

**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: Ghyll Wood Developments Ltd
fao: Mr Graham Kemp
Beacholme
Covet Hill
Robin Hoods Bay
Whitby
YO224SN

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The above named Authority being the Planning Authority for the purposes of your application validated 03 April 2018, in respect of proposed development for the purposes of **erection of timber tea hut serving hot and cold refreshments and construction of 1.4 metre high gabion basket retaining wall at land in front of Beacholme on Quarterdeck, Covet Hill, Robin Hoods Bay** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. 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.
3. The tea hut hereby approved shall not be managed and controlled other than by the occupier (as their primary residence) of the adjacent dwelling known as Beacholme (Land Registry title NYK79184) and the application site shall not be sold or leased separately from Beacholme without a further grant of planning permission from the Local Planning Authority (with the proviso that the present ownership of the application site by Ghyllwood Developments Ltd is acceptable on the basis that the registered proprietor of Beacholme is also the controlling shareholder in Ghyllwood Developments Ltd). In the event that the tea hut is not managed and controlled by the occupier (as their primary residence) of Beacholme or is sold off separately or leased off separately from Beacholme (or the registered proprietor of Beacholme is no longer the controlling shareholder in the company owning the application site), the tea hut shall cease to operate and the tea hut structure be removed from the site within 12 months of the sale/lease separation (or company and/or share transfer) of the tea hut from the host property and the site should be fully restored to its former condition.
4. The premises shall not be used other than as tea hut (selling only the foodstuffs listed below) and shall not be used for any other purpose (including any other purpose in Class A5 of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

Hot food and drinks:



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Hot drinks
Soups
Hot Sandwiches
Toasted Panini
Toasted Sandwiches
American style Hot Dog
Pizza Slices
Warm freshly baked scones
Donuts machine, Waffle toaster, Crepe griddle
Small table top fryer not exceeding 8Ltrs capacity

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Cold food and drinks :

Cold drinks
Salad boxes
Cold sandwiches
Cakes
Scones
Prepacked snacks
Dog Ice cream, Dog Snacks

5. The Tea Hut hereby permitted shall not be open to customers outside the hours of 0900hrs to 1830hrs on any day. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
6. No work shall commence on the construction of the roof of the development hereby permitted until details of the roof material, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof material used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
7. The external elevations of the Tea Hut hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
8. 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.
9. No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. 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.

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10. No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development 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. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. 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 planting of the stone gabions and excavated area 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.
12. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the hardsurfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
13. No work shall commence on the installation of the stone gabion baskets until full details of stone to be used have been submitted to and approved in writing by the Local Planning Authority. The stone gabions shall then be installed in accordance with the approved details and shall be maintained in that condition in perpetuity. For the avoidance of doubt, the height of the gabion wall shall not exceed 1.4m above the ground level where the cabin is to be sited.
14. No work shall commence on the installation of the waste bin until full details of the location and appearance of bin have been submitted to and approved in writing by the Local Planning Authority. The bin shall then be installed in accordance with the approved details and shall be maintained in that condition in perpetuity.
15. No work shall commence on site to level the land until a statement detailing the method of excavation has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for details of the stages of excavation and machinery used. The work shall not be carried out otherwise than in accordance with the details so approved
16. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.

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17. Any land drainage uncovered in the works hereby approved shall remain in place and/or be diverted to the satisfaction of the Local Planning Authority
18. Development shall not commence until measures designed to protect the 1800mm diameter sewer and 300mm diameter overflow pipe that are laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local planning Authority. Furthermore, the protection measures shall apply to all phases of the development

Informatives

1. Please note that any advertising will require separate advertisement consent and that no advance signage should be displayed in relation to this development.
2. Please note that the footpath/track situated to the east and south of the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.
3. Please note that you will require the land owners consent to re-locate the benches which are situated on the Quarterdeck.
4. The applicant should liaise with Scarborough Borough Councils Refuse services to establish whether they will collect rubbish from an additional bin.
5. On the Statutory Sewer Map, there is 1 no. 1800mm diameter public combined sewer and 1 no. 300mm diameter Yorkshire Water maintained overflow pipe recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. If the developer cannot provide a 5 (five) metre building standoff either side of this infrastructure (i.e. a protected strip width of 10 (ten) metres), a Formal Build Over agreement will be required with Yorkshire Water as the proposal is outside the scope of Part H4 of Building Regulations. The intention of this legal agreement is to protect the public sewer network and safeguard Yorkshire Water's interests and is required before the development is allowed to commence.

The developer will be responsible for all costs involved. A restricted strip will be required for future replacement of the pipeline and the building over of any access point(s) on the pipeline will not be permitted.

In order to begin this process, Yorkshire Water require the following:

" Seven copies of a layout drawing showing proposed works together with the position of the public sewer(s)

" The full contact details of the applicant's solicitor

" A method statement and drawing indicating how the public sewer is to be protected at all times during the works

A payment of £500.00 + VAT. This covers Yorkshire Water's administration costs. If other costs are incurred, (e.g. sewer pre-cleansing, monitoring of remedial works) then the applicant will have to pay a sum of money before the agreement is signed. Please note that the costs of Yorkshire Water's solicitor are not included in this. The developer will also have to pay the costs of Yorkshire Water's solicitor.

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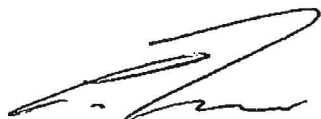
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6. It is noted from the submitted planning application that surface water is proposed to be drained to watercourse. Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority, with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure. As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.

Reasons for Conditions

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 changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to ensure adequate site security, and management of deliveries and litter/waste, to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4. In order to enable the Local Planning Authority to retain control over the scale and nature of the takeaway use to of the tea hut and its setting which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of local residents, the local community and visitors.
5. 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.
6. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.

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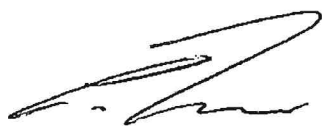
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7. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 8 - For the avoidance of doubt and in order to comply with the provisions of NYM Core
10. Policy A and NYM Development Policy 3 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.
11. In order to comply with the provisions of NYM Development Policy 3 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.
- 12 & In the interests of the satisfactory appearance of the development and in order to
13. comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
- 14 & For the avoidance of doubt and in order to comply with the provisions of NYM Core
15. Policy A and NYM Development Policy 3 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.
- 16 & To avoid pollution of watercourses and to comply with the provisions of NYM
17. Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
18. In order to ensure that the public sewer can be effectively maintained and to protect public health

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

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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.

