusive. Outside of these times no food or drinks shall be served for consumption on or off the premises and the outside seating area shall not be used for any purpose. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
9. GACS00 No external lighting above the details submitted in the lighting report by Ansell Lighting (Project Number : QUO-20263-P9R8M3) received at the National Park on the 12 July 2019 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.
10. MATS00 The details of the roof materials to the buildings hereby approved shall be submitted to the Local Planning Authority for approval in writing prior to works beginning on each individual building.
11. MATS28 Timber Cladding Samples
12. MATS47 Window Frames in Reveals - Specify Set Back (60mm)
13. MISC00 The Bore Hole hereby approved shall be installed in accordance with the CCC construction schedule as submitted to the Authority on the 8 July 2020 as Task 6 and shall be completed and operational prior to works beginning on the construction of the Café entrance area or any other works further down the schedule to ensure that the site is self-sufficient for water from the building phase onwards.
14. HWAY06 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
15. HWAY10 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along both channel lines of the major road Dykes Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. HWAY14A Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- i) tactile paving; Details of entrance In Quote from L&D construction and see below.
 - ii) vehicular, cycle, and pedestrian accesses;
 - iii) vehicular and cycle parking;
 - iv) vehicular turning arrangements;
 - v) manoeuvring arrangements;
 - vi) loading and unloading arrangements.
17. HWAY14B Provision of Approved Access, Turning and Parking Areas
18. HWAY15 Parking Spaces to Remain Available for Vehicle Parking
19. HWAY00 The development hereby approved shall be carried out in accordance with the Parking Management Plan submitted to the Authority on 8 July 2020 which takes into account arrangements for regular activities, as well as additional activities and functions, which will prevent overspill parking on Dikes Lane and any other areas that may be affected if the parking on the site cannot satisfy the demand.
The Parking Management Plan shall be implemented once the site becomes operational. Should any material changes occur to the measures contained within the approved plan, or the facilities detailed are no longer available for use, the plan should be modified and resubmitted for approval.
20. HWAY18A There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
21. HWAY24 On-site Parking, On-Site Storage and Construction Traffic During Development.
22. LNDS01 Landscaping Scheme Required
23. LNDS03 Trees/Hedging to be Retained
24. LNDS06 Tree Protection Scheme - Protection Zone Specified
25. MISC00 Before any works to the building hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority. Works shall then proceed in accordance with this license.
26. MISC00 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9.3.2 of the submitted Bat Survey dated August 2019. This states that if construction work takes place during the bird nesting season (March to August inclusive) a suitably qualified ecologist should confirm that no nesting birds are present in/on the buildings. Integral bird boxes (such as bricks and tiles) are recommended to be installed during the construction phase

27. MISC00 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9.3.3 of the submitted Bat Survey dated August 2019. This states there is approximately 30 metres between the development site and the watercourse. Works shall only take place in accordance with the Pollution Prevention Plan submitted to the Authority on the 24 July 2020.

Informative(s)

1. Bats
2. Coal Referral Area
3. Section 106 Agreement
This consent is issued subject to the terms of the Agreement (under Section 106 of the 1990 Town and Country Planning Act) dated 28 April 2021 between the North York Moors National Park Authority and Mark Robert Pearson to seek a contribution towards the maintenance and improvement of the public rights of way affected by the Development, to detail items to be sold in the shop and cafe, to control overflow parking associated with the site and to ensure that the proposed shop and cafe remains in common ownership with the holiday letting units on the site in perpetuity.
4. Please contact the Head of the National Park Ranger Service for help with route promotion and to avoid any over promotion of vulnerable bridleways in inappropriate conditions. The National Park Authority is happy to work with the applicant to pick more sustainable routes and perhaps improve the carrying capacity of some strategic links. We also strongly recommend engaging with landowners/occupiers at an early stage about the possible of off road routes.
5. Visibility Splays
6. Details of Access, Turning and Parking
7. Birds

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

Signed:

Date: 04/05/2021

A handwritten signature in black ink, appearing to be 'M. R. Pearson', written in a cursive style.