

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 & Mrs Mark Pearson
c/o Alan Vandome
1 College Square
Stokesley
TS9 5DL

The above named Authority being the Planning Authority for the purposes of your application validated 30 January 2019, in respect of proposed development for the purposes of **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** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s):

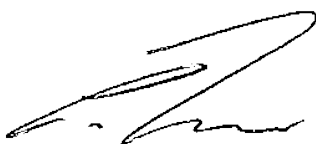
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Proposed Plan Room	S17.24(21)3C	06/11/2019
Proposed Elevations	S17.24(21)2D	06/11/2019
Proposed Site Plan	S17.24(9-)2D	06/11/2019
Proposed First Floor Plan	S17.24(00)4	12/07/2019
Proposed First Floor Plan	S17.24(00)3	12/07/2019
Site Sections	S17.24(9-)6	12/07/2019

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

3. 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.

Continued/Condition(s)



Mr C M France
Director of Planning

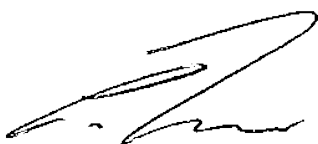
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4. The area of the building hereby approved to be used as a cycle hire shop (Use Class E) shall not be extended beyond the area marked as a cycle hire shop on the Proposed Ground Floor Plan S17.24 (00)3 and shall not be used for any other purpose (including 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. 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. The dwelling unit hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
7. 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. 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. 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. 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. 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.

Continued/Condition(s)



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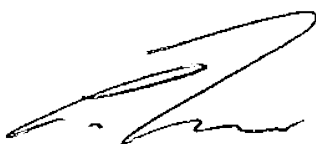
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12. The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
13. 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. 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. 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. 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. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 16 is available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Continued/Condition(s)



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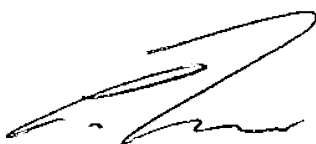
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18. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on S17.24(9-)-2D for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
19. 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. 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. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
 - ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Continued/Condition(s)



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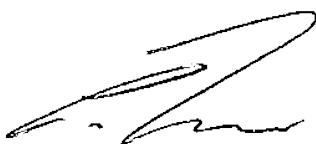
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22. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for confirmation of the hard and soft surfacing of the full site and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
23. No trees, shrubs or hedges on or surrounding the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
24. No work shall commence to clear the site in preparation for the development hereby permitted until protective fencing to form a Tree Protection Zone has been installed around each tree or tree group to be retained, unless otherwise agreed in writing with the Local Planning Authority. The fencing shall comprise a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) and shall be positioned at a distance from the trunk as set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone.

The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.

25. 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.

Continued/Condition(s)



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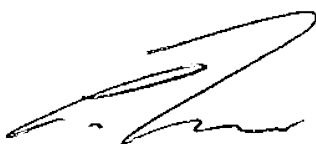
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26. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9.3.2 of the submitted Bat Survey dated August 2019. This states that if construction work takes place during the bird nesting season (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. 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. 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.
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com
3. 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.

Continued/Informative(s)



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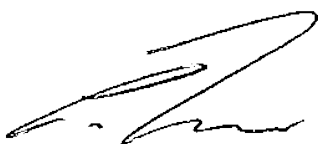
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4. Please contact the Head of the National Park Ranger Service for help with route promotion and to avoid any over promotion of vulnerable bridleways in inappropriate conditions. The National Park Authority is happy to work with the applicant to pick 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. In relation to condition 15 an explanation of the terms used above is available from the Highway Authority.
6. In relation to condition 16 the proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk
7. 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/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.
Provision of nesting sites for other birds though the inclusion of ideally nest bricks, external cups and/or external boxes is strongly encouraged to ensure that birds such as swallow, house martin, swift and small passerines (such as house sparrows, tits etc) can continue to nest in and around the building.
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. 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 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.
- 3 & 5. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Strategic Policy A of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the NYM National Park.

Continued/Reason(s) for Condition(s)



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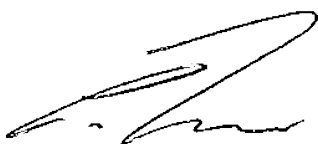
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4. In order to enable the Local Planning Authority to retain control over any retail activity at the premises and to ensure compliance with Strategic Policy A and Policy BL8 of the North York Moors Local Plan, which seek to protect the amenity of local residents and conserve and enhance the special qualities of the National Park.
6. The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with Policy CO12.
7. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to Strategic Policy M of the North York Moors Local Plan.
8. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
9. 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 and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
10. 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.
- 11 & 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. To ensure that the proposed development operates off its own water supply independent from the existing private residential supply serving Gribdale Terrace, so as not to have a detrimental impact on the local residents in accordance with Strategic Policy J of the NYM Local Plan.
- 14 & 15. In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of highway safety.
16. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
17. In accordance with Policy CO2 of the North York Moors Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Continued/Reason(s) for Condition(s)



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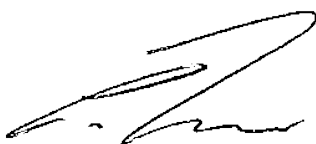
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18. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
19. To ensure the effective management and control of parking in sensitive areas, in accordance with Policy CO2 of the NYM Local Plan.
20. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
21. In accordance with Policy CO2 of the North York Moors Local Plan and to provide for appropriate on-site vehicle parking and storage facilities in the interests of highway safety and the general amenity of the area.
22. 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.
- 23 & 24. In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
25. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
26. 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.
27. To ensure that the proposal does not have any adverse impact on the nearby watercourse as required by Strategic Policy A of the NYM Local Plan.

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 assessing the proposal against all material considerations, including planning Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Mr C M France
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Date 06 May 2021

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.