

**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**

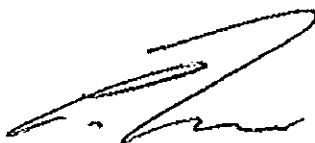
To Duchy of Lancaster
c/o Smiths Gore
fao: Mr Robert Shaw
48 Bootham
York
YO30 7WZ

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The above named Authority being the Planning Authority for the purposes of your application validated 07 May 2013, in respect of proposed development for the purposes of **variation of condition 2 (material amendment) of planning approval NYM/2013/0046/ETL for conversion of former stone farm buildings to create a farmhouse (of reduced size) together with construction of a range of farm buildings to the west (of reduced size) and new access arrangements together with erection of a 15 metre wind turbine and landscaping at Cloughton Fields, Station Lane, Cloughton** 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 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 accordance with the application plans as amended by the plans received at the National Park Authority on the 11 June 2013, or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
4. 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.
5. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
6. This permission has been granted in accordance with the details specified in the survey prepared by J A Cowie of Smiths Gore received on 8 February 2010. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.

Continued/Conditions



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Mr C M France
Director of Planning

24 JUL 2013

Date:

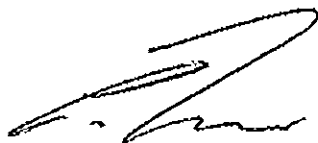
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Conditions (Continued)

- 7. All new stonework and roofing tiles used in the development hereby permitted shall match as closely as possible to those of the existing building, including the colour and texture of the stone and the method of coursing and pointing.
- 8. 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 and 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.
- 9. The external surface of the roof of the agricultural buildings hereby permitted shall be coloured and thereafter maintained dark grey or as may otherwise be agreed in writing by the Local Planning Authority.
- 10. All pointing in the development hereby permitted shall accord with the following specification - a lime based mortar mix of 1:3 (lime, sand mix of 50 per cent sieved sharp sand and 50 per cent builders sand) with a slightly recessed bagged finish.
- 11. No work shall commence on the installation of any replacement or new windows 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.
- 12. The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 13. 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.
- 14. No work shall commence to stain/paint the windows and doors in the development hereby approved until details of the paint colour/finish of the windows and doors has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than 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.
- 15. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained.
- 16. The rainwater goods utilised in the development hereby permitted shall be coloured black and thereafter so maintained

Continued/Conditions

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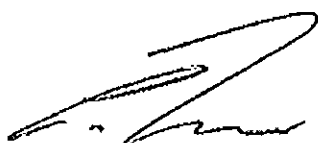
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Conditions (Continued)

- 17. 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.
- 18. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 19. The developer shall (a) give not less than ten working days notice in writing of commencement of works to the archaeologist nominated by the Local Planning Authority and no works shall commence on site until the ten working day notice period has expired and (b) shall afford safe access within the site to the nominated archaeologist at all reasonable times and allow the archaeologist to observe any excavations and record finds and features of archaeological interest.
- 20. For the first five years after the wind turbine is brought into use the development hereby permitted shall be carried out in accordance with the mitigation measures set out in Paragraphs 9.1 (Barn Owls) and 9.2 (Bats) of the submitted ecology survey dated 5 January 2010 prepared by John Drewett (updated on 13 March 2013).
- 21. Following a period of five years after the date of this permission, the turbine hereby approved shall only be in operation between the hours of 6am and 8pm on any day during the months of April through to October, and any time during the months of November though to the end of March unless a monitoring report by a bat surveyor has demonstrated adequately that no bats are flying in the vicinity of the turbine. A second survey should be undertaken ten years after the date of this permission and if there is no evidence of bats flying in the vicinity of the turbine, the turbine can operate without restriction thereafter.
- 22. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme

Continued/Conditions

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Mr C M France
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24 JUL 2013

Date:

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2013/0292/FL

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Conditions (Continued)

23. 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and the specification of the Highway Authority and drawing no: 1005263/04.
- (ii) The final surfacing of any private access within 12 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

24. 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:

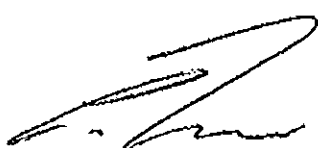
- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:
 - a. Construction of new passing places at locations to be agreed
 - b. Erection of new warning signs on A171.
 - c. Erection of other highway safety features identified as being required by the Road Safety Audit and Transport Assessment.

25. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority:

- The required highway improvements shall include:
- a. Construction of new passing places at locations to be agreed
 - b. Erection of new warning signs on A171.
 - c. Erection of other highway safety features identified as being required by the Road Safety Audit and Transport Assessment.

26 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority.

Continued/Condition 26



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Town and Country Planning Act 1990

Continuation of Decision No. NYM/2013/0292/FL

Condition 26 (Continued)

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These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

27. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

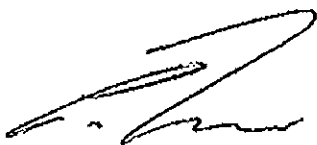
Informative(s)

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. 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.

Reason(s) for Condition(s)

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. The site of the proposed dwelling is in an area where Core Policy J of the North York Moors Local Development Framework and Planning Policy Statement 7, Annex A which seek to restrict new residential development to that which is essential to the needs of local agriculture to comply with the provisions of NYM Core Policy A.
4. 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.
5. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
6. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.

Continued/Reasons for Conditions



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Continuation of Decision No. NYM/2013/0292/FL

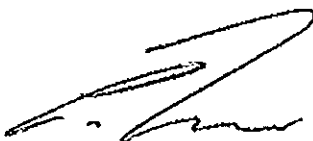
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Reasons for Conditions (Continued)

- 7 to 10. 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.
- 11 to 16. 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.
- 17. 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.
- 18. 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.
- 19. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to accord with the provisions of NYM Development Policy 7.
- 20 & 21. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C.
- 22. In accordance with NYM Development Policy 23 and in the interests of highway safety.
- 23. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 24. 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.
- 25. In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
- 26. In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 27. In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.

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 maintain the economic, social and environmental conditions of the area.



Mr C M France
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Date