

**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: The Mulgrave Estate
c/o John Long Planning Ltd
fao: Mr John Long
45 The Street
Surlingham
Norwich
NR14 7AJ
Norfolk

The above named Authority being the Planning Authority for the purposes of your application validated 08 January 2021, in respect of proposed development for the purposes of **change of use of sawmill timber yard to visitor car park with associated works including surfacing, installation of associated infrastructure (pay stations, cctv poles, cycle stands/lockers, electric vehicle charging points, boundary treatment and signage) construction of vehicle bridge and creation of section of footpath at Former Saw Mill Timber Yard, East Row, Sandsend** has considered your application and has **granted** permission for the proposed development subject to the following:

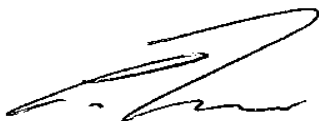
Condition(s):

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
CEMP	V3	12 July 2021
Habitat Management Plan	v2	8 June 2021

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.
5. 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.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 09 August 2021

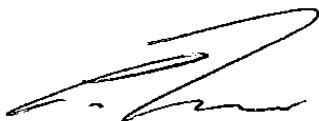
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6. Prior to the first use of the car park commencing, details setting out the management of wastes and litter at the site shall be provided in writing to the Local Planning Authority for approval. The site shall not operate unless in accordance with the approved litter and waste plan.
7. No work shall commence to construct the road crossing bridge across the watercourse for the development hereby permitted until full details of:
 - the granular graphite car park surface surfacing
 - the 2m high perimeter deer fencing
 - details of Internal landscaping coloured bright green on car park masterplan drawing ; have been submitted to and approved in writing by the Local Planning Authority. The car park surfacing & deer fencing & internal landscaping shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.
8. No development shall take place at the site until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions - and [if indicated by the Desk Top Study submitted with the application]:
 - the programme and methodology of site investigation and recording and the programme for post investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation;
 - the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
9. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - Pedestrian deterrent paving works description on East Row Bridge prior to the car park
 - being available for the public to use
 - access improvement works description at the north west corner of East Row bridge prior to
 - commencement of construction of the car park

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.

Continued/Condition 9



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Director of Planning

Date 09 August 2021

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

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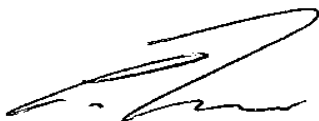
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An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

10. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been 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.
11. There shall be no use of the car park hereby approved until the approved visibility splays onto the A174 have been provided.

Informative(s)

1. The proposed bridge(s) should be of a clear span design above the design flood level.
2. As the watercourse in question is classed as an ordinary watercourse the Flood Risk Management Team at NYCC should be consulted regarding the proposals, as they would be the responsible / consenting body for any works affecting the watercourse (or that require LDA 1991 consent).
3. This development has been proposed within an area identified as being at risk of flooding. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm - less if it is fast-flowing. The applicant must satisfy themselves that any vehicles floating, or displaced as a result of flooding, would not jeopardise others in the surrounding area.
4. The site owner is advised to keep the need for potential temporary toilet facilities at peak times under regular review.
5. The applicant's attention is drawn to the comments of the Yorkshire Garden Trust and the potential public and Estate benefits of sensitive interpretation being displayed at the site in respect of the historic landscape of the Registered Park and Garden.
6. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf.



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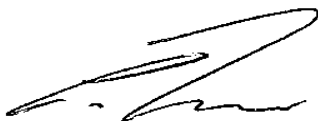
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Reason(s) for Condition(s)

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 Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. 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 NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
- 5 – 7. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
8. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
- 9 - 11 In accordance with NYM Development Policy 23 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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.



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Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
- refuse an application for planning permission or grant it subject to conditions;
 - refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - refuse an application for any approval required under a development order

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

- Please note, only the applicant possesses the right of appeal.
- 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.
- 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.
- 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.
- 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.