

**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: Mrs Alison Calvert
c/o PD Design Consulting Limited
fao: Mr Paul Draper
Old Station Masters House
East Cowton
Northallerton
DL7 0DS

The above named Authority being the Planning Authority for the purposes of your application validated 29 June 2023, in respect of proposed development for the purposes of **variation of condition 4 of planning approval NYM/2019/0347/FL to allow the installation of heritage style uPVC windows to the front elevation at Grove Cottage, Thorpe Bank, Fylingthorpe** 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 carried out in accordance with the following approved plans:

Document Description	Drawing No.	Rev. No.	Date Received
Proposed Window Details	W-01	P1	21 June 2023
Proposed visibility splays & sections	P-02	P5	7 August 2023
Proposed garage details	P-03	P2	7 August 2023
Proposed Street Scene Sections	P-4	P2	9 October 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
3. All new window frames and glazing bars to be installed in the front (roadside) elevation of the development hereby approved shall be in accordance with the approved plans, but notwithstanding the details in the approved plans shall be coloured either white or soft cream and maintained in that condition in perpetuity. All windows on the front elevation of the property shall be coloured to match each other.

Continued/Condition(s)



Mr C M France
Director of Planning

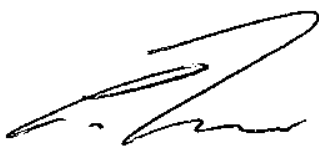
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4. No work shall commence on the installation of any fenestration element in the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
5. External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
6. All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builders sand) with a slightly recessed bagged finish.
7. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. No work shall commence on the construction of the replacement front boundary wall hereby permitted until details of the stonework, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The stonework used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
10. Prior to any works commencing in relation to the re-location of the proposed access, 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - ii) The existing access shall be improved by providing a footway crossing repositioned as shown on the approved details and constructed in accordance with standard detail E6W. The narrow footway downhill of the access shall be extended to the revised location of the access.

Continued/Condition 10



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- 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.
- iv) The final surfacing of any private access within one metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

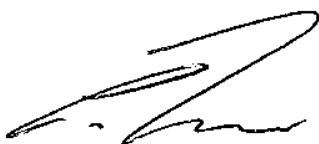
All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

- 11. 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 20 metres looking uphill and 26 metres looking downhill measured along both channel lines of the major road Thorpe Bank from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 12. Prior to any works commencing in relation to the re-location of the proposed access full details of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - i) New position for street lighting column.
- 13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 1:
 - i) have been constructed in accordance with the submitted drawing P-02 Rev 5
 - ii) are 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.
- 14. Within six months of the development hereby being first brought into use, the replacement front boundary wall shall be constructed and completed in accordance with the approved plans.
- 15. Prior to works commencing on the demolition of the outbuildings and conservatory, measures shall be put in place (such as sediment traps) to ensure whilst building works are underway, sediments are captured and prevented from being washed into the beck

Informative(s)

- 1. In relation to condition 12 an explanation of the terms used above is available from the Highway Authority.

Continued/Condition(s)



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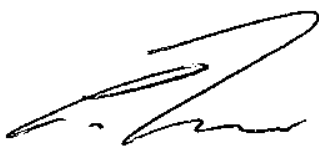
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2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 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.

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, 3, 9 & 14. 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.
- 4, 6 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.
- 5, 7 & 8. 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.
10. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In the interests of highway safety.
12. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
15. 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.

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



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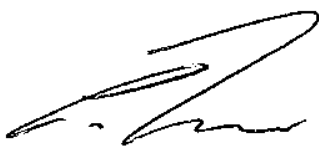
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Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the colour of the proposed windows, so as to deliver sustainable development.



Mr C M France
Director of Planning

Date 12 September 2023

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:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) 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
 - c) 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

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.