

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: Fusco's of Whitby
c/o BHD Partnership
fao: Mr Tim Harrison
Airy Hill Manor
Waterstead Lane
Whitby
YO21 1QB

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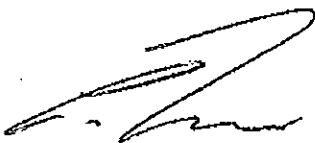
The above named Authority being the Planning Authority for the purposes of your application validated 01 December 2016, in respect of proposed development for the purposes of **construction of office, processing and storage building with associated access, parking and landscaping works at land adjacent Cemex Materials UK Ltd, Stainsacre Lane Industrial Estate, Whitby** has considered your said 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 permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site & lighting Plan	D11039-06 Rev B	3 February 2017
Proposed Plans	D11039-02 Rev C	21 November 2017
Proposed Elevations	D11039-05 Rev A	21 November 2017

 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 3 The premises shall only be used for purposes which fall within Classes B1, B2 and B8 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, and for no other purpose or as permitted 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).
- 4 No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
- 5 No work shall commence on the construction of the walls of the development hereby permitted until details of the brick, 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 brick 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/conditions



Mr C M France
Director of Planning

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10 FEB 2017

Date

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.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2016/0818/FL

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Conditions continued

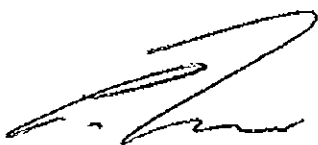
- 6 The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained "Merlin Grey" and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
- 7 The external elevations of the building hereby approved shall, within three months of first being brought into use, be clad in steel sheet panels coloured either "Goosewing Grey" or "Gull Grey" and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
- 8 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:
 - i) have been constructed in accordance with the submitted drawing D11039-01 Rev C
 - 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.
- 9 All hard and soft landscape works comprised in 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.
- 10 The development hereby permitted shall not be brought into use until the approved renewable energy measures to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been installed and thereafter maintained in a working condition.

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 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.

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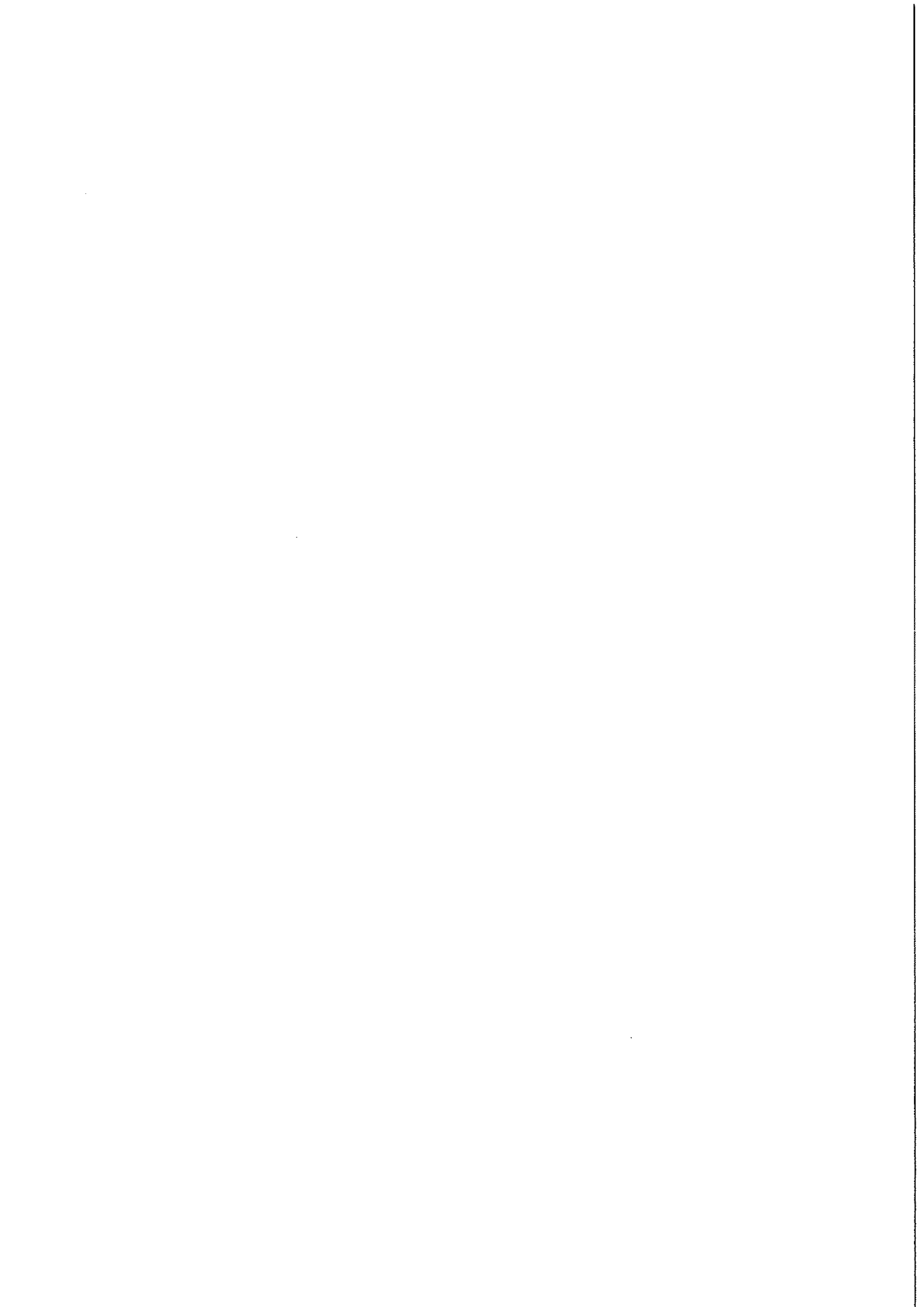
Continued/Reasons for conditions



Mr C M France
Director of Planning

10 FEB 2017

Date



TOWN AND COUNTRY PLANNING ACT 1990

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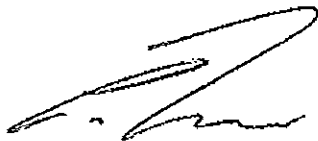
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Reasons for Conditions continued

- 4 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.
- 5-6 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.
- 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 In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 9 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.
- 10 In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.

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 additional lighting details and colours of roof and elevations, so as to deliver sustainable development.



Mr C M France
Director of Planning

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