

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 Mr Mark Hall
c/o Glen Kemp Ltd
Wetherby Business Centre
14-18 York Road
Wetherby
West Yorkshire
LS22 6SL



The above named Authority being the Planning Authority for the purposes of your application registered 25 June 2010, in respect of proposed development for the purposes of **erection of an extension to existing waste transfer building, relocation of existing crushing and screening operation, construction of a vehicle washing facility and provision of a vehicle access and working area (revised scheme to NYM/2009/0675/FL) at Marcus Richardson Environmental Services, Stainsacre Lane Industrial Estate, Fairfield Way, Whitby** have considered your said application and have **granted** permission for the proposed development subject to the following condition(s):

1. The development hereby permitted shall be begun 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 in writing by the Local Planning Authority.
3. No machinery shall be operated on the premises before 08.00 hrs on weekdays and 08.00 hrs on Saturdays nor after 18.00 hrs on weekdays and 12.00 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
4. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and 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.
5. The development hereby permitted shall not be commenced until such time as a scheme to prevent run-off from any stockpiles of waste has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Continued/Conditions

Mr C M France
Director of Planning

23 SEP 2010
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 office of 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. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to 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 on the appropriate planning/householder planning appeal form obtainable from:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN
Or online at: www.planningportal.gov.uk/pcs

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. Where an enforcement notice has been served in the last two years the period in which the applicant can appeal against the decision reduces to 28 days.



TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2010/0497/FL

Conditions (Continued)

6. 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 in connection with the construction of the access road or building(s) or other works until:
 - (i) the details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - (a) re-alignment of the verge crossing and footway adjacent to the access.
7. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 6:
 - re-alignment of the verge crossing and the footway adjacent to the access.
8. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - (i) alterations to the existing vehicular access to improve manoeuvring arrangements and reduce the need for vehicles to wait on the existing highway.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 8:
 - (i) have been constructed in accordance with the submitted drawing.
 - (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.
10. No work shall commence to clear the site in preparation for the development hereby permitted until details of a programme of works to mitigate the impact of the development on any badgers at the site have been submitted and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.

Informatives

1. The site is already covered by a relevant Environmental Permit. Any variation to this permit should be applied for in line with the Environmental Permitting Regulations 2007.

Continued/Informatives

Mr C M France
Director of Planning

Date **23 SEP 2010**

Informatives (continued)

2. The site is underlain by till deposits over sandstones, siltstones and mudstones of the Long Nab Member. This rock type is classified as a secondary aquifer (minor in the old designation). It is very important that the waste is not allowed to come in contact with surface water, and that any water contained in or generated by the waste is contained and controlled. Surface water run-off should be from roofs and clear hardstanding only.
3. Drainage from new developments must not increase flood risk either on site or elsewhere. Government policy strongly encourages a sustainable drainage approach to achieve these objectives. Developers should be strongly encouraged to reduce surface water run-off rates from previously developed sites as much as is reasonably practicable. Volumes of run-off should also be reduced wherever possible using infiltration and attenuation techniques.
4. In relation to condition 7 there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
5. In relation to condition 8 the proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk.

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 the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
3. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
- 4 & 5. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1 which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
6. In accordance with NYM Development Policy 23 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
7. In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
8. In accordance with NYM Development Policy 23 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Continued/Reasons for Conditions

Mr C M France
Director of Planning

Date

23 SEP 2010

NYMNP
18 MAY 2012

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2010/0497/FL



Reasons for conditions (continued)

- 9. 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.
- 10. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C.

Development Plan policies relevant to the decision

Local Development Framework CPF – Sustainable Waste Management

Reason for Approval

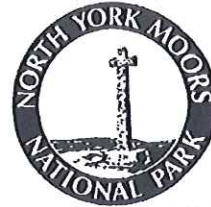
The proposed extension to the existing waste transfer building the relocation of the existing crushing and screening operation and the construction of a vehicle washing facility represent a small scale extension to the existing waste management business operating at the site. The proposals will improve the efficiency of the running of the site and will enable the waste needs of the surrounding are including both the National Park and Whitby to be met. The proposal is therefore considered to accord with Core Policy F of the North York Moors Local Development Framework and approval is therefore recommended.

Mr C M France
Director of Planning

23 SEP 2010
Date

NYM / 2012 / 0 3 4 2 / F L

Notification of Commencement of Development



North York Moors National Park Authority is registered under the Data Protection Act 1998. The information contained in your Notification will be used by the Authority for administration, evaluation and planning enforcement purposes. The information will be held confidentially and not passed to any other organisation.

Please complete the following:

Planning Application reference No: NYM/ _____

Address of works: _____

I confirm that development will begin on site on _____

Name (Please Print) _____

Signed: _____ Date: _____ Contact Tel. No: _____

NYM/NPA
18 MAY 2012

Submission of this notice will allow us to help you by monitoring your development effectively. Please return it at least two weeks before work begins on site to:

Mrs Julie Cavanagh, Planning Compliance Officer, North York Moors National Park Authority,
The Old Vicarage, Bondgate, Helmsley, North Yorkshire, YO62 5BP

Important Information

There may be a number of conditions attached to your planning permission. Please read these carefully and note in particular those conditions which require the approval of the National Park Authority **before** your development begins on site. It is extremely important that these conditions are fully complied with as failure to do so may have the effect of invalidating your planning permission. The approval of a further application may then be necessary in order for you to proceed with the development.

Once the development has commenced the Authority's Planning Compliance Officer will inspect the site to ensure that the requirements of all conditions are fully met and that your approved plans are being precisely followed. In the event of any non-compliance the Authority may consider taking enforcement action to remedy the situation.

Fees: The Government have recently introduced planning legislation in relation to fees for discharging conditions. If you have a number of conditions which require formal discharge of details, the legislation states that each request can be charged individually. However, if all details are submitted together then the Authority would only charge once. The charge is essentially for the final written confirmation.

Alternatively, once the details have been submitted the Authority could confirm the details verbally in an informal manner for no charge. Please see over the page for further information on fees.

Thank you for your co-operation

The following is an extract from the Communities and Local Government Circular 4/2008:

124. *A fee will henceforth be payable where a written request to the relevant Local Planning Authority is made for any application, in accordance with article 21 of the General development Procedure Order, where written confirmation is required that one or more conditions imposed on the same permission have been complied with. **The fee chargeable by the Authority is £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse or other development in the curtilage of the dwellinghouse).** The fee must be paid when the request is made, and cannot be required retrospectively. For these purposes, it does not matter when the relevant planning permission was granted. The request identifying the permission and the conditions concerned, can be made in any written form which is clear and legible.*

127. *To confirm clearance of more conditions, a further request, and a further fee, would be required if the developer needs written confirmation. An additional request for confirmation that a revised detail achieves compliance with a condition would be charged as if it were the first such request; there is no discount or "free go" in this context.*

130. *Local planning departments may choose to "confirm" some conditions informally without seeking the new fee, where they find it appropriate and more efficient to do so. It will be for the developer to decide whether any approval provided will suffice, or whether he or she should pay the new fee and request a more formal statement of compliance.*

For a full version of the Government Circular see

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/10.pdf>

MAIDA
18 MAY 2012

