

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

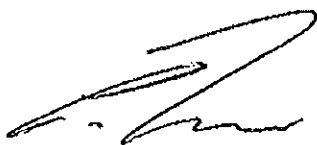
To Mr & Mrs Thwaite  
c/o BHD Partnership  
Airy Hill Manor  
Waterstead Lane  
Whitby  
North Yorkshire  
YO21 1QB

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The above named Authority being the Planning Authority for the purposes of your application registered 22 February 2012, in respect of proposed development for the purposes of **variation of conditions 8 & 9 of planning approval NYM/2008/0210/FL to allow extended opening hours on 24 days per calendar year and takeaway facility (hot drinks only) at Grosmont School, Front Street, Grosmont** has considered your said application and has **granted** permission for the proposed development subject to the following condition(s):

1. The development hereby permitted shall not be carried out other than in accordance with the application plans as amended by the plans received by the National Park Authority on 10 April 2012 and the email received on 25 April 2012 or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
3. There shall be no increase in the level of retail sales from the site above that which has been stated in the original application and the letter accompanying the application dated 9 June 2008, unless otherwise agreed in writing with the Local Planning Authority.
4. The tearoom hereby approved shall form and remain part of the curtilage of the main dwelling known as The Old School, Grosmont as a single planning unit and shall not be sold or leased off separately from the main dwelling without a further grant of planning permission from the Local Planning Authority.
5. No external facilities shall be provided for customers of the tearoom including bins; notices and seating until specific details of the type and location of these facilities have been agreed in writing with the Local Planning Authority before installation.
6. All new window frames, glazing bars and external doors shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. This permission permits the sale of hot drinks only for consumption off the premises. There shall be no sale of hot food from the premises for consumption off the premises

Continued/Conditions



Mr C M France  
Director of Planning

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Date: 01 MAY 2012

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2012/0119/FL

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Conditions (Continued)

8. The café hereby permitted shall only be open to the public from 10 am to 6pm on any day and shall not be open outside of these hours except for a maximum 24 evening events as agreed in writing with the Local Planning Authority when the time limit is extended to 10am to 10.30pm.
9. A list of the proposed dates shall be submitted to and approved in writing by the Local Planning Authority at the beginning of each year. A diary of the events which have taken place shall be kept and the information shall be made available upon request in writing by the Local Planning Authority.
10. There shall be no use of the external or outdoor areas during the 24 no. evening events hereby permitted except for in cases of emergency only.

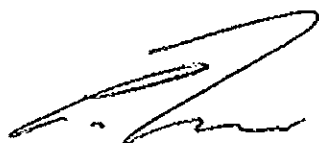
Informative(s)

1. Notwithstanding the indication on the submitted plans, this permission does not grant Advertisement Consent for any signage associated with the approved use. This should be applied for under a separate Advertisement Consent Application.
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 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 Natural England's contact details; Natural England, Government Team (West), Government Buildings, Otley Road, Leeds, LS16 5QT, Tel: 0300 060 4230. Further information is also available from the Bat Conservation Trust national helpline on 0845 1300 228.
3. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at [www.groundstability.com](http://www.groundstability.com)

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 NYM Core Policy A and Development Plan Policy 3.
2. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Core Policy A and NYM Development Policy 3.

Continued/Reasons for Conditions



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Reasons for Conditions (Continued)

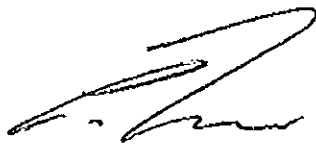
3. In order to enable the Local Planning Authority to retain control over any retail activity at the premises and to ensure compliance with NYM Core Policy A and NYM Development Policy 18.
4. The operation of the tearoom as a separate unit to the attached dwelling would be likely to result in a detrimental impact on the residential amenity of the occupiers of the main dwelling and therefore this tie is proposed to accord with NYM Core Policy A.
5. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seeks to safeguard public amenity.
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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 7 to 9. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
10. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.

**Development Plan Policies Relevant to the Decision**

Local Development Framework      CPA – Delivering National Park Purposes and Sustainable Development  
CPH – Rural Economy  
DP14 – Tourism and Recreation

**Reason for Approval**

The proposed sale of hot drinks and increase in hours over 24 evenings per year is considered to be acceptable for this small business and is unlikely to lead to an unacceptable impact on the amenity of neighbouring residential property, particularly Applegarth or the special qualities of this part of Grosmont and the National Park. The proposal is therefore considered to be in accordance with Core Policies A and H and Development Policy 14 of the NYM Local Development Framework.



Mr C M France  
Director of Planning

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Date 01 MAY 2012