

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

To: Mr I Ford and R Cuthbertson
c/o Cheryl Ward Planning
5 Valley View
Ampleforth
YO62 4DQ

The above named Authority being the Planning Authority for the purposes of your application validated 04 December 2020, in respect of proposed development for the purposes of **relocation and replacement of extractor flue and internal alterations to enable use of upper floors as 1 no. principal residence dwelling or 1 no. holiday cottage at Maryondale Cottage and Chip Shop, Albion Street, Robin Hoods Bay**, 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 floor plans	BI2021 1 A	1 June 2021
Proposed elevations	IB2020 3 of 3	12 May 2021

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The flue hereby approved shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
4. Within three months of the flue hereby approved being installed to the front elevation in accordance with the approved plans, the existing flue to the north gable elevation shall be removed and the wall restored to its original condition.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 05 July 2021

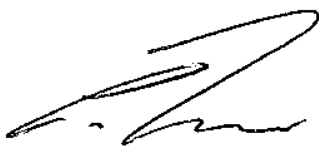
Please Note your Rights of Appeal are attached to this Decision Notice

Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

5. All pointing in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 dry non-hydraulic quicklime: sand), method of application, finish and may include a sample area if so required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the installation or replacement plasterwork (excluding modern studs), limewash/paint finishes and insulation in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes a traditional lime mix, method of application, finish, details of function and may include a sample area if so required by the Local Planning Authority. The plaster shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
6. The roof of the development hereby permitted shall maintain its original structure and covering; the details any additional tiles required to make good shall be first submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. No work shall commence on the installation or removal of any doors in the development hereby approved until detailed plans showing the constructional details and external appearance of all doors (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. 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.
8. No work shall commence on the installation of replacement plasterwork (excluding modern studs), limewash/paint finishes and insulation in the development hereby permitted until a specification has been submitted to and approved in writing by the Local Planning Authority, which includes a traditional lime mix, method of application, finish, details of function and may include a sample area if so required by the Local Planning Authority. The plaster shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
9. All pipework/cabling and other services related to the internal accommodation are to be located internally unless agreed in writing with the Local Planning Authority. No work shall commence on the demolition, alteration or renovation of any part of the building to which this permission/consent relates until the applicant has submitted, for the written approval of the Local Planning Authority, a schedule of works to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface (affected by the works) and to provide protection for the building against the weather during the progress of works. The work shall not be carried out other than in accordance with the details so approved.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 05 July 2021

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

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

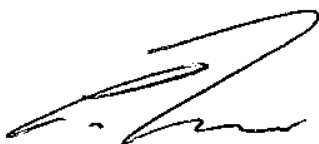
**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

10. The new internal stud walls in the development hereby approved shall be timber boarding where possible and shall be constructed so as to scribe around existing skirting, dado, cornice and other similar mouldings and shall not cut into or in any way damage the said architectural features.

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. 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.
If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.
3. Swift (*Apus apus*) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; <https://www.swift-conservation.org/> with additional swift box ideas from Action for Swifts;
<http://actionforswifts.blogspot.com/search/label/nestbox%20design>
4. Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning permission.

Continued/Informative(s)



Mr C M France
Director of Planning

Date 05 July 2021

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

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

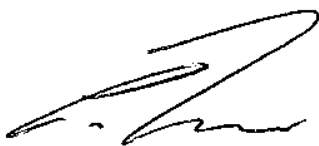
5. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application and listed on the decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress, or required separately under the Building Regulations, may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 – 10. In order to comply with Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have an unacceptable impact on their special historic or architectural interest.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting 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
Director of Planning

Date 05 July 2021

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

Notes

1. 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 further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. 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.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims 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 works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) 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

4. Please note, only the applicant possesses the right of appeal.
5. 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.
6. 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.
7. 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.