

**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

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

Date 10 February 2017

TOWN AND COUNTRY PLANNING ACT 1990

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

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.

Continued/Reasons for conditions



Mr C M France
Director of Planning

Date 10 February 2017

TOWN AND COUNTRY PLANNING ACT 1990

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

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

Date 10 February 2017

